

October 29, 2008

Dr. Martin Zaluski, State Veterinarian
Department of Livestock
PO BOX 202001
Helena MT 59620-2001

Re: Draft Brucellosis Action Plan Comments

Dr. Zaluski,

On behalf of the Montana Stockgrowers Association (MSGA), we would like to take this opportunity to submit comments on the Draft Brucellosis Action Plan. After an extensive review, MSGA has concerns over numerous aspects of the plan and the undue burdens it places on the livestock industry in Montana.

Overview

As a result of brucellosis infections from Yellowstone National Park (YNP) and Greater Yellowstone Area (GYA) wildlife brucellosis pool—and the subsequent loss of Class Free status—cattle producers in Montana, Wyoming and Idaho are currently bearing substantial financial costs and dramatic changes in their management protocols.

An effective brucellosis action plan must address the reoccurring wildlife-to-cattle brucellosis transmissions jeopardizing our state's brucellosis Class Free status, the livestock economy and the wildlife of the GYA. The plan must not only focus on domesticated livestock but also on infected wildlife. Therefore, since elk and bison are the primary reservoirs of brucellosis in the GYA, any brucellosis action plan must effectively manage the potential of bison and elk to infect domesticated livestock.

The stated purpose of the Department's draft proposal is to outline actions to provide the following:

1. State-wide active and passive brucellosis [surveillance]
2. Targeted brucellosis surveillance on a risk-related basis
3. Risk-related brucellosis mitigation measures
4. Means for effective and efficient oversight/enforcement
5. Means for improved animal traceability
6. Mechanisms for reporting elk/cattle or bison/cattle contact
7. Means for the most expedient recovery and continued maintenance of Montana's Brucellosis Class Free Status

MSGA's recommendation for the purpose of this short-term plan is to:

1. *Regain Montana's brucellosis Class Free status*
2. *Minimize economic impact of wildlife-to-cattle brucellosis transmissions on producers*
3. *Implement separate but complementary brucellosis management plans for bison, cattle, and elk to prevent future transmissions of brucellosis*

Montana needs a plan that is:

1. *Easily understood and implemented by livestock producers*
2. *Economical for the Department of Livestock to administer*
3. *Enforceable*

MSGA does not believe any of these provisions currently exist in the draft plan presented by DOL.

The three area designations and testing requirements are too confusing and burdensome

MSGA members have expressed great concerns over the three area classifications and how that will impact numerous livestock operations. There are currently countless livestock operations that would be split between all three areas designated in the plan. Any operation that would be divided between areas could be subjected to three different testing and surveillance requirements. This scenario would be confusing and overly burdensome to producers. MSGA recognizes that negotiations with APHIS to regain our Class Free Status are currently in progress and some level of testing may be required in the GYA. However, *MSGA does not support the proposed three area classification identified in the draft Brucellosis Action Plan.*

Recommendation: Due to the uncertainty of what is actually required by APHIS to regain our status, MSGA recommends the state of Montana request a brucellosis status review from APHIS. As indicated in the first Tri-State Brucellosis meeting, these reviews typically include recommendations the state needs to include to regain its class free status. Wyoming utilized this review process in 1997, 1998 and 2005.

Testing cattle that move seasonally in and out of Area 1 will place hardships on producers, when the need may not be warranted. Many livestock operations will not have the facilities in Area 1 needed to test cattle that move seasonally in or out of the area. MSGA is also concerned about entire herd test requirements based on area instead of a risk assessment.

Recommendation: Base test requirements on a risk assessment completed by the producer and associated livestock and wildlife agencies.

The First Point of Concentration and Change of Ownership testing requirements are also of concern for livestock producers. These testing requirements are onerous and costly for both producers and livestock auction markets. Due to the level of whole herd testing that will be

required by APHIS, MSGA believes this is an added cost that impedes commerce and provides very little benefit. As the state of Idaho was in the process of regaining their class free status, they rejected these two provisions and still regained their class free status relatively quickly.

Recommendation: Omit First Point of Concentration and Change of Ownership testing, on the basis that the testing requirements will still be met through whole herd tests.

Enforcement of provisions will be nearly impossible across the three areas

Enforcement and oversight must also be addressed in this proposal. With areas not designated on county boundaries, it will be difficult to ensure compliance of the plan. MSGA is doubtful that DOL has the current staff and resources to commit to all of the requirements set forth in this plan. If you are not able to enforce the boundary but a breach or violation is discovered, it will not stand well with other state veterinarians or APHIS.

Recommendation: Prior to implementation of any plan, complete a clear economic analysis of the department's resources needed to execute a brucellosis plan and present to the livestock industry for review.

Economics are not clearly defined

The economics of this proposal, in regard to the testing requirements, is also not clearly defined. In area 1 and 2, significant testing requirements exist. These testing requirements will be borne strictly by the individual livestock producers who run cattle in these areas. This is too great of a financial burden to place on these livestock producers. *MSGA opposes this unfunded mandate.*

Recommendation: DOL must take the lead in committing adequate funding from within the department and/or from another state or federal agency to compensate for these testing costs.

Wildlife Concerns

In the Area 1 Strategies, DOL references the development of *Brucellosis Prevention and Surveillance Herd Management Plans*. MSGA supports the development of these voluntary herd plans, but feels there are necessary components needed to make them complete. Elk in the GYA must be managed to reduce the possibility for transmission of brucellosis to cattle, including the complete elimination of elk/cattle contact on livestock feed grounds. Every herd plan must include cooperation between local producers, local and state veterinarians, APHIS, and Montana Fish Wildlife and Parks (FWP) to address site and herd specific risk of transmission of brucellosis from elk in the GYA, including clearly defined actions to be taken by FWP to control elk in the GYA to eliminate the threat of brucellosis transmission. Herd plans to date are lacking clearly defined management actions and commitment from FWP. In the development of

herd plans in Idaho, the Game and Fish Department signed the individual producer herd plans and committed resources to meeting their responsibility.

One of the main complaints MSGA receives about this proposal, is the lack of commitment and “buy-in” by the wildlife agencies. Livestock producers are willing to develop strategies to protect disease transmission from occurring, but need commitment from the wildlife agencies to ensure all protective measures are implemented. In this plan, DOL is forcing producers to adhere to strict testing and surveillance requirements while you have assumedly only asked FWP for their cooperation.

DOL has statutory authority over animal disease in Montana. That should carry some weight with FWP when it comes to diseased elk. FWP plays a critical role in brucellosis management, but the comparison between this proposal and the Interagency Bison Management Plan (IBMP) is starkly different. The IBMP partners required signatures of the cooperating agencies and this proposal does not. *There needs to be a clear commitment by FWP to enact brucellosis actions that will maintain temporal and spatial separation between livestock and wildlife.* Until it is clear to livestock producers that additional measures will be taken to protect against disease transmission, this proposal will be a hard sell for producers.

Recommendation: DEMAND cooperation of Fish, Wildlife and Parks to sign individual producer herd plans and commit resources to help producers maintain temporal and spatial separation between livestock and wildlife.

Recommendation: The State Veterinarian should make a plan that he feels would be an appropriate response for FWP to take to this disease issue and present it to them for discussion and implementation, remembering that he has authority and final say over animal diseases in Montana.

Additional Concerns

The time frame for this action plan is not clearly defined. It is also required of herds of unknown risk to complete entire herd tests every three years. *By this requirement, it is apparent this proposal will not go away within six to twelve months following our regaining class free status.* Due to the complexities and the costs associated, livestock producers in the state need some assurance that the brucellosis action plan will not run into perpetuity.

Recommendation: Define a specific time frame for the brucellosis action plan.

In the “Mitigation Measures” section, MSGA has not been presented with data that suggests a low compliance rate on official calfhood vaccination (OCV) on sexually intact female cattle under 12 months of age. It appears a very high percentage of livestock producers already meet the OCV requirements in the proposal. An Administrative Rule change or Official Order would be needed to make OCV mandatory.

Recommendation: Do not make OCV mandatory for the entire state at this time, but offer additional outreach and education to ensure compliance rates continue to stay high.

MSGA recognizes the Department of Livestock has authority to prescribe treatments and enforce rules that are necessary to control or prevent disease to protect the livestock industry. In addition to this authority, there are laws within the Montana Code Annotated 81-2-301 that designate the process for the establishment of livestock disease control areas. This statute is based on a designation from the local level, instead of the approach that is being initiated.

Recommendation: Review this statute, incorporate any sections that may be relevant, and ensure it does not conflict with any other statutes that are the basis for the development of this plan.

MSGA Proposed Alternative

As an alternative to the proposed draft Brucellosis Action Plan, MSGA recommends the following Progressive Management Area plan to address brucellosis surveillance and eradication in Montana.

Proposed Pilot Progressive Management Area Overview

Progressive Management Area

It is the intent that these management plans will apply to Progressive Management Areas (PMAs). PMAs are defined as “The county wherein the brucellosis-positive cattle were identified and any county within ten (10) miles of the premise on which the infected cattle were discovered.” Furthermore, if it is determined the positive-tested cattle were relocated to or from another area, that area may be subject to PMA designation.” The PMA designation would be removed in accordance with the United States Department of Agriculture (USDA) Brucellosis Eradication Uniform Methods and Rules (UM&R). However, APHIS may still require continued surveillance plans.

PMA Adjacent Areas

Following the identification of seropositive cattle in a county, all cattle in counties adjacent to the PMA Areas will be tagged with USDA APHIS 840 tag and tested. All adjacent area cattle not previously vaccinated would be vaccinated in accordance with the UM&R. If no seropositive livestock are found, these adjacent areas would require no further brucellosis related increased management and would be treated in a manner similar to the remainder of the state more distant from the PMA except for 840 tagging. All cattle in the adjacent areas must be tagged with an APHIS approved 840 tag until the PMA designation is removed. If any cattle test seropositive, the PMA is expanded to include that county. Counties that are physically adjacent to the PMA county, but are over 50 miles from all known locations of the sero positive cattle, would not be considered a PMA adjacent area and would be exempt from the protocol in this paragraph. A location within the adjacent area may be exempt from testing if:

1. All cattle are previously tagged with an APHIS approved 840 tag

2. Documentation that all cattle not originating on, but entering the location, within the last five (5) years were brucellosis tested negative 30 days prior to entry, and
3. All cattle were vaccinated according to UM&R.

Cattle Transport

Cattle that are transported through the PMA are not subject to PMA cattle management, if the livestock remain on the truck while in the PMA.

I. Proposed Montana PMA Management Plan

All cattle, elk, and bison within the PMA will be subject to a management plan. An effective management plan must include the identification and removal of infected animals. It should be noted that there is no treatment or cure for brucellosis infected animals. Therefore, animals must be identified, tested, and traced.

The first step is to identify the animals. The identification proposal is ear tags that may need to be species specific as discussed later. The tags need to be installed in all cattle, as well as bison and elk that are captured outside of YNP. Eventually, elk and bison within YNP need to be identified and tagged leading to eradication of brucellosis in YNP by 2029. All animals must be vaccinated with an effective vaccine. Animal movement will be traced to determine current feeding, calving, and other patterns pertinent to brucellosis management. All animals are subject to testing and those testing positive must be terminated or disposed of in a manner consistent with APHIS practices. Those animals closely associated with a positively tested animal may also be subject to disposal.

Cattle

Cattle identification will be an APHIS approved 840 tag that will also serve as a brucellosis vaccination indication and will replace the current metal brucellosis tags. All cattle leaving the area must be tested within 30 days prior to shipment and all cattle must be tested at least annually. Cattle within the PMA must be tracked and traced during PMA designation. All eligible cattle must be vaccinated and tested in accordance with the Uniform Methods and Rules (UM&R). The intent is to manage brucellosis so that the market will treat APHIS 840 compliant cattle originating from PMAs similarly to cattle from outside the PMA.

Bison

This bison proposal is intended to be consistent with the IBMP. However, certain additional requirements are necessary due to the recent cattle infections. All bison leaving YNP must be captured and tagged with a high frequency electronic tag that can be read from at least 100 feet. If such tags are not feasible, then a panel tag may be used. All captured bison will be tested and seronegatives will be vaccinated. Bison movement will be tracked. Since the current vaccine is less effective in bison than cattle a further step is required. Until a more effective vaccine for bison is available, all bison cows captured outside YNP testing negative for brucellosis will receive contraception (or be sterilized.)

Elk

This elk proposal is intended to be consistent with the Montana Elk Population Objective but will not be accomplished using only recreational management tools. Additional requirements are necessary due to the recent cattle infections. A primary elk management brucellosis concern is the seasonal concentration of elk populations. The management of these areas must be modified to reduce the infection of brucellosis in elk. Currently, no effective vaccine for brucellosis in elk exists. Elk leaving the YNP must be aggressively sampled. When an effective vaccine is developed, these elk must be vaccinated. Elk sampled will be tagged with a high frequency electronic tag that can be read from at least 100 feet. If such tags are not feasible, then a panel tag may be used. All captured elk must be tested. Elk movement will be tracked. Currently, a full set of DNA fingerprints for elk brucellosis is not available, thus, tissue samples should be taken to complete the DNA fingerprint collection.

Recovery of Brucellosis Class Free Status

The portion of the state not designated as a PMA would recover the brucellosis free status six (6) months after the last seropositive cattle test or six (6) months after all cattle are tested in the PMA and adjacent areas, whichever is later. The PMA would receive the same brucellosis status as the rest of the state after the PMA status is removed. Of course the recovery of the brucellosis Class Free status is dependent on following the components of the plan that directly address cattle management.

Data Management Needs

A data management system with an approved ranch level (not back) age and source PVP certificate from USDA will manage and record data that must be collected in the above animal management plans.

Compensation

APHIS or the appropriate wildlife agency will be responsible for the management plan and the associated cost. Producers in the PMA will be compensated for the tag, test, and vaccination costs, and tracing and tracking of livestock annually until the PMA designation is removed. Producers in the PMA adjacent areas will be compensated for the tag, test, and vaccination costs annually until the PMA designation is removed.

Immediate Response

The implementation of these management plans will not occur for several months and so more immediate action is necessary to address the close-term infection potential. In the immediate term, spatial separation of livestock should be used to reduce infection potential.

II. Coordinated Action Plan Summary

The plan would be developed and implemented on three parallel tracks and all tracks would begin as soon as possible. The action plan is as follows:

1. Short term: Regain Montana's Class Free Status
2. Mid term: Coordinate state level (MT,WY,ID) harmonized approach

3. Long term: Re-engage on and rewrite the GYIBC MOU and IBMP for long-term solution

Achieving the goals of precluding infection, maintaining grazing of domestic livestock in the GYA, and having a healthy wildlife population in a manner as unencumbered as possible are attainable through the above action plan. It should be noted that brucellosis eradication will be expedited by prioritizing the development of a more effective vaccine that inoculates all species.