



April 29, 2020

Sunset Advisory Commission
Attention: TAHC
P.O. Box 130666
Austin, Texas 78711

Via Email: sunset@sunset.texas.gov

Sunset Advisory Commission:

Please let this letter serve as public input on behalf of the Texas Deer Association (TDA) regarding the Commission's April 2020 Staff Report on the Texas Animal Health Commission (TAHC). TDA agrees with many of the Staff's recommendations. However, our association also strongly believes that additional improvements to the agency's operations and services would greatly increase the agency's efficiency and effectiveness pertaining to disease management of white-tailed deer in captive facilities.

The Staff Report outlines several recommendations that TDA supports. We agree with most of the recommendations but suggest a reconsideration of one very important issue briefly discussed in the report under Issue 4.

*Issue 2: The Texas Animal Health Commission's Inconsistent and Weak Enforcement Efforts May Increase the Risk of Animal Diseases in Texas: **Support***

Sunset Staff recommends major overhauls in enforcement and penalties. Our Association supports increased scrutiny and oversight. If the objective is to have stronger protections in place for animals and public welfare, then TDA will likely support initiatives that achieve that goal.

*Issue 3: The Texas Animal Health Commission's Outdated Laws, Deficient Rulemaking, and Inadequate Communications Do Not Best Serve Industry or Public Interests: **Support***

The administrative changes suggested by Sunset Staff are welcomed. Incorporating modern animal health practices, improving communication and clarity, and formalizing advisory committees is a benefit to the deer breeding industry. Although our industry works well with TAHC, there is always room for improvement.

*Issue 4: Texas Has a Continuing Need for the Texas Animal Health Commission: **Partially Support***

TDA strongly supports continuing the Texas Animal Health Commission for another 12 years. However, one topic mentioned in this recommendation surrounded the agency's organizational structure and the potential transferring or merging of functions with another agency. Although this section is broad, one specific issue this section references is the duplicative efforts on disease management in captive cervids between TAHC and the Texas Parks and Wildlife Department (TPWD). This is a very contentious issue, but one in which the Sunset Advisory Commission is directly designed to navigate. Repetitive efforts and fiscal duplication between two agencies that are both under the Sunset review process is exactly what the Commission should be studying. Positive change can come from the Commission's attention and recommendation on this issue. This issue was raised in TAHC's Self Evaluation Report. It is not directly addressed in the Staff Report but is something we urge the Commission to consider.

Currently, TAHC and TPWD both regulate disease management in captive white-tailed deer. For example, both state agencies attempt to manage and surveil for Chronic Wasting Disease (CWD) in captive deer. CWD impacts all cervids in the exact same manner; therefore, different authorities should not govern the same disease in captive cervids.

The Texas Deer Association's main objective in the Sunset process is to streamline disease management and response to disease outbreak of captive cervids under the complete jurisdiction of TAHC, thereby resolving the duplication of efforts between TAHC and TPWD. We believe that TAHC more appropriately and efficiently manages white-tailed deer held in a captive breeding facility and is the more suitable regulatory authority to respond to diseases that impact these animals.

TAHC should be the sole the regulatory authority involving animal diseases. The following quotes come directly from the agency's August 2019 Self Evaluation Report:

- "TAHC is the agency directly in charge of many program activities such as tuberculosis and brucellosis eradication, equine infectious anemia, TSEs (CWD, BSE, scrapie), pseudorabies and various poultry diseases."
- "Because CWD has been found in native cervids in Texas, and because CWD threatens the health of susceptible exotic livestock, management of CWD in native cervids falls under the statutory authority of TAHC."
- "TAHC has veterinarians and veterinary epidemiologists and the knowledge and experience to customize herd plans that effectively mitigate disease. Disease management best fits the mission and expertise of the TAHC."

TAHC is uniquely equipped to manage, surveil, and respond to all diseases that affect captive white-tailed deer, not just CWD - including fever tick, anthrax, tuberculosis, brucellosis, etc. It is our belief that the Texas Animal Health Commission should have exclusive rulemaking authority over disease management in deer breeding facilities in Texas. Science should direct this issue, and TAHC is the only state agency with adequate veterinarians and epidemiologists.

Our Association provided comments on November 29, 2019 to the Sunset Commission regarding TAHC’s Self Evaluation Report. Those comments outline the different programs and resources at TAHC that ensure the agency’s ability to provide all the necessary resources to adequately administer disease management among cervids.

We ask that the Commission recommend to the Legislature that all regulatory authority relating to captive cervids be homogenized under TAHC authority. Overcoming the logistical and financial obstacles is straightforward.

TDA’s proposal will require an increase in funding to TAHC. Equally, funding of these same regulatory strategies at TPWD should be reduced completely. Therefore, there should be no increased funding burden to the state’s budget. In fact, since clear and distinct duplications of authority currently exist, the assumption of regulatory burden would be lessened on the state’s fiscal budget process and regulatory framework if TAHC were granted sole authority. This transition will lead to a significant cost savings to the state.

According to the Texas Parks and Wildlife Department’s 2019 Self Evaluation Report, “Department expenditures associated with the management and administration of permitted deer breeding facilities has averaged approximately \$360,000 per year in the last five years.” Even though TAHC should be able to more efficiently administer the programs functions, this is not an overly complicated amount of funding to transition to TAHC.

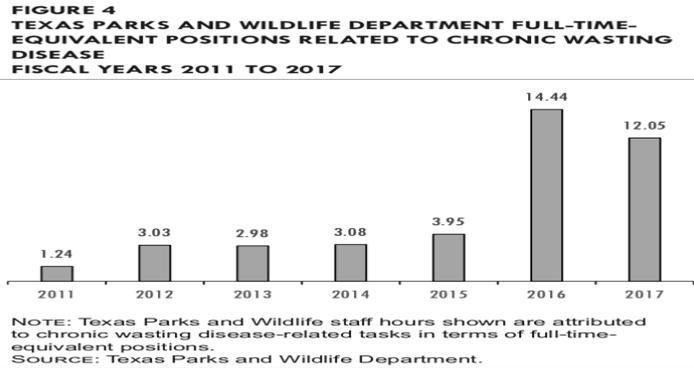
Table 2. Wildlife and Law Enforcement Expenditures in Administering Deer Breeding Permits

	AY14	AY15	AY16	AY17	AY18
Salary – LE	\$180,234.73	\$177,076.02	\$188,158.04	\$69,358.88	\$132,493.20
Salary – WL	\$195,399.81	\$172,655.21	\$226,604.56	\$229,344.74	\$194,177.01
Salary – Total	\$375,634.54	\$349,731.23	\$414,762.60	\$298,703.62	\$326,670.21
Operating – LE	\$428.93	\$84.50	\$2,759.66	\$288.53	\$114.18
Operating – WL	\$6,268.17	\$8,290.02	\$3,309.02	\$2,793.00	\$8,182.91
Operating - Total	\$6,697.10	\$8,374.52	\$6,068.68	\$3,081.53	\$8,297.09
Grand Total	\$382,331.64	\$358,105.75	\$420,831.28	\$301,785.15	\$334,967.30

Furthermore, the breeder permit fees should be paid to TAHC, and no longer to TPWD. TDA believes that TAHC should be allowed to charge fees to pay for the regulatory activities it performs. If the duplicative efforts between TAHC and TPWD are resolved and disease management of captive cervids becomes entirely managed by TAHC, then corresponding fees from that industry is a solution to any funding concerns. The Texas Deer Association is not attempting to saddle TAHC with an unfunded mandate.

This transition of full authority will require an increase in full-time equivalent (FTE) state employees at TAHC; however, we believe that any increases at TAHC can be offset by a reduction in FTEs at TPWD. Thus, there will not be a negative impact on the state budget. In

fact, there should be a cost savings to the state through the elimination of duplicative efforts and FTEs. The figure below shows the FTEs that TPWD attributed to CWD-related tasks for fiscal years 2011 to 2017. If these numbers are accurate, there would need to be at most 15 additional FTEs appropriated to TAHC, offset by the same amount reduced at TPWD. TAHC will likely need a one-time appropriation from the state for training purposes. However, this allocation should be nominal and definitely not cost prohibitive.



The issue of captive deer management has been heavily politicized for many years. Science should be the determining factor in this discussion, not politics. The State of Texas cannot wait for the next crisis to solve the issue of duplicative oversight of captive white-tailed deer. TAHC is uniquely equipped to manage, surveil, and respond to all diseases that affect captive white-tailed deer, not just CWD - including fever tick, anthrax, tuberculosis, brucellosis, etc. It is our belief that the Texas Animal Health Commission should have exclusive rulemaking authority over disease management in deer breeding facilities in Texas.

Furthermore, it is the opinion of the Texas Deer Association that regulations pertaining to white-tailed deer once they are released to a registered release site should be under the control of the Texas Parks and Wildlife Department. Additionally, in our effort to homogenize disease management under TAHC, the Texas Deer Association is not attempting to transfer ownership rights of white-tailed deer in any way.

In conclusion, TDA supports most of the Sunset Staff Report. However, we request that the Sunset Commission members ultimately address this duplication of efforts and support the transition of full authority to the Texas Animal Health Commission.

Respectfully,

Patrick Tarlton
Executive Director, Texas Deer Association