Approved: March 13, 2002
Date

MINUTES OF THE SENATE AGRICULTURE COMMITTEE.

The meeting was called to order by Chairperson Derek Schmidt at 8:30 a.m. on March 6, 2002 in Room 423-S of the Capitol.

All members were present except: Senator Corbin (excused)

Committee staff present: Raney Gilliland, Legislative Research Department
Gordon Self, Revisor of Statutes
Betty Bomar, Secretary

Conferees appearing before the committee:
George Teagarden, Kansas Livestock Commissioner
Russ Frey, President, Kansas Association of Counties

Others attending: See attached list

HB 2750 - Indemnity to owners for killing of livestock pursuant to decision by livestock commissioner

George Teagarden, Livestock Commission, Kansas Animal Health Department, testified in support of **HB 2750**, stating the legislation was introduced at the department's request. Under the present statute, the board of county commissioners are responsible for the appraisal and disposition of animals held and/or taken because of disease quarantine. Mr. Teagarden stated county commissioners were involved in the appraisal and indemnity in past years because of their knowledge of livestock values and their ability to cover indemnity costs. However, that is not necessarily the case today. There are no county budgets that provide for livestock indemnity.

Mr. Teagarden stated that current practice provides for the Animal Health Department and the livestock owner involved in a taking to negotiate a fair appraisal of the livestock; if an agreement cannot be reached, an appraiser is hired to set value. **HB 2750** requires the state to pay if federal funds are not available; and takes the counties out of the responsibility for indemnity of animals infected with a contagious disease. (Attachment 1)

Russ Frey, President, Kansas Association of Counties, testified in support of **HB 2750**, stating the current law with respect to the indemnity and costs associated with the destruction of animals diseased or quarantined is archaic. Due to the potential of agri-terrorism and the deliberate introduction of infectious disease among livestock, there is a new urgency to revisit these sections of law and to modernize them relative to the sacrificing of animals and payments of indemnity.

In light of the types of diseases which may infect livestock, it is appropriate for the Livestock Commissioner to be involved in the process of appraisal and indemnity . In the event of an outbreak of infectious disease among Kansas livestock, the financial cost would be staggering, and hopefully, the federal government would help to mitigate some of the costs. (Attachment 2)

There being no additional conferees to be heard, the hearing on **HB 2750** was closed.

Mr. George Teagarden briefed the Committee on the *"Plan for foreign animal disease outbreak in the state of Kansas"*. He gave a slide presentation and submitted a copy of the "Draft", containing the mitigation, preparedness, response and recovery policies coordinated by the Kansas Animal Health Department. The slide presentation addressed the impact to the livestock industry, $10 - 11 billion; outlined the first line of defense against such an outbreak; described the procedure for disease control and the emergency disease plan; outlined the support agencies required and the procedure to be followed in the case of a disease outbreak; and the control of the disease. (Attachment 3)

Mr. Teagarden stated the Kansas Emergency Plan is inclusive of all necessary policies and provisions for the adequate response to an actual or impending foreign animal disease. The Plan identifies existing agreements and memorandums of understanding among responding agencies, whether state, federal, professional or voluntary. The agreements establish policies to protect lives and property, and the agricultural community, by implementing efficient and coordinated response procedures. (Attachment 4)

Upon motion by Senator Taddiken, seconded by Senator Tyson, the Minutes of the February 26 meeting were unanimously approved.

The meeting adjourned at 9:30 a.m.

The next meeting is scheduled for March 12, 2002

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: March 6 2002

NAME	REPRESENTING
Todd Johnson	Kansas Livestock Assn.
KEVIN JARNER	USDA-APHIS- Vet Services
George Teagarden	KAHD
Randall Allen	Ks. Assn. of Counties
Russ Frey	Ks Assn of Counties
Keith Bradshaw	Div. of Budget
Karla	Gov's Office
GREG FOLEY	KDA
Mike Beam	Ks. LVSTK. ASSN.

STATE of KANSAS

KANSAS ANIMAL HEALTH DEPARTMENT

George Teagarden, Livestock Commissioner
708 S. Jackson, Topeka, Kansas 66603-3714
Phone 785/296/2326 Fax 785/296/1765
e-mail – gteagard@ink.org
web site – www.ink.org/public/kahd

March 6, 2002

Mr. Chairman and Members of the Senate Agriculture Committee,

I am George Teagarden, Livestock Commissioner, Kansas Animal Health Department.

HB 2750 was introduced at my request. This bill amends KSA 47-612, 47-615 and KSA 2001 Supp. 47-617. For many years, the board of county commissioners have been included in these statutes regarding the appraisal and disposition of animals held and/or taken because of disease quarantine. It is my belief that the county commissioners were involved in the appraisal and indemnity in years past because of their knowledge of livestock values and their ability to cover indemnity costs. I do not believe that to be necessarily the case today. To my knowledge, no county budgets for livestock indemnity.

Current practice is, for our department and the owner of the livestock involved in a taking, to negotiate a fair appraisal of said livestock. If a consciences cannot be reached, an agreed upon appraiser is hired to set value. The amendments also require the state to pay if federal funds are not available.

Section 1 of the bill speaks of costs incurred when the owner fails to quarantine as prescribed and the animals are taken into custody. This section deals with those costs that might be incurred during this holding.

Section 2 indicates that when the commissioner directs the killing of any domestic animal, an appraisal shall be made and the owner reimbursed for the value of those taken.

Section 3 takes the counties out of the responsibility for indemnity of for animals affected by foot and mouth disease.

Are there any questions?

Senate Agriculture Committee
Date March 6, 2002

Attachment # 1

KANSAS
ASSOCIATION OF
COUNTIES

TESTIMONY
concerning House Bill No. 2750
re: Indemnity to Owners for Killing of Livestock
Senate Agriculture Committee
Presented by Russ Frey, DVM, President
Kansas Association of Counties
March 6, 2002

Mr. Chairman and members of the committee, my name is Russ Frey. I am President of the Kansas Association of Counties, a Riley County Commissioner, and have been on the teaching faculty of the College of Veterinary Medicine at Kansas State University for 38 years. Thank you for the opportunity to appear before you today in behalf of the Kansas Association of Counties to urge you to report HB 2750 favorably for passage.

The current law with respect to the indemnity and costs associated with the destruction of animals diseased or quarantined is archaic. With the potential of agri-terrorism and the deliberate introduction of infectious disease among livestock, there is new urgency to revisit these sections of law and modernize them relative to the sacrificing of animals and payments of indemnity.

Relative to the types of diseases which may infect livestock in these times, it is appropriate for the Livestock Commissioner to be involved in the process of appraisal and indemnity should there be episodes which require the quarantine or sacrifice of animals. In the unfortunate event of an outbreak of infectious disease such as foot and mouth disease among Kansas livestock, the financial cost would be staggering. Hopefully, the federal government would help to mitigate some of these costs, as the ultimate potential cost arising from such an incident could be catastrophic for Kansas counties and communities.

In summary, I urge you to consider HB 2750 favorably and recommend its passage to the full Senate. Thank you for this opportunity to testify. If you have questions, I will be happy to answer them.

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Topeka, KS 66615
785•272•2585
Fax 785•272•3585
email kac@ink.org

Senate Agriculture Committee
Date March 6, 2002

Attachment # 2

Prevention and Control of Contagious Livestock Diseases

George Teagarden
Livestock Commissioner
Kansas Animal Health Department

Livestock Industry

- Cattle Slaughter - 8 m
  - $ 6.6 2 bn
- Feedlot Capacity - 2.9 m
  - $ 2 bn
- Cows - 1.5 m
  - $ 1.1 bn
- Stockers - 1.4
  - $ 714 m

Livestock Industry

- Sows - 150,000
  - $ 30 m
- Feeder pigs - 3m
  - $ 180 m
- Dairy Cows - 88,000
  - $ 176 m

1st Line of Defense

- Producer and Veterinary Practitioner
- Biosecurity Plan - Develop Plan with Vet
  - Require health certificates
  - C & D equipment
  - Know source
  - Observe
  - Know Visitors

Disease Control

- Kansas Animal Health Department and USDA/Veterinary Services
  - Diagnosis of disease
  - Quarantine area
  - Restrict movement
  - Control and eradicate disease

Emergency Disease Plan

- Kansas Animal Health Department
  - Lead Agency
  - Disease control and eradication
- USDA/Veterinary Services

Support Agencies

- Kansas Office of Emergency Management
  - Agency coordination
- Kansas National Guard
  - Provides security, burial, cleaning and disinfecting
- Kansas Highway Patrol
  - Maintains quarantine, limits movement and provides communication

Support Agencies (cont.)

- Kansas Department of Health & Environment
  - Approves and oversees burial site
  - Provides mapping capabilities
- Kansas Department of Transportation
  - Provides road blocks, heavy equipment, burial and signage
- Kansas Department of Agriculture
  - Product control, slaughter plants & disease control

Support Agencies (cont.)

- Kansas Department of Wildlife & Parks
  - Handles disease control and eradication in wildlife, law enforcement
- SRS
  - Counseling services

Support Agencies (cont.)

- Education
  - Extension
  - Private practitioners
  - media

Support - Animal Health Care Professionals

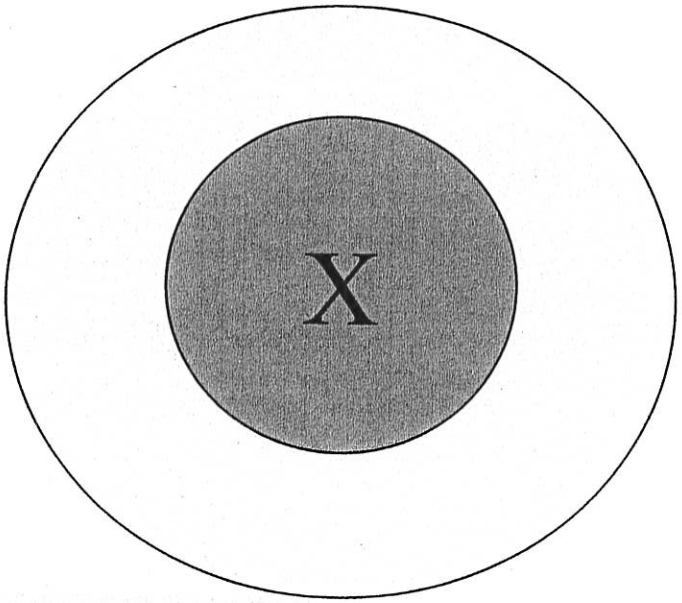
- Diagnose
- Valuation
- Euthanize
- Burial

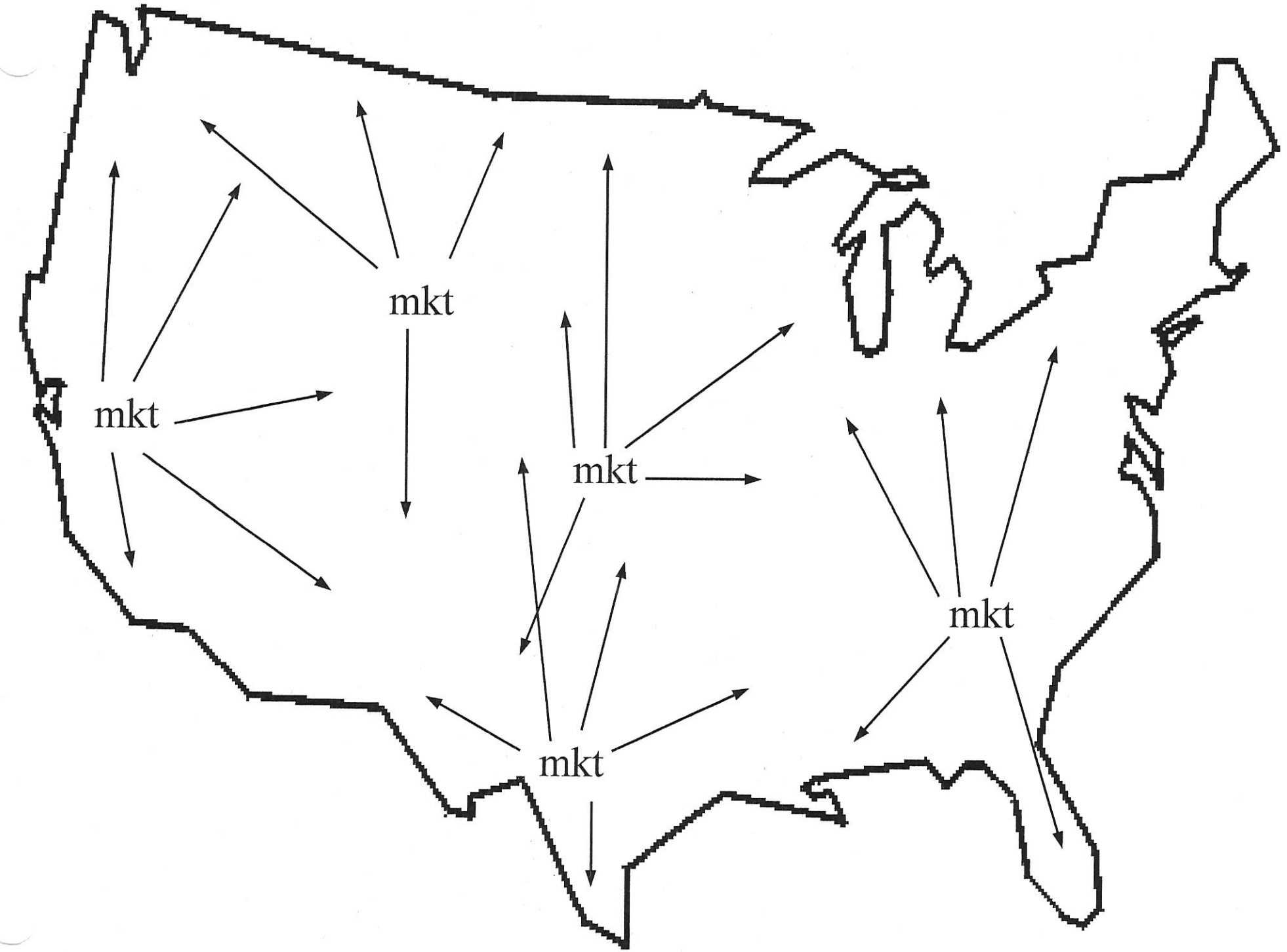
Foot & Mouth Disease

- The most highly contagious disease known
- Causes Vesicular Disease in cloven-hoofed animals
- Incubation period 2 to 7 days
- 1 virus infective - respiratory route
- 10 virons infective - oral route
- Expect 100% morbidity, 10 to 20% mortality

Disease Control

- Infected premises
- High risk area
- Active disease surveillance

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Foreign Animal Disease Outbreaks in Kansas - DRAFT

Mitigation, Preparedness, Response and Recovery Policies

5/14/01 2:39 PM
5/17/01 7:57 AM
6/4/01 10:23 AM **DRAFT**
Foreign Animal Disease Outbreaks in Kansas

2-28-02

Coordinated by the Kansas Animal Health Department

Overview

Kansas' agriculture is a major contributor to the economy of the State, the nation and the world. An outbreak of foreign animal disease (FAD) would impact the agricultural community in a manner that could result in economic losses of unprecedented proportions.

FADs have the potential to affect livestock and wildlife, resulting in grave economic consequences for Kansas and the nation. The impact of an outbreak of this type would directly affect farmers, and with time, will affect most agricultural related industries and consumers. Extraordinary response measures may be required to effectively control the expansion of highly communicable diseases, including quarantine, traffic control, and animal disposal measures. It is likely that response procedures will extend across state lines, and require a coordinated national and international response.

Effective FAD control and eradication may require extraordinary resources and cooperation of all local, state and federal agencies, in order to minimize the impact on the agriculture industry and commerce. If a highly contagious FAD is diagnosed anywhere in the United States, the entire agricultural community may be at risk. Positive detection of such a disease elsewhere will prompt State and Federal officials to employ additional preparedness measures to prevent or eliminate the possibility of occurrence in Kansas.

A suspect FAD case, where an animal shows clinical signs that appear consistent with FADs, will require reporting and monitoring measures to be implemented. A Foreign Animal Disease Diagnostician from KAHD or USDA will be dispatched to the premise. An investigation will be conducted.

The first confirmed positive case in the nation will generate immediate, appropriate local, state and national measures to eliminate the crisis and minimize the consequences (hazard mitigation). This scenario requires an animal that exhibits the clinical signs (above) and a positive verification of a sample has occurred, reinforced by other epidemiological information that indicates the presence of a highly contagious FAD.

Purpose and Scope

The purpose of this Annex is to ensure the Kansas Emergency Plan is inclusive of all necessary policies and provisions for adequate response to an actual or impending FAD outbreak. The Kansas Emergency Plan identifies existing agreements and memorandums of understanding among responding agencies, whether state, federal, professional or voluntary. These agreements establish policies to protect lives and property, and the agricultural community, by implementing efficient and coordinated response procedures.

This annex is not intended to provide step-by-step direction for individual agency response. That information, commonly referred to as standard operating procedures or guides, is dev

Senate Agriculture Committee
Date March 6, 2002

Attachment # 4-1 thru 4-20

by each collaborating agency. Specific protocols for notification and warning, activation and management of the Kansas Emergency Operations Center, collection of damage assessment information etc, are developed under the leadership of the Kansas Emergency Management, in close coordination with each participating agency.

This annex applies to FAD outbreaks that require swift intervention by the Kansas Livestock Commissioner and the US Department of Agriculture (USDA), with support from other state and federal resources. It applies to all state agencies and authorities that may be directed to respond to such an event, and expands the process and structure of the Kansas Emergency Plan into unique situations, policies, operating concepts and responsibilities.

General Rules and Responsibilities

Local Government

Local emergency management officials will be actively involved in the response, and should be utilized. Each county, and many local governments, has a comprehensive emergency management plan, which provides a framework for the jurisdiction's response to emergencies and disasters. County and local governments may utilize their resources, including County Emergency Boards, and provide an additional line of communication with local farmers and Cooperative extension.

State Government

The Kansas Animal Health Department (KAHD) is responsible for the coordination of all state activities related to monitoring, permitting, quarantining, confiscation, disposal and disinfection. Kansas Emergency Management, a division of the Adjutant General's Department is responsible for coordinating all other state activities in support of the KAHD.

Federal Government

The goal of the national response against FADs is to eradicate the disease and resume free trading status as soon as possible. At the federal level, USDA has the responsibility to coordinate worldwide surveillance, preparedness activities, and implement eradication measures, in close coordination with state and local governments. FEMA is responsible for coordinating all other federal activities in support of USDA's efforts.

Mitigation

Awareness

To some extent, risk reduction measures are taken on an ongoing, routine basis. However, recent events worldwide have increased the need for heightened prevention measures.

- Domestic Animal Health Permit program for livestock dealers, and Interstate Certificates of Veterinary Inspection ensure that most livestock movements can be rapidly traced.

- The Kansas Animal Health Department, in collaboration with APHIS (USDA), is implementing an ongoing public information program to advise the public and the agricultural community of protective actions that can be taken to limit the possibility of spreading disease both here and abroad.

Surveillance

Producers and practitioners are our first line of defense against FAD's. Their surveillance is essential to controlling and eradicating all animal diseases. Producers are encouraged to call veterinary professionals at the first sign of disease. Private practitioners would contact KAHD or USDA if they suspect a Foreign Animal Disease.

Veterinary inspectors at slaughter plants are the second line of defense, performing ante mortem and post mortem examinations to determine signs of infection. Immediate notification to the Kansas Animal Health Department or USDA is required if the inspector suspects the presence of a foreign animal disease in carcasses. This may trigger an immediate shut down of the plant.

The Kansas Food and Agriculture Committee includes discussion of all potential threats to animal health as part of their regular agenda. Such meetings allow for information exchange among agricultural and animal health officials, improve interagency coordination, and joint planning opportunities.

> Kansas' law requires producers and veterinary professionals to report symptoms or clinical signs of suspicious disease in animals to the Kansas Livestock Commissioner.

Preparedness

Planning

This annex provides the framework for coordination of planning efforts among all participating agencies. It also provides the foundation for planning efforts at the local level, helping define and summarizing the process for requesting assistance, the types of resources available, roles and responsibilities of state and federal agencies, etc.

The Kansas Planning Standards will be reviewed to provide guidance to local emergency managers in the update of County Emergency Plans.

Training

Training Committee

Exercises

In 1999 and again in 2001, the Kansas Animal Health Department organized table-top foreign animal disease test exercises. These exercises brought together many State agencies, Federal agencies, producer groups, individual producers and private practitioners.

Exercises are considered to be a critical component of our preparation and will continue on an annual basis.

Response Operations

Diagnosis

Most local practitioners have not encountered Foreign Animal Diseases such as Foot and Mouth (FMD). The clinical signs of a Foreign Animal Disease will often be:

- unfamiliar to the local practitioner;
- show an unusually high morbidity or mortality rate.

The discovery of a suspect case requires immediate notification to the KAHD or USDA for sample collection and expedited transportation of the sample to the appropriate laboratory facility.

During the investigation of a suspect FAD, USDA or KAHD will deploy a Foreign Animal Disease Diagnostician (FADD) who will use clinical signs, history and professional experience to determine the likelihood of a highly contagious disease. They will classify the assessment as "unlikely", "possible" or "highly likely".

For all scenarios, the FADD will - at a minimum - request that the producers voluntarily quarantine themselves until laboratory results rule out a FAD. A policy of officially issuing a State quarantine until laboratory results rule out a FAD will be considered if the suspected FAD has been previously confirmed in the US.

When the condition under investigation is determined to be "highly likely" to be a FAD, the FADD notifies and consults with the Area Veterinarian in Charge (AVIC) (APHIS) and the Kansas Livestock Commissioner. The samples submitted to an approved laboratory are considered top priority, so that a presumptive diagnosis can be reached in less than 24-hours. Based on the outcome of the consultation and previous confirmation of the suspected FAD in the US:

- A State quarantine ~~will~~ may be placed on the farm;
- The Governor and the Emergency Management Office ~~will~~ may be notified,
- The Emergency Response Plan ~~will~~ may be initiated,
    - An appropriate movement control zone ~~will~~ may be established around the farm,
    - The local extension agricultural agent and county emergency managers ~~will~~ may be notified,
    - All trace-ins and trace-outs ~~will~~ may be investigated.

Notification Process

The Kansas Livestock Commissioner is responsible for notifying the Governor of any potential foreign animal disease outbreak in Kansas - and anywhere in the nation in cases of highly contagious disease such as FMD. Based on the advise of the Kansas Livestock Commissioner, the Governor may issue a proclamation with the details of the quarantine area and sanitary measures as defined by the Kansas Livestock Commissioner.

Initial Notification

1. Initial notification of a suspected FAD will come from a local veterinary practitioner, meat inspector or a Diagnostic Lab.
2. A FADD from KAHD or USDA will conduct an on-site investigation.
3. When a positive test is confirmed by the USDA, the Livestock Commissioner will immediately notify the Kansas Emergency Management (KEM), which in turn, will notify other emergency response agencies, as required.
4. KEM will coordinate response activities in support of the Kansas Animal Health Department, and

4-4

will be cognizant of response operations at the local level.

5. KEM will coordinate with the Federal Emergency Management Agency (FEMA), USDA, and other federal agencies, as needed.

   - KEM will activate the Kansas Emergency Operations Center (EOC) to the level required by the event, in support of the Kansas Animal Health Department.

   - The Adjutant General, as Director of KEM, will advise the Governor of the support requirements. The Governor may exercise his authority in declaring a State Disaster. Upon such declaration, the Adjutant General may direct any and all agencies of State government to provide assistance under the policies and structures of the Kansas Emergency Plan.

Decontamination and Disinfections

Determines the number and type of personnel, vehicles, and equipment.

Suspected infected locations and transport vehicles may need to be cleaned and disinfected.

Vector control may also include the discarding of any organic matter that has, in any form, been located at the site of positive detection.

Tracing

Tracing may play an important role in identifying infected and in-contact animals to determine if the disease is still present. Trace-back and trace-forward procedures that have been employed in the response may identify possible future or potential threats. Tracing may include:

- Livestock
- Animal products: Meat, offal, meal, wool, skins, hides, semen, and embryos.
- Vehicles: Milk tankers, livestock, transport vehicles, feed trucks, visitor's cars.
- Materials: Hay, straw, crops and grains.
- People: Veterinarians, task force members, sales and feed representatives, technicians, farmers and visitors.

This activity may also include inspection of stock, investigation of reports of suspect disease, and a serological survey. The level and direction of surveillance will be driven by the epidemiological information being collected.

Trace-backs should be applied for a minimum of 2 times the maximum incubation period before the onset of clinical signs. Trace-forwards should be applied up to the time the quarantine is imposed.

Bio-Security and Surveillance

Before leaving the farm, the FADD will work with the producer to institute appropriate biosecurity and public health measures, if warranted, and will thoroughly clean and disinfect their clothing, equipment and vehicle. The FADD will observe proper bio-security protocol.

Zone Designation

Zone designation is a measure that may help reduce the adverse economic effects as a result of an endemic disease. If a disease is only established in part of the State, it may be possible to establish infected and disease free-zones in order to retain some economic benefit.

Disease-free zones may be identified as a "free zone," which must be effectively sealed off from disease-affected zones by extremely tight movement and quarantine controls. In the long term, it may be possible to eradicate a disease from an impacted zone.

While zone designation could lessen the impact on the economy, it would still impose ongoing movement restrictions on livestock industries. State and local boundaries may provide the most acceptable limits to establish zones because the case can be argued that these are distinct geographical boundaries.

Quarantine

The Kansas Livestock Commissioner has the authority to order any quarantine or sanitary measures necessary to control potential outbreaks of disease in animals and has the authority to direct County Sheriffs' to implement the prescribed quarantine measures.

The quarantine carries a Class A misdemeanor violation penalty on the first conviction. Subsequent convictions are a Class D felony .

The Kansas Livestock Commissioner is authorized under Kansas' law to order the confiscation and disposal of any infected or exposed animals.

Preparations may be made to quarantine areas where suspect or confirmed cases may have originated, and may require special operational procedures.

Euthanasia and Disposal

Animals will be treated humanely from the time animals are identified as presumptive or confirmed positive until they are depopulated. When depopulation occurs, euthanasia must be performed as rapidly and humanely as possible. Consideration must be given to the owners and their families and provided with complete explanation of what to expect.

- Lactating animals must be milked
- Euthanasia will be carried out by chemical or mechanical means.

Wildlife

Response efforts would encompass culling of non-domesticated populations that are susceptible or possible carriers of the FAD, such as deer, elk, feral swine, etc.

Eradication will require proper sanitary and disposal procedures for carcasses. The Kansas Department of Health and Environment - Bureau of Waste Management - has published technical guidance on "Disposal Options for Large Quantities of Dead Animals". This guidance covers acceptable practices for the disposal of large quantities of dead animals (defined by state law as six or more animals units) to prevent creating hazards to human or animal health, and the environment.

Equipment

Sources of equipment: With a gubernatorial declaration, all State assets are made available. With a Presidential disaster declaration, Federal assets are made available.

Milk and Milk Products

- Milk from known infected or exposed (all located in depopulation zones) farms is destroyed on the farm.
- Milk from farms in the surveillance zone will be destroyed for a variable length of time based on risk analysis.

Meat

- Meat produced from FMD exposed animals are not a food safety issue.
- Clinically normal animals in the surveillance zone would be allowed to move to slaughter, based on risk analysis.

Zoological Parks

Biosecurity plans need to be in place to protect susceptible species.

Zoological parks are advised to take steps to reduce the risk of infection. These include halting animal movements between zoos and park areas; preventing physical contact between visitors and animals, introducing stricter feeding policies, carrying out more regular inspections, and disinfecting visitors and vehicles.

Germaplasm Centers

- Semen: FMD virus may be transmitted by infected semen (virus is shed in semen). Semen collected prior to FAD introduction can be sold without restriction.

  If semen center is located in the surveillance zone, no semen could be collected until a risk analysis has been completed.

- Embryo Transfer: Follow USDA regulations.

Recovery

The response to an outbreak of a disease that impacts the agricultural community may be short-lived, or could extend for some period of time. Emergency response activities may include control measures that have been rapidly employed and may result in a slow demobilization of response agencies and activities.

A variety of forces may influence the direction of the recovery process. The State of Kansas will support local governments, businesses, and citizens in recovering from the impact of any emergency, including FAD's. Where possible, hazard mitigation measures will be incorporated into recovery activities in order to lessen the impact of reoccurrence or eliminate it entirely.

Funding and Compensation (Indemnification)

The cost of all animal euthanasia and disposal of animal carcasses will be paid for by the State of Kansas (K.S.A. 47-626).

Chapter 47. --LIVESTOCK AND DOMESTIC ANIMALS - Article 6. --PROTECTION OF DOMESTIC ANIMALS 47-626. Employees and materials for enforcement of act. The State Livestock Commissioner may employ such persons and purchase such supplies, appliances, and materials as may be necessary to carry into full effect all the orders given by the Livestock Commissioner, as provided by law. No labor shall be employed and no material or supplies purchased by the Livestock Commissioner except such additional labor, material, and supplies as may be necessary to carry into effect the quarantine and other regulations prescribed by the Commissioner. The director of accounts and reports shall draw warrants upon the Treasurer of State for the necessary amount upon vouchers properly verified by the person performing such labor or furnishing such material and approved by the Livestock Commissioner. **History:** R.S. 1923, 47-626; L. 1989, ch. 156, § 25; July 1.

Under USDA Secretarial Extraordinary Emergency Declaration, indemnity and appraisal becomes a function of USDA, under Title 9, Code of Federal Regulations, Part 53. Where an epidemic is spreading, USDA is prepared to expedite approval of funds required to support operations and compensation.

In addition to disaster relief funding and programs that are outlined in the Kansas Emergency Plan, there are some provisions under State and Federal law to provide compensation to response agencies and farmers. Provisions for compensation are as follows:

1. USDA 21 USC § 134a
2. 9 CFR 53.3, 53.8, and 53.10 address compensation for items that cannot be decontaminated and may later have to be destroyed

Federal statutes allow for fair market value compensation for animals and carcasses, as well as products and articles that were destroyed in an effort to effectively control or eradicate a disease. In addition, Federal law also allows for compensation of milk and milk products, feedstuffs, board fences, feed racks, and contaminated buildings.

The Federal Catastrophic Disaster Response Group (CDRG) has convened and facilitated discussion with Federal response agencies that may play a role in such cases. The CDRG is in the process of developing operational guidance, and will identify various issues that may address additional provisions for recovery.

Appraisal Process

Lacking a USDA Secretarial Emergency or Extraordinary Emergency Declaration, or a Presidential declaration, if the Kansas Livestock Commissioner directs the euthanasia of animals, the Commissioner, the Chairman of the County Board of County Commissioners, and the Owner of the condemned animals are required "to appraise the animal or animals to be killed or disposed of, and he shall make an inventory of the animal or animals condemned, and in fixing the value thereof, the Commissioner and Chairman shall be governed by the value of such animal or animals at the time of the first appearance of the disease..." HB 2750

Under a USDA Secretarial Emergency or Extraordinary Emergency Declaration, or a Presidential declaration, appraisal teams composed of Federal and State officials, as well as industry representatives, will assemble and coordinate with the USDA/APHIS Appraisal and Marketing Officers.

Assessment of Eradication Activities

To assess the effectiveness of response activities, sentinel animals may be placed and closely monitored at contaminated or suspected areas. These animals should have contact with all parts of the premises and objectives that might have been contaminated with a pathogen. In some cases, sentinel animals may be maintained on the suspected contaminated areas for 60 days, and then collected for evidence of a disease.

The timing of sentinel placement may be governed by local disease status and would normally not commence until all identified contaminated and suspected areas have been decontaminated. The removal of a quarantine restriction and restocking of a clean premise should only be permitted after a through examination has deemed the area safe to inhabit.

Social and Economic Effects

The economic effects of an outbreak of a disease, even on a small scale, may be enormous to individuals, the farming industry as a whole, and to subsidiary and support industries.
agriculture
Employment may be affected over a wide range of industries, from the farming and subsidiary industries, to rural townships and governments.

The impact on local and State economy may have a cascading effect. The potential exists for all businesses that rely upon the agriculture industry to be severely impacted, including local businesses, distributors, processors, and any reliant business, market or industry. All international exports of susceptible animals and their products would cease for an undetermined period of time.

The export of grain and other foodstuffs would also be affected by an occurrence of some disease, such as FMD. The prices of animal products may be erratic, depending on the extent of an outbreak, and the supply and demand. The producers most affected will be those that have no alternative industry activities other than livestock. Further, consumer confidence may fall if consumers feel that the safety of their food has been jeopardized.

Risk, Reduction, and Recovery

Follow-Up Surveillance

Surveillance after an outbreak should be carefully coordinated to optimize the available resources. Many factors, such as potential spread by wind or wildlife, could warrant increase surveillance in some areas. The intervals between inspections and surveys may depend on the observed incubation period, the resources available, and the level of exposure risk. In addition, efforts must be made to educate producers about the clinical signs of a disease and to report such information to veterinary officials.

Surveillance within an area will be primarily by inspection of livestock. Surveillance may involve abattoir surveillance, serological surveys, and investigation of reports of suspected disease.

Vaccination

In some cases, vaccination may be an effective risk reduction measure. Consideration should be given to strategic vaccination around outbreaks (ring vaccination/firebreak) to help contain a disease, or a general vaccination over a wide area (blanket vaccination) where other disease control methods may not be feasible. However, vaccination is not always practical. With some diseases, such as FMD, vaccination is not a preferred option due to the nature of the pathogen, and its potential to disrupt the economy.

Public Awareness

Media campaigns will be conducted to reemphasize the importance of farmers inspecting susceptible animals regularly and of reporting suspicious lesions and unusual deaths promptly. The importance of movement controls, and what this means to individuals, needs to be strongly emphasized. In addition, coordinated media releases should address issues regarding the safety of food and attempt to reassure the general public that the food is safe to consume.

Legal Authorities

Kansas

Federal Government

Legal authority for USDA for response procedures identified in this annex is found in 21 U.S.C. § 134a.

Attachments

Appendix 1:
Appendix 2:
Appendix 3:

Roles and Responsibilities

Local Government

County Sheriff, County Emergency Management, Initial Response to quarantine, movement controls, disposal, C & D.

State Government

Kansas Animal Health Department

Kansas' law requires producers and veterinary professionals to report symptoms or clinical signs of suspicious disease in animals to the Kansas Livestock Commissioner. The Kansas Livestock Commissioner has the authority to order any quarantine or sanitary measures necessary to control potential outbreaks of disease in animals.

The Livestock Commissioner is responsible for notifying the Governor of any potential foreign animal disease outbreak in Kansas and anywhere in the nation in cases of highly contagious disease such as FMD. Based on the advise of the Kansas Livestock Commissioner, the Governor may issue an emergency proclamation with the details of the quarantine area and sanitary measures as defined by the Kansas Livestock Commissioner. The Kansas Livestock Commissioner has authority to direct County Sheriffs to implement the prescribed quarantine measures.

The quarantine carries a Class A misdemeanor violation penalty on the first conviction. Subsequent convictions are a Class D felony .

The Kansas Livestock Commissioner is authorized under Kansas law to order the confiscation and disposal of any infected or exposed animals.

If the Kansas Animal Health Commissioner directs the animals to be killed, the Commissioner, the Chairman of the County Board of County Commissioners, and the Owner of the condemned animals are required "to appraise the animal or animals to be killed or disposed of, and he shall make an inventory of the animal or animals condemned, and in fixing the value thereof, the Commissioner and Chairman shall be governed by the value of such animal or animals at the time

48275

4-10

of the first appearance of the disease..."

Kansas Emergency Management, Adjutant General's Department

The Kansas Emergency Management office activates and operates the State Emergency Operations Center in Topeka, provides liaisons to affected jurisdictions, prepares situation reports for the Governor and receives and acts on requests for assistance from county emergency managers. KEM coordinates state response activities with local governments, coordinates with FEMA, and the Federal Response Plan, and assists in the coordination of disaster-related public information.

- Assisting in providing temporary accommodations and emergency feeding for field operation teams.
- Assisting in providing temporary accommodation and emergency feeding for field operation teams.
- Provide information on potential sources of outside assistance, i.e., contractors, equipment sources, etc.

Kansas Department of Health and Environment

- Provides technical advice on carcass disposal locations. Consideration will be given to the sites' impact on ground water and air pollution.
- Provides technical advice to disposal teams regarding regulations on environmental impact.
- Provides assistance with vector control on infected facilities.
- Provides technical advice on location of cleaning and disinfecting stations.
- Identify/approve regulated disposal and treatment activities.

Kansas Highway Patrol

- Assisting with provision of communication resources.
- Security of the area, support local law enforcement, and implement traffic control, as required.
- Control access and movement, including visual inspections of animal transports.
- Support eradication activities.

Kansas National Guard

- Provide traffic control and controlling access and movement.
- Support response operations with specialized heavy equipment.
- Support eradication activities under the supervision of the Kansas Animal Health

4-11

Department.

- Provide equipment to haul cargo or personnel.
- Provide air transportation support.

Kansas Department of Transportation

- Provide guidance for rerouting of traffic in and around the affected area.
- Provide equipment and staff to conduct decontamination operations, if required.
- Traffic control issues and/or needs.
- Transporting of soil, carcasses or debris:

  In the case of a highly contagious foreign animal disease, like FMD, contaminated animals, carcasses, soil or debris will not be transported outside the quarantined zone. All equipment will be decontaminated prior to movement outside the quarantined zone.

Kansas Wildlife and Parks

- Conducting security patrols of forestry areas.
- Establishing prohibitions on game, bird, and fish products in controlled areas.
- Conducts surveillance on susceptible wild animal species, as required.
- Reducing infected or potentially exposed wild life populations as required (WL&P).
- Conducting surveillance on susceptible wild animal species, as required.
- Provide support in reducing infected wildlife populations.

Kansas Turnpike Authority

The Kansas Turnpike Authority may provide assistance in:

- Providing guidance for rerouting of traffic in and around the affected area
- Traffic control issues and or needs
- Establishing security measures along the Kansas Turnpike

Indian Nations

The Kansas Animal Health Department and the KEM will ensure the effective coordination of efforts, as well as information, between Tribal Nations and officials responsible for emergency response and recovery operations in Kansas.

Kansas Department of Agriculture

- Provides the resources to assist in the diagnosis of animal disease.
- Disease surveillance at State licensed abattoirs
- Responsible for product control. Control measures will be implemented based on the risk analysis of the ongoing animal disease emergency.

SRS

- Provide counseling services for producers and all control and eradication staff

Federal Government

Federal Emergency Management Agency (FEMA)

FEMA is responsible for the activation of the Federal Response Plan, which provides a mechanism for organizing, coordinating, and mobilizing federal resources in support State and local response and recovery efforts.

Under the Federal Response Plan, FEMA may employ Emergency Support Function (ESF) #11, for coordinating food response and recovery activities. The lead agency for ESF #11 is the US Department of Agriculture, with other agencies as support agencies, based on their resources.

United States Department of Agriculture (USDA)

USDA has broad authorities under a Secretary's Emergency Declaration and a Secretary's Extraordinary Emergency Declaration. If a response becomes too large for USDA to handle, USDA would ask other Federal agencies to provide support under the framework of the Federal Response Plan. FEMA could act as a broker or agent for USDA, coordinating Federal activities. USDA in turn would reimburse FEMA/other Federal agencies. The USDA may:

1) Direct all eradication activities, including: quarantine, evaluation, slaughter, disposal, cleaning and disinfecting, epidemiology, traceback, vector control and transportation permit systems.

2) Collect, collate, analyze and disseminate technical and logistical information.

3) Define training requirements for casual employees or support agencies involved in eradication operations.

4) Issue the declaration of the disease and define the infected area and control zones.

5) Prepare information for dissemination to the public, media, producers, processors and transportation industry.

6) Allocate funding for compensation to the owner of destroyed animals.

7) Restrict payment of compensation in cases of violation.

8) Consult with State and local authorities regarding eradication operations.

9) Post restrictions on interstate commerce.

Incident Command System

Operational Structure

This plan is predicated with the understanding that the Unified Incident Command System will be utilized to manage all emergency response operations that require multiple agency and intergovernmental support.

1) Command

2) Operations

3) Planning

4) Demobilization Unit

5) Logistics

6) Finance

Activation of the Kansas Emergency Operations Center

Activation of the Kansas Emergency Operations Center (EOC) will be as follows:

Level 1 - Normal Operations - The situation statewide is monitored by the KEM at all hours. Emergency contact is through a pager system by calling 785-296-3176.

Level 2 - Watch - This is typically an "observation" phase when a suspicious foreign animal disease is being investigated - whether in Kansas or any other State in the nation. The Kansas Livestock Commissioner will notify the Governor and KEM of the situation, based on the information provided by KAHD, USDA or local veterinary practitioners. Limited notification may be made, on the advice of the Kansas Animal Health Commissioner, to those state agencies and Emergency Support Functions who may need to prepare to take action as part of their everyday responsibilities. The Kansas Livestock Commissioner may elect to issue news releases through the Kansas Livestock Association (KLA) or activate the Joint Public Information Center. The SEOC will be staffed with KDEM staff in room 12 of the State Defense Building.

Level 3 - Activation - Partial Activation - This is limited agency activation during a warning phase where laboratory results have confirmed a foreign animal health diagnosis outside Kansas. Typically, confirmation of a foreign animal disease will be received through USDA 24-hours after testing. This situation may require limited state response activation in preparation for support to other states. All primary, or lead ESFs will be notified to be on alert status. KEM personnel and necessary ESFs will staff the SEOC in Room 12 of the State Defense Bldg. The Kansas Livestock Commissioner and KEM will request representation from the following agencies:

4-14

Kansas Department of Agriculture
Kansas Department of Health and Environment
Kansas Department of Transportation
Kansas Department of Wildlife and Parks
Kansas Highway Patrol
Kansas National Guard
United States Department of Agriculture
Kansas Motor Carrier Association
Kansas Farm Services Association

Level 4 Activation - Full-Scale Activation - This level of activation will follow the confirmation of a foreign animal disease in Kansas, or a bordering State. This level of activation may also be required if the animal(s) suffering the confirmed disease had been transported through Kansas. In a full-scale activation all primary and support agencies under the Kansas Emergency Plan will be notified. KEM personnel and all other ESFs will staff the SEOC. The full SEOC will be mobilized in Room 11 of the State Defense Building.

At this level of activation, special task forces may be formed and deployed to local emergency operations centers to help assess the situation.

Special task forces may be formed, comprised of local, volunteer, State and Federal agricultural professionals, may be formed under the direction of the Kansas Animal Health Commissioner.

The areas affected by the disease will be defined by the Kansas Animal Health Department in coordination with the USDA. Issues of concern will include preliminary isolation of infected areas - including movement of traffic in and out of the affected zone - depopulation operations upon confirmation of disease, livestock appraisal teams, public information, and epidemiology teams.

Suspected infected livestock may be evaluated, destroyed, and disposed of at the direction of the Livestock Commissioner or his designee.

Suspected infected animal populations - such as wildlife - may be evaluated, destroyed, and disposed of at the direction of the Livestock Commissioner or his designee in close coordination with the Kansas Department of Wildlife and Parks.

Suspected infected places and animal transports may be cleaned and disinfected.

Quarantines will be issued based on risk analyses.

At this level, the following actions may be taken:

- The control area is legally defined.

- Control of movement into, from, and within the zones in the control area will be implemented.
- Infected livestock are evaluated, destroyed and disposed of as directed by the Livestock Commissioner or his designee.
- Infected places and animal transports are cleaned and disinfected. Processing facilities are quarantined until the Kansas Department of Agriculture issues an all-clear decision - in coordination with the Kansas Animal Health Department and USDA.
- Public information on health-related matters, movement controls, and eradication is widely disseminated.
- The origin of the disease is traced and potential spread monitored and controlled.

Level 5 Activation - Federal Involvement - (i.e., Emergency Response Team) - Level 4 is a full activation of all ESF's with 24-hour staffing of the SEOC. A Federal Response will typically be activated at this point with deployment of a Federal Emergency Response Team - Advance (ERT-A to the SEOC.

Reportable Diseases

K.S.A. 47-622. Report of disease to livestock commissioner. It shall be the duty of the owner or person in charge of any domestic animal or animals who discovers, or has reason to believe that any domestic animal owned by such person or in such person's charge or keeping is affected with any contagious or infectious disease, to immediately report such fact or belief to the livestock commissioner. It shall be the duty of any person who discovers the existence of any such contagious or infectious disease among the domestic animals of any person to report this information at once to the livestock commissioner.

K.A.R. 9-27-1. Designation of infectious or contagious diseases. The following diseases shall be designated as infectious or contagious animal diseases and shall be reported in accordance with K.S.A. 47-622:

(a) Anthrax	(b) All species of Brucellosis	(c) Equine Infectious Anemia
(d) Hog Cholera	(e) Pseudorabies	(f) Psoroptic Mange
(g) Rabies	(h) Tuberculosis	(i) Vesicular Stomatitis
(j) Avian Influenza	(k) Pullorum	(l) Fowl Typhoid
(m) Psittacosis	(n) Viscerotropic Velogenic Newcastle Disease	(o) Foot and Mouth Disease
(p) Rinderpest	(q) African Swine Fever	(r) Piroplasmosis

(s) Vesicular Exanthema

(t) Johne's Disease

(u) Scabies

(v) Scrapie

(w) Bovine Leukosis

(x) Other diseases as determined reportable by the Livestock Commissioner

Movement in Controlled Zones

In the declaration of areas affected by highly contagious foreign animal diseases, the following factors need to be taken into account to effectively control traffic in and out of the zones.

Industries involved
Environmental factors
Livestock movement patterns
Processing options (livestock and products)
Natural vs. artificial barriers/boundaries
Nature of the outbreak
Livestock species involved
Wildlife involvement
Effect on non-risk commodities due to intrastate commerce restrictions

Control Zone

The actual distance in any one direction for the zone is determined by factors such as terrain, the pattern of livestock movements, livestock concentrations, the weather, and prevailing winds, the distribution and movement of susceptible wildlife, and known characteristics of the agent. The control zone should extend at least 6 miles (10 kilometers) beyond the presumptive or confirmed infected premises.

In the controlled zones

- Conduct epidemiological investigation to:
  - Identify trace-ins and trace-outs
  - Determine source of infection
- Movement restrictions are in place.
- To leave the zone:
  - Vehicles, equipment and people may leave if strict biosecurity procedures are followed:
    - -Clean an disinfect (C&D)
    - -Shower out
    - -Human to animal contact policies are dependent on the agent
    - No animals or products can leave the zone

Surveillance or Movement Control Zone

This zone will surround infected areas. The exact boundary of the zone will be established to assure containment of the outbreak. Early in the outbreak all movement should be stopped. Once the extent of the outbreak is understood, susceptible livestock can move within that zone with permit, but not out of the zone.

4-17

In the Surveillance or Movement Control Zone

- Conduct active case finding
  - Increased awareness by all animal health professionals
- Conduct on-farm surveillance on all premises in the control zone every 48 hours
- Non-susceptible livestock and poultry can move out of the zone but require appropriate bio-security such as C&D of vehicles.

Movement in Controlled Zones

Depopulation and Disposal

- Depopulation and disposal operations are linked. If depopulation gets ahead of the ability to dispose of the carcasses, there will be biosecurity, animal welfare and pest management issues. Procedures must keep the agent from spreading so it is important that disposal follow euthanasia as soon as possible.
- The preferred method of disposal of carcasses, milk and feedstuff is by burial rather than cremation. Burial is generally easier, quicker, uses fewer resources, and is less polluting. However, several factors such as topography, soil type and water table depth, must be considered in selecting a burial site. Forty-two cubic feet (1.5 cubic yards) are required to bury 1 bovine, 5 pigs or 5 sheep.
- In Kansas, burning is the only other disposal method to be considered. Rendering, composting and alkaline hydrolysis are not acceptable alternatives.

Cleaning and Disinfecting (C&D)

- Removal of all organic matter
- Follow label directions
- Use appropriate disinfectant. Agents that destroy FMD virus include acids (e.g. acetic acid) and alkalis (e.g. sodium hydroxide, sodium carbonate)
- Any disinfectant or pesticide used must be approved by EPA

Estimate Personnel Requirements

- Depopulation and disposal crew - 5 for herd of 40 or more per day
- Vaccination crew - 3 for two herds of 40 or more per day (consider using farm personnel if the State's practice allows it****)
- C&D Crew 3 and only one farm per day
- Appraisal Crew - One person can do a variable number of herds per day, depending on the appraisal process adopted *****

- Trace back - 1 person can do 1-3 traces per day
- Epidemiological evaluation - 1 person can do 1-2 per day
- Foreign Animal Disease (FAD)/EDI Investigation - 1 person

BSE AND FMD: They are not the same disease

The recent outbreak of foot-and-mouth disease in the United Kingdom and other European countries, combined with continued publicity about bovine spongiform encephalopathy (BSE), commonly called "mad cow disease," in Europe, has created misunderstandings among consumers and the media. Although some people mistakenly think that BSE and FMD are the same disease, they are actually much different. Many experts believe BSE may be responsible for variant Creutzfeldt-Jakob Disease (vCJD), a rare fatal disease of humans. Foot-and-mouth disease, however, is not a food safety threat to humans. And although foot-and-mouth disease is highly communicable, capable of traveling miles in the wind or on a human's clothing, experts believe bovine spongiform encephalopathy can only be transmitted by consuming contaminated meat.
One thing BSE and FMD have in common, though, is the fact that neither disease has been confirmed in the United States. BSE has never been identified in the United States, and the last outbreak of FMD occurred in 1929.

Precautions are being taken to prevent entry of both foot-and-mouth disease and bovine spongiform encephalopathy into the United States. The United States also has response plans to control and eradicate the diseases if they were to appear.

FOOT-AND-MOUTH DISEASE

FMD is a highly communicable viral disease of cattle and swine. It also affects other cloven-footed animals such as sheep, goats, deer, bison, llamas, and elk. The disease is characterized by fever and blister-like lesions followed by erosions on the tongue and lips, in the mouth, on the teats, and between the hooves. Some affected animals recover but the disease leaves many animals debilitated. There are seven main types of virus and many subtypes that are subject to rapid mutation, making vaccination problematic as a method of control. Because it spreads widely and rapidly and because it has great economic and clinical consequences, FMD is one of the animal diseases most dreaded by veterinarians and livestock owners. Currently only the continents of North America, Australia, and Antarctica are free of the disease. Infection in humans is very rare and, if infected, disease symptoms are even rarer.
Foot-and-mouth disease in animals should not be confused with hand-foot-and-mouth disease of humans. Different viruses cause foot-and-mouth disease in animals and hand-foot-and-mouth disease in humans.

Transmission: The virus is easily transmitted by physical contact with other animals, people, or materials. Nearly 100 percent of exposed, susceptible animals will become infected. The virus can become airborne, traveling many miles in the wind. It is also carried in raw meat, animal protein, and milk from animals infected with foot-and-mouth disease. Animals are infected through inhalation or ingestion of the virus.

Signs: The incubation period for swine and cattle is two to seven days, and 14 days for sheep. Temperatures rise markedly, and then usually fall in about two to three days. Vesicles (blisters) appear followed by erosions in the mouth or on the feet and the resulting slobbering or lameness are the best known signs of the disease. The disease is fatal for 2-10 percent of adult animals and up to 20 percent of young animals. All affected animals lose condition and secondary bacterial infections may prolong convalescence. The most serious effects of the disease, however, are in dairy cattle. Loss of milk yield, abortion, sterility, chronic mastitis, and chronic lameness are commonplace.

BOVINE SPONGIFORM ENCEPHALOPATHY (BSE)

Bovine spongiform encephalopathy, sometimes called mad cow disease, is a slowly progressing, degenerative disease affecting the central nervous system of cattle. Almost 200,000 cases of BSE have been identified in the United Kingdom. The disease has been detected in 12 other European countries. The disease belongs to a group of diseases known as transmissible spongiform encephalopathies (TSE) that most experts believe are caused by an infectious protein called a prion. Although transmissible, they are not as contagious as foot-and-mouth disease. The TSE known to occur in animals in the United States are scrapie, which affects sheep and goats; chronic wasting disease of deer and elk; and transmissible mink encephalopathy. BSE has not been diagnosed in the United States. TSE in humans include variant Creutzfeldt-Jakob Disease (vCJD), which was first recognized in the United Kingdom in 1996. It has been associated with BSE in cattle. vCJD is a degenerative neurological disease characterized by a very long incubation period and 100 percent mortality. As of March 31, 2001, 100 people have been diagnosed with vCJD in Europe, but vCJD has not been identified in the United States. Although it has a similar name and is also a TSE, Creutzfeldt-Jakob Disease (CJD) is not the same disease as vCJD. CJD occurs sporadically worldwide at a rate of one case per one million people per year. The cause of most cases of CJD is unknown.

Transmission: It is suspected that BSE is spread to other cattle by ingesting ruminant-derived meat and bone meal containing the infectious prion. Some evidence indicates maternal transmission but, if possible, the rate is not believed to be great enough to maintain the disease. It is believed eating meat contaminated with brain or spinal cord tissue from cows infected with BSE may cause vCJD in humans.

Signs: The incubation period of BSE in cattle is extremely long, averaging 5 years. Cattle affected by BSE may exhibit some of the signs of a progressive degeneration of the nervous system such as nervousness, changes in temperament, head-shyness (easily frightened), and abnormal posture, in coordination, difficulty in rising, and eventual death. Following onset of clinical signs, the animal's condition deteriorates within two weeks to six months.