

MINUTES OF THE SENATE AGRICULTURE COMMITTEE.

The meeting was called to order by Chairperson Derek Schmidt at 7:30 a.m. on March 19, 2002 in Room 423-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

 George Teagarden, Livestock Commission
 Major General Gregory Gardner, Adjutant General
 Jamie Clover Adams, Secretary, Kansas Department of Agriculture
 Representative Melvin Minor

Others attending: See attached list

George Teagarden, Livestock Commissioner, appeared before the Committee at the invitation of the Chair to review the state's response to the rumored outbreak of foot-and-mouth disease, which occurred last week.

Mr. Teagarden stated he was in Reno, Nevada, attending a Western State meeting of colleagues, and veterinarians from 20 western states. He stated a local market veterinarian at Holton reported a possible foreign animal disease to the Kansas Animal Health Department (KAHD) at approximately 1:30 p.m. on Tuesday, March 12, 2002. The suspect cattle at the Holton market were isolated. The veterinarian from KAHD arrived at approximately 5:00 p.m. and performed a visual inspection of suspect animals. No outward clinical signs were apparent, the cattle were moved into a chute area for physical examination. Eight cows were found to have mouth and tongue lesions and slightly elevated, though not abnormal temperatures. The cattle did not have foot or teat lesions characteristic of food and mouth disease. Tissue and blood samples were collected.. The KAHD and USDA, made the collective decision neither to order the Holton market closed nor to quarantine the animals, at approximately 8:00 p.m.

Mr. Teagarden was informed of the veterinarian's examination and reported the lesions were more likely feed-related. Early Wednesday morning the samples were flown to Plum Island, New York for evaluation. Mr. Teagarden distributed a timeline of the Commission's activities from the time the market veterinarian called KAHD to the time the USDA reported the results that the sample testings were negative at 8:15 p.m. on Wednesday, March 13, 2002. (Attachment 1)

The Emergency Management Office received a VoiceMail message from Mr. Teagarden at approximately 1:00 p.m. Wednesday, March 13th, at which time the Adjutant General informed the Governor's office of the suspect case. The USDA office was aware of the suspect case and that the samples had been sent to Plum Island, New York for testing prior to anyone in the state being aware of the potential problems. USDA made no public comment regarding the crisis as they have a policy wherein none of its employees are to respond in any matters regarding foreign animal disease.

Jamie Clover Adams, Secretary, Department of Agriculture, informed the Committee that she was first aware of the rumors of foot-and-mouth when she was contacted by a radio station at approximately noon on Wednesday, March 13th, at which time she contacted the Livestock Commissioner's office. Shortly after her initial call she received a message from Commissioner Teagarden, and she then prepared talking points and stepped in to handle the press calls. (Attachment 2)

Mr. Teagarden stated he made an error in judgment in not calling the Emergency Management Hotline immediately upon his being notified of the market conditions, rather than calling the training person and leaving a VoiceMail message. This message was left in the Emergency Management Office at 12:30 p.m. on Wednesday, March 13th. In response to questions from the Committee, Mr. Teagarden insisted the Livestock Commissioner's Office does have adequate staff and are able to handle crisis information management. He further stated the Plan will be updated to inform Emergency Management

CONTINUATION SHEET

when a "suspect case" is reported rather than waiting until a case has been confirmed.

The Chairman stated he believed Mr. Teagarden should immediately notify the Secretary of Agriculture in the event of any future suspect cases. Mr. Teagarden stated he was not inclined to do so because he wants to limit the number of persons with access to such information.

Mr. Teagarden stated he contacted KLA, which is the lead on the communications team of the Kansas Foreign Disease Emergency Response Plan and then contacted the Kansas Emergency Management Office.

Mr. Teagarden distributed a list of Foreign Animal Disease Investigations conducted since October 4, 1999. (Attachment 3)

Senate Huelskamp stated that due to the inept handling of the "suspect cases" of foot-and-mouth, the Kansas Beef Industry lost approximately \$50 million. He submitted information relating to the information handling by the Livestock Commissioner's Office. (Attachment 4)

The hearing was concluded.

HB 2817 - Filing time for harvesting liens

Representative Melvin Minor testified in support of **HB 2817** which enlarges the time for filing a lien for payment to a harvester to 30 days and eliminate the interruption clause in current law. (Attachment 5) There being no additional conferees, the hearing was closed.

Senator Downey moved, seconded by Senator Morris, that HB 2817 be recommended favorably for passage and placed on the Consent Calendar. The voice vote was unanimous in favor of the motion.

HB 2818 - Creating the sunflower commodity commission

Senator Corbin moved, seconded by Senator Taddiken, that HB 2818 be recommended favorably for passage. The voice vote was unanimous in favor of the motion.

HB 2768 - Termination of pastureland tenancies

Senator Tyson moved, seconded by Senator Corbin, that HB 2768 be amended on Lines 39 and 40, by striking the words "January 1" and inserting the word "March 1". The voice vote was in favor of the motion.

Senator Corbin moved, seconded by Senator Tyson, that HB 2768 be recommended favorably for passage as amended. The voice vote was unanimous in favor of the motion.

HB 2660 - Repurchase of machinery, equipment and parts upon termination of dealership franchise agreements

Senator Morris moved, seconded by Senator Huelskamp, that HB 2660 be recommended favorably for passage. The voice vote was unanimous in favor of the motion.

HCR 5014 - Urging Congress to allow interstate marketing of state inspected meat

Senator Huelskamp moved, seconded by Senator Downey, that HCR 5014 be amended by inserting SCR 1619 in its entirety. A voice vote was taken and a division called for. The vote was Yes - 3, No - 4. The motion failed.

Senator Downey moved, seconded by Senator Schmidt that HCR 5014 be adopted. The voice vote was in favor of the motion.

The meeting adjourned at 9:30 a.m.

The next meeting is scheduled for March 20, 2002.

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: March 19, 2002

NAME	REPRESENTING
Lisa Taylor	Dept. of Ag
Jamie Clover Adams	KS Dept of Agriculture
Dr Evan m Sumner	KS Dept of Agriculture
Maj Gen Greg Gardner	Adjutant General
George Teagarden	K A H D
John Miller	Associated Press
Judd Johnson	KLA
Mike Beam	Ks. Livest. Assn.
Matt Teagarden	KLA
Terry Knowles	KBI
Keith Bradshaw	Dir. of K Budget
BETH RIFFEL	Grass + Grain
EDWARD ROWE	LEAGUE OF WOMEN VOTERS/KS
KEN IN VARNER	USDA-APHIS-Vet. Services
GARY WELCHER	USDA/APHIS/US SXTERN
Tom Brown	Farm Credit Services
Mike Jover	Ks Pork
Bill Howyill	Oars office
STEVE RARRICK	ATTORNEY GENERAL

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: _____

NAME	REPRESENTING
Shelley King	Atty. Gen. Ofc.
Rick Fleming	Securities Commission
Don Ryan	KCA
Jim Allen	Sea Grant
Victoria London	Visitor
Leslie Kaufman	Ks Farm Bureau
Connie Fischer	KDoc & H - Ag Marketing

TIMELINE OF ACTIVITIES
FMD SUSPECTS AT HOLTON LIVESTOCK MARKET

Tuesday, March 12

1:30 p.m. Dr. Zimmerman, market veterinarian at Holton, reported possible FAD to Dr. Grosdidier at KAHD. Zimmerman reported oral lesions in a consignment of cows. USDA Veterinary Services Topeka office also notified.

1:30 p.m. to 5:00 p.m. Cattle were isolated under continuous supervision of Dr. Zimmerman.

5:00 p.m. Dr. Grosdidier arrived at Holton market and performed a visual inspection of suspect animals. No outward clinical signs were apparent. Cattle were moved into chute area for physical examination. First cow through the chute had lesions in the mouth area. Eight cows had mouth and tongue lesions and slightly elevated, though not abnormal temperatures. Cattle didn't have foot or teat lesions characteristic of FMD. Tissue and blood samples were collected.

8:00 p.m. Dr. Grosdidier talked about results of animal examination with Teagarden. Reported the lesions were more likely feed-related, not FMD. Dr. Grosdidier has firsthand experience in diagnosing FMD, both at the USDA lab in Plum Island, New York, and last year in the U.K. KAHD, in concurrence with USDA, made the collective decision not to order the market closed or quarantine the animals, both of which could have disrupted market activities.

9:00 p.m. Cattle were taken back to initial holding pen and remained isolated.

10:00 p.m. Further discussions among KAHD and USDA Vet Services concluded it was likely not FMD, but as a precautionary measure, arrangements were made to ship results to Plum Island. It was too late to use overnight delivery, so Dr. Grosdidier was scheduled to hand-carry the samples to Plum Island.

Wednesday, March 13

6:30 a.m. Dr. Grosdidier leaves KCI with samples enroute to Plum Island, New York.

8:00 a.m. Dr. Sam Graham from KAHD left Kingman to conduct further investigation at the farm of origin.

9:30 a.m. Deputy administrator of APHIS was made aware of investigation.

11:00 a.m. Teagarden left message about situation for Kansas Ag Secretary Jamie Adams. He also followed up in person with Dr. Even Sumner, who said he would discuss the matter with Adams.

Senate Agriculture Committee
Date *March 19, 2002*

Attachment # *1-1 thru 1-2*

11:30 a.m. Dr. Evans with USDA Vet Services in Topeka received a media call. Evans, the area epidemiologist, responded to two media inquiries, telling them this was a routine investigation similar to the 800 FAD investigations conducted nationwide last year. He told both outlets sample results would be available that evening. Shortly thereafter, USDA-APHIS in Washington, D.C., ordered media inquiries received by the Vet Services office in Topeka be directed to federal level. At that point, Dr. Varner ordered all media calls be directed to D.C., but the Vet Services staff continued to answer questions from producers, state agencies and legislators. At least 75 such calls were received.

11:35 a.m. Teagarden remained in constant contact with USDA.

12:00 p.m. Teagarden contacted KLA, which is a lead on the communications team of the Kansas Foreign Animal Disease Emergency Response Plan.

12:30 p.m. Teagarden contacted Kansas Emergency Management.

1:00 p.m. Dr. Graham returned to KAHD offices in Topeka, having substantiated the problem was feed-related. He agreed with Dr. Grosdidier that the problem was likely not FMD. Dr. Graham began answering calls from media and other sources.

8:15 p.m. USDA reported results of sample testing at Plum Island were NEGATIVE.

KLA has asked the Commodity Futures Trading Commission to investigate whether someone used the information for their own personal gain in the marketplace. The USDA Office of Inspector General is investigating the impact the information had on the market.

STATE OF KANSAS

BILL GRAVES, GOVERNOR

Jamie Clover Adams, Secretary of Agriculture

109 SW 9th Street

Topeka, Kansas 66612-1280

(785) 296-3556

FAX: (785) 296-8389



KANSAS DEPARTMENT OF AGRICULTURE

Memorandum

TO: Senate Agriculture Committee

FROM: Jamie Clover Adams

DATE: March 19, 2002

RE: FMD Rumor

The Kansas Department of Agriculture received its first call regarding a potential foot-and-mouth disease outbreak around noon CST Wednesday, March 13, from a western Kansas radio station. They had interviewed someone earlier in the day who said that foot-and-mouth disease was discovered in an eastern Kansas packing plant. The radio station didn't want to air the interview without confirming or denying the person's statement about FMD. We immediately contacted Mike Pierce, Meat and Poultry Inspection, to ask if he had heard anything about FMD in an eastern Kansas packing plant. He had not, but said he would phone USDA to ask if they knew anything.

Within minutes the second call arrived. It was Curt Thacker of Oster Dow Jones (formerly Bridge News), who was calling from the floor of the Chicago Mercantile. While KDA Public Information Officer Lisa Taylor was talking to Mr. Thacker, a coworker took a message from Bob Bergdorfer, Reuters, who said that Chicago Merc cattle futures were down sharply based on a report of FMD in Kansas.

These calls were reported to me and I immediately telephoned George Teagarden at the Kansas Department of Animal Health. I learned Mr. Teagarden was out of the office, so I asked for and spoke to Deb Duncan. She told me what she knew, and assured me that Mr. Teagarden believed this was a negative case. After I shared this information with my staff, more questions arose and I telephoned Ms. Duncan again. She told me Mr. Teagarden would call me and that he was probably trying to call me at that time.

Around 12:30 p.m. CST, I received a call from Kevin Herglotz, Deputy Chief of Staff to U.S. Agriculture Secretary Ann Veneman. He wanted to know what was going on. At that point, I had only sketchy details. While I was on the telephone with him, he received a call from Under Secretary Bill Hawks.

Senate Agriculture Committee
Date *March 19, 2002*

I received a message that George Teagarden had called while I was on the telephone with Mr. Herglotz. I returned the call to his cell phone and left a message. He returned the call shortly thereafter. He provided information that was then passed on to Lisa Taylor to prepare talking points. The talking points emphasized Kansas' proactive response to suspicious lesions and confidence that test results would confirm Kansas is FMD free. I then telephoned Don Brown, Public Information Officer for Governor Graves, to inform him of the situation and tell him what we knew. I also contacted Mr. Herglotz at USDA to relay the information I received from Mr. Teagarden.

Lisa Taylor phoned Dr. Evans, USDA acting veterinary in charge, to review the talking points to ensure we were communicating the same information. She later e-mailed him the points after she read a news account quoting him that 15 cattle had lesions. The Animal Health Department had told us eight. Dr. Evans responded that 16 animals were affected.

I received a telephone call from Governor Graves around 3 p.m. CST. He asked me to share what I knew with legislators. I shared with Senator Schmidt and Representative Johnson the information Mr. Teagarden had given me on the situation. Representative Johnson then had me brief the House Agriculture Committee at 3:30 p.m. CST.

Lisa Taylor called me at home around 8:15 p.m. CST. She received a call from Dr. Evans. The sample was negative. Shortly thereafter, I received an e-mail from Alicia Harrison, USDA public information office, confirming the negative finding.

Throughout the course of the day, KDA took more than 20 calls from reporters and others in the agricultural industry seeking information. The talking points prepared from details provided to me by Commissioner Teagarden were used to dispel rumors that Kansas was experiencing a foot-and-mouth disease outbreak and to inform callers that the tests were ordered as a routine measure in our state's foreign animal disease response plan.

Foreign Animal Disease Investigations

Federal	FY #	Date	Topic	Investigator	Species	Control Nr	Status
	00						
	1	10/04/99	Vesicular - Skin of Muzzle and Feet	Graham, Sam	Bovine	00KS0001	Closed
		06/14/2000	Lab Results: Graham, Sam,				
	2	10/26/99	Vesicular - Skin of Muzzle and Feet	Erwin, Phillip	Bovine	00KS0002	Closed
		06/14/2000	Lab Results: Erwin, Phillip,				
	3	11/04/99	Vesicular - Skin of Muzzle and Feet	Archer, Laurence	Equine	00KS0003	Closed
		06/14/2000	Lab Results: Archer, Laurence,				
	4	04/20/2000	Vesicular - Skin of Muzzle and Feet	Archer, Laurence	Bovine	00KS0004	Closed
		06/14/2000	Lab Results: Archer, Laurence,				
	5	07/21/2000	Vesicular - Skin of Muzzle and Feet	Sutton, Carolyn	Bovine	00KS0005	Closed
		09/28/2000	Close Investigation: Sutton, Carolyn;				
	01						
	1	12/11/2000	Vesicular - Skin of Muzzle and Feet	Sutton, Carolyn	Equine	01KS0001	Closed
	2	01/10/2001	Vesicular - Skin of Muzzle and Feet	Erwin, Phillip	Caprine	01KS0002	Closed
	3	03/26/2001	Central Nervous System	Graham, Sam	Bovine	01KS0003	Closed
	4	04/06/2001	Vesicular - Skin of Muzzle and Feet	Archer, Laurence	Bovine	01KS0004	Closed
	5	04/06/2001	Vesicular - Skin of Muzzle and Feet	Archer, Laurence	Bovine	01KS0004	Closed
	6	04/10/2001	Central Nervous System	Sutton, Carolyn	Bovine	01KS0006	Closed
	7	04/10/2001	Vesicular - Skin of Muzzle and Feet	Warren, Virginia	Bovine	01KS0005	Closed
	8	06/06/2001	Vesicular - Skin of Muzzle and Feet	Warren, Virginia	Equine	01KS0007	Closed
	9	07/10/2001	Vesicular - Skin of Muzzle and Feet	Warren, Virginia	Ovine	01KS0008	Pending Lab Results
	10	08/21/2001	Vesicular - Skin of Muzzle and Feet	Sutton, Carolyn	Bovine	01KS0009	Pending Lab Results
	11	08/30/2001	Vesicular - Skin of Muzzle and Feet	Graham, Sam	Bovine	01KS0010	Pending Lab Results
	12	08/30/2001	Vesicular - Skin of Muzzle and Feet	Sutton, Carolyn	Bovine	01KS0011	Closed
	13	09/05/2001	Vesicular - Skin of Muzzle and Feet	Grosdidier, Paul	Ovine	01KS0012	Pending Lab Results
	14	09/20/2001	Vesicular - Skin of Muzzle and Feet	Sutton, Carolyn	Bovine	01KS0013	Closed
	02						
	1	10/18/2001	Vesicular - Skin of Muzzle and Feet	Sutton, Carolyn	Bovine	02KS0001	Open
	2	12/14/2001	Vesicular - Skin of Muzzle and Feet	Graham, Sam	Bovine	02KS0002	Pending Final Diagnosis

Foreign Animal Disease has been ruled out on all "Pending Lab Results". The cases have not been closed pending a definitive diagnosis, and in some cases the final diagnosis hasn't trickled down.

George J. Jagers

Senate Agriculture Committee
Date March 19, 2002

Attachment # 3

STATE OF KANSAS



TOPEKA

SENATE CHAMBER

Tim Huelskamp
Senator, 38th District
P.O. Box 379, Fowler, KS 67844
(620) 646-5413 thuelska@ink.org
(810) 821-2712 (fax)

State Capitol-128-S
Topeka, KS 66612-1504
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Committee Assignments

INFORMATION TECHNOLOGY, CHAIRMAN
AGRICULTURE, VICE CHAIRMAN
ELECTIONS & LOCAL GOVERNMENT
NATURAL RESOURCES
REAPPORTIONMENT
WAYS & MEANS

3-19-02

F Y I

Senate Agriculture Committee
Date *March 19, 2002*

Attachment # *H-1 thru 4-10*

STATE OF KANSAS
KANSAS ANIMAL HEALTH DEPARTMENT

George Teagarden, Livestock Commissioner

708 SW Jackson Topeka Kansas 66603-3714

Phone 785/296-2326 FAX 785/296-1765

www.ink.org/public/kahd

For more information contact: George Teagarden (785) 296-2326

FOR IMMEDIATE RELEASE - March 14, 2002

USDA TESTS ON KANSAS COWS TURN UP NEGATIVE

(TOPEKA) - Samples from eight Kansas cows suspected of having Foot and Mouth Disease (FMD) were negative for the virus. According to Kansas Animal Health Commissioner George Teagarden, lesions observed by veterinarians were caused by beards in hay being fed, not FMD. While the samples were being tested at the USDA Foreign Animal Disease Laboratory in Plum Island, New York, the cattle in question were placed under quarantine as a precaution. One of the Kansas Animal Health Department's (KAHD) lead veterinarians inspected the actual premise from which the cows originated and found horses with similar oral blisters. The fact that horses cannot contract FMD served as strong evidence the problem was connected to the feed source.

← this is a quarantine or just isolation

USDA and KAHD routinely investigate suspected cases of foreign animal diseases, including FMD. Officials with both agencies are in the field and at ports-of-entry every day monitoring for the possible presence of foreign animal diseases. Last year alone, USDA tested about 800 samples for FMD. All were negative.

"These tests are part of our ongoing surveillance activities to prevent foreign animal diseases," said Teagarden. "This case shows the system works." KAHD, at the direction of the state livestock commissioner, operates with the purpose of ensuring the public health and safety of Kansas citizens through prevention, control and eradication of infectious diseases affecting livestock in the state. The agency monitors and controls the spread of livestock diseases by licensing and regulating public auction markets, feedyards, by-product plants and livestock dealers. In recent years, Kansas Animal Health Department worked with the livestock industry to successfully eradicate bovine brucellosis and tuberculosis and porcine pseudorabies.

Main Identity

From: "Great Plains Christian Radio" <kjil@kjil.com>
To: "Tim Huelskamp" <thuelska@ink.org>
Sent: Thursday, March 14, 2002 10:42 AM
Subject: Re: Foot-Mouth Disease

Hi Tim,

I got the rumor yesterday at about 12:15 and started calling State Agencies to get some official word. I knew that shutting down the rumor mill was very important and would mean thousands of dollars to individuals and millions to the Kansas economy. No one told me anything. Someone needs to take the leadership and get out the word quickly.

Don Hughes

KJIL

— most listened-to station in the OK-TX panhandles
and western Kansas.

At 11:04 PM 3/13/2002 -0600, you wrote:

>>>>

Dear Friends: Just a short reassurance. Despite the inadequacies of our state agencies to adequately respond to the potential situation, the USDA has determined that we definitely DO NOT have foot-mouth disease in Kansas. In my opinion, because of the lack of preparedness of our Animal Health Department, a situation developed that unnecessarily cause a huge decline in the cattle and corn markets today. By some estimates, if you had the pleasure of selling cattle today, the incompetence of our state could have cost you about \$30 per head. I am continuing to investigate the why's and how's of this situation and incident. I will let you know as soon as I am able. Sincerely, Senator Tim Huelskamp

--- [This E-mail scanned for viruses]

STATE OF KANSAS
Kansas Animal Health Department
708 SW Jackson
Topeka, Kansas 66603-3714
George Teagarden, Livestock Commissioner
Phone: (785) 296-2326 Fax: (785) 2961765

The Honorable Senator Huelskamp

March 14, 2002

The following is a response to the questions you submitted to the Kansas Animal Health Dept. at 12:30 p.m. on March 14, 2002:

1. *What was determined to be the differential diagnosis? (What other diseases were considered).*

Foot and mouth disease (FMD), vesicular stomatitis virus, trauma due to feed, or toxic substance(s).

2. *What forms of rapid test were used to rule in and rule out? For example did you run Elissa tests or titers of other common diseases?*

No rapid tests are available. The veterinarian:

- obtained a history of the animals,
- considered clinical signs,
- interviewed the producer,
- did a foreign animal disease diagnostic exam,
- conducted an Epidemiology investigation and
- collected samples of blood, swabs and ulcerated tissue. Those were sent to the foreign animal disease diagnostic lab.

1. *If tests for other diseases were run, what were the results and how was this preliminary data utilized to adjust/refine our approach to FMD?*

The FADDL would run a panel of tests to rule out vesicular disease. That test was run initially on FMD and it was ruled out. CF (compliment fixation) was negative. Elissa was also negative. Virus isolation was set up but results are not yet available. The CF test is a definitive test.

4. *What rapid tests are available and held in standby?*

None are available at this time.

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5. *If no other tests were run, why not? Why was FMD announced when it seems it is related to something eaten?*

The FMD test was negative so there was no need to run other tests. The FMD was not announced. The event took place at a public livestock market. Someone from the public leaked the misinformation inappropriately.

6. *If it was due to something being eaten, is this more related to a toxin vs. an infection, so will we have this high profile problem with lead toxicity, cocklebur, and nitrate poisoning in Sudan grass?*

The condition was related to mechanical trauma from rough feed. Toxicity's are not contagious. Any ulcer, blister, or related clinical signs should be examined with vesicular disease in mind. Since 1929 no investigation for FMD has been positive in the US. About 800 investigations were done in Federal Fiscal year 2001. Twelve of those investigations were from Kansas.

7. *If this was merely a toxin related incident what procedures are in place to assist practitioners in rule in/rule outs?*

If the practitioner had any suspicion of a foreign animal disease, he or she can contact the state or federal animal health authorities to have an FADD investigate and examine the animal

8. *Who do practitioners contact in this type of event first?*

A state or federal veterinarian or their offices.

9. *Is this process coordinated with federally accredited veterinarian programs? How?*

As part of the accreditation, accredited veterinarians are educated about their responsibilities to report reportable diseases.

10. *What would have been the cascading events to go through an FMD emergency procedure?*

The state emergency disease plan would be activated.

11. *What is the "trigger" that initiates a complete emergency process?*

A strong suspicion of, or a definite diagnosis of a foreign animal diseases or other events that would cause adverse economic consequences to the agricultural producers

12. *What has to happen for the FMD emergency procedures to be implemented?*

See answers to 10 and 11.

13. What was the procedure for quarantining the animals on Tuesday?

They were isolated as well as they could be at the market.

this is not a quarantine !!

Additional questions asked by Raney Gilliland, Kansas Legislative Research:

14. Could I get a copy of all press releases from the Department with respect to the Holton event?

On March 14, 2002, the Department issued one press release. A copy was hand-delivered to all Senators and Representatives on that date.

15. Did the agency track all of the livestock that were at the Holton Livestock Market? Did buyers have to tell where they were going? What is the protocol here?

Examine market records, which would indicate the destination of all livestock leaving the market.

16. Could we have a chronological list of happenings with times for the Holton event?

We are compiling this information. We do not have it at this time.

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".

What was
our
assessment!

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} be placed on the farm;
- The Governor and the Emergency Management Office ^{will} be notified,
- The Emergency Response Plan ^{will} be initiated,
 - An appropriate movement control zone ^{will} be established around the farm,
 - The local extension agricultural agent and county emergency managers ^{will} be notified,
 - All trace-ins and trace-outs ^{will} 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 Response Plan

H-7

- 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. *Did we reach this level?*

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:



KANSAS DEPARTMENT OF AGRICULTURE

FOOD SAFETY AND CONSUMER PROTECTION PROGRAMS

MEAT & POULTRY INSPECTION

109 SW 9TH Street, 3RD Floor

Topeka, Kansas 66612

Tel: (785) 296-3511

Fax: (785) 296-0673

Jamie Clover Adams
Secretary

Dr. E. M. Sumner
Program Manager

MEMORANDUM

TO: Jamie Clover Adams

FROM: E. M. Sumner, D.V.M.

DATE: November 1, 2001

SUBJECT: Foreign Animal Disease Response Plan

Late yesterday afternoon Ag I Inspector Todd Blaske called the Topeka office requesting a disposition veterinarian contact him at Bob's Locker in Washington, KS. Dr. Bryant was paged. After Dr. Bryant spoke with Todd, he called to inform me that this inspector had found oral lesions in a beef animal on post mortem exam. The animal was unremarkable and normal on ante mortem exam.

Because of the lesions described, a foreign animal disease could not be ruled out. Dr. Bryant was immediately dispatched to examine the gross pathology of this case. In trying to institute our emergency action plan, I was unable to reach Dr. Varner of USDA-APHIS and the Kansas Animal Health Department had already closed for the day. I did reach Dr. Ginny Warren who is the Northeast Kansas Area Veterinarian for USDA-APHIS and she in turn contacted Dr. Varner who called me immediately. This action was to alert USDA to the situation so they would be available later if required. Dr. LewAnn Schneider the Northeast Veterinary Supervisor for our department was also advised of the situation.

As per our action plan, the Ag I Inspector remained at the plant and no condemned or inedible material left the establishment. He prepared a list of all individuals who had been in the establishment that day and followed protocol very well. He should be commended.

It was determined by Dr. Varner and myself that we would wait for the gross pathological evaluation by Dr. Bryant before any further action would be taken such as dispatching USDA-APHIS veterinarians to the location and contacting local law enforcement officials. This is as per our response plan.

Dr. Bryant reported that these lesions were consistent with trauma as a cause and were not indicative of any vesicular foreign animal disease. All lymph nodes and organs from this animal were also normal. This was great relief to all of us.

It was a good test for our action plan against Foot and Mouth disease. The important point from this incident is that the front line inspector did an exceptional job by recognizing an abnormality that requires an immediate response and taking the actions he did. Our Response Plan was also carried out to its logical conclusion, and it performed very well.

4-9

Foreign Animal Disease Investigations

FY #	Date	Topic	Investigator	Species	Control Nr	Status	
00	1	10/04/99	Vesicular - Skin of Muzzle and Feet	Graham, Sam	Bovine	00KS0001	Closed
		06/14/2000	Lab Results:	Graham, Sam,			
	2	10/28/99	Vesicular - Skin of Muzzle and Feet	Erwin, Phillip	Bovine	00KS0002	Closed
		08/14/2000	Lab Results:	Erwin, Phillip,			
	3	11/04/99	Vesicular - Skin of Muzzle and Feet	Archer, Laurence	Equine	00KS0003	Closed
	06/14/2000	Lab Results:	Archer, Laurence,				
4	04/20/2000	Vesicular - Skin of Muzzle and Feet	Archer, Laurence	Bovine	00KS0004	Closed	
	08/14/2000	Lab Results:	Archer, Laurence,				
5	07/21/2000	Vesicular - Skin of Muzzle and Feet	Sutton, Carolyn	Bovine	00KS0005	Closed	
	08/28/2000	Close Investigation:	Sutton, Carolyn;				
01	1	12/11/2000	Vesicular - Skin of Muzzle and Feet	Sutton, Carolyn	Equine	01KS0001	Closed
	2	01/10/2001	Vesicular - Skin of Muzzle and Feet	Erwin, Phillip	Caprine	01KS0002	Closed
	3	03/26/2001	Central Nervous System	Graham, Sam	Bovine	01KS0003	Closed
	4	04/06/2001	Vesicular - Skin of Muzzle and Feet	Archer, Laurence	Bovine	01KS0004	Closed
	5	04/06/2001	Vesicular - Skin of Muzzle and Feet	Archer, Laurence	Bovine	01KS0004	Closed
	6	04/10/2001	Central Nervous System	Sutton, Carolyn	Bovine	01KS0006	Closed
	7	04/10/2001	Vesicular - Skin of Muzzle and Feet	Warren, Virginia	Bovine	01KS0005	Closed
	8	06/08/2001	Vesicular - Skin of Muzzle and Feet	Warren, Virginia	Equine	01KS0007	Closed
	9	07/10/2001	Vesicular - Skin of Muzzle and Feet	Warren, Virginia	Ovine	01KS0008	Pending Lab Results
	10	08/21/2001	Vesicular - Skin of Muzzle and Feet	Sutton, Carolyn	Bovine	01KS0009	Pending Lab Results
	11	08/30/2001	Vesicular - Skin of Muzzle and Feet	Graham, Sam	Bovine	01KS0010	Pending Lab Results
	12	08/30/2001	Vesicular - Skin of Muzzle and Feet	Sutton, Carolyn	Bovine	01KS0011	Closed
	13	09/05/2001	Vesicular - Skin of Muzzle and Feet	Grosdidler, Paul	Ovine	01KS0012	Pending Lab Results
	14	09/20/2001	Vesicular - Skin of Muzzle and Feet	Sutton, Carolyn	Bovine	01KS0013	Closed
02	1	10/18/2001	Vesicular - Skin of Muzzle and Feet	Sutton, Carolyn	Bovine	02KS0001	Open
	2	12/14/2001	Vesicular - Skin of Muzzle and Feet	Graham, Sam	Bovine	02KS0002	Pending Final Diagnosis

Where is the Oct. 31 incident?

Foreign Animal Disease has been ruled out on all "Pending Lab Results". The cases have not been closed pending a definitive diagnosis, and in some cases the final diagnosis hasn't trickled down.

George Ferguson

STATE OF KANSAS



TOPEKA

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JOINT COMMITTEE ON
STATE BUILDING CONSTRUCTION

THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE YOUR COMMITTEE.

THE PROBLEM THAT **HB 2817** HELPS CORRECT WAS BROUGHT TO MY ATTENTION BY ONE OF MY CUSTOM HARVESTERS.

UNDER THE CURRENT LAW, A HARVESTER ONLY HAS FIFTEEN (15) DAYS AFTER COMPLETION TO FILE A LIEN FOR PAYMENT FOR HIS WORK. THIS BILL WOULD CHANGE THAT TIME TO THIRTY (30) DAYS AND ELIMINATE THE INTERRUPTION CLAUSE IN THE CURRENT BILL.

THIRTY (30) DAYS WOULD GIVE THE HARVESTER TIME TO DETERMINE IF THE FARMER IS GOING TO PAY HIM OR NOT.

I WOULD BE WILLING TO STAND FOR QUESTIONS.

REPRESENTATIVE MELVIN MINOR
DISTRICT #114

Senate Agriculture Committee
Date *March 19, 2002*

Attachment # *5*