



# TEXAS CATTLE FEEDERS ASSOCIATION

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# NEWSLETTER

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## **USDA APHIS Extends Comment Period for TB – Brucellosis Rule**

In today's edition of the *Federal Register*, the USDA Animal and Plant Health Inspection Service published a notification extending until May 16, 2016, the comment period for the proposed rule which aims to revise the domestic bovine tuberculosis and brucellosis programs and combine them under one governing regulation. TCFA, NCBA and a number of other cattle and dairy groups requested an extension from the original date of March 15 to allow more time to conduct a thorough analysis of the proposed rule and draft detailed comments. TCFA has formed a working group of veterinary and industry experts to help review the rule and develop comments.

The rule was first published on December 16, 2015, and can be found at <http://tinyurl.com/APHIS-3-11-16>.

## **Abbott Appoints Vermedahl to TAHC, Fills Other Positions**

On Tuesday, Texas Gov. Greg Abbott appointed TCFA Past Chairman Leo Vermedahl to represent the cattle feeding industry on the Texas Animal Health Commission. Vermedahl will serve out the unexpired term created by the resignation of Ernie Morales, the former cattle feeding representative and chairman of the Commission. The appointment expires on Sept. 6, 2017, but TCFA fully expects Vermedahl will be reappointed to serve a full five-year term.

"Leo and his family have been in the cattle industry for over 50 years. His business and industry experience, community involvement, commitment to excellence and vision uniquely qualify him to make a significant contribution to the Commission," said TCFA CEO Ross Wilson. "Leo is respected by his peers and has extensive experience in all aspects of the cattle industry. In fact, his expertise in animal nutrition along with his experience in business management would serve as an invaluable resource toward many of the issues facing the cattle industry and the Commission."

Gov. Abbott also appointed Colman Locke of Hungerford, Texas, to a five year term to represent the beef cattle industry and Chairman of the Commission. Locke, who has served on the Commission since 2004, is a partner and manager of the Locke Division of J.D. Hudgins Ranch and president of J.D. Hudgins, Inc. He is a director and executive committee member of the Texas and Southwest Cattle Raisers Association and lifetime committeeman of the Houston Livestock Show and Rodeo.

Additionally, the Governor appointed Stephen Selman of Woodway to represent the poultry industry and Jim Eggleston of Weatherford to represent the general public. Both of their terms expire on Sept. 6, 2021.

## **EPA Says Activists Lack Standing To Challenge CAFO Reporting Exemption**

In a brief submitted to the U.S. Court of Appeals for the D.C. Circuit, the Environmental Protection Agency (EPA) asserts that the Waterkeeper Alliance does not have standing to sue the agency over certain environmental reporting exemptions for CAFOs and urges the Court to dismiss the case.

The Waterkeeper Alliance, an environmental activist group, filed a lawsuit against the EPA challenging the legality of a 2008 rule that largely exempts CAFOs from reporting requirements under the Comprehensive Environmental Response, Compensation & Liability Act (CERCLA) and the Emergency Planning and Community Right-to-Know Act (EPCRA).

EPA in their call for dismissal says Waterkeeper "has not established standing to challenge the CERCLA provisions of the Rule because the statute does not provide public access to reports that may be filed under CERCLA." Therefore, Waterkeeper's CERCLA rule challenge should be dismissed, "leaving this Court without a basis to exercise jurisdiction over the EPCRA challenges," EPA says.

The EPA also claims that the reporting provisions in the two laws are ambiguous, with Congress leaving open the question as to whether the agency, through regulation, can exempt hazardous substance releases in reportable quantities from reporting requirements in situations where the reporting would not meaningfully achieve the main purpose of reporting requirements, response actions.

TCFA will continue to monitor the legal proceedings and provide updates.

### **NCBA Files Amicus Brief in Hawkes Case**

Late last week, NCBA and five other trade associations filed an amicus brief with the Supreme Court of the United States in anticipation of a March 30 hearing on the pending case *Army Corps of Engineers (Corps) v. Hawkes Co., et al.* Ultimately, the Court's opinion will determine whether a landowner may seek judicial recourse against a federal agency's jurisdictional determination prior to denial of a permit or an enforcement action.

Landowners generally must determine whether property is subject to federal regulation under the Clean Water Act (CWA) prior to development. An official jurisdictional determination from the Corps describes which areas, if any, are jurisdictional and governs whether the landowner will need a permit to develop the property.

In this case, the Corps issued a jurisdictional determination asserting regulatory authority over a portion of the property they contend is a wetland with nexus to a waters of the U.S. and requiring a dredge and fill permit. The landowners and the company disagree with the Corps assertion that the land is subject to federal regulation and filed a lawsuit in U.S. District Court seeking judicial review under the Administrative Procedures Act.

The District Court sided with the Corps argument that a jurisdictional determination is not subject to judicial review because it is not a final agency action. However, the landowners appealed the case to the U.S. Eighth Circuit Court of Appeals who reversed the lower court's decision, finding that the jurisdictional determination is a final agency action that can be challenged in court. The Corps then appealed decision to the Supreme Court.

The Supreme Court's decision in this case will have broad ramifications for cattle producers, farmers and other property owners across the country. The NCBA amicus brief supports the position of Hawkes and the property owner.

### **FDA Responds to Producer Questions on Antibiotics, VFD**

The FDA issued a letter last week answering 35 questions from livestock producers, veterinarians and feed suppliers on the implementation of new policies designed to limit the use of medically important antibiotics in agriculture. The questions were first posed during 12 regional workshops sponsored by the Farm Foundation last year. The agency was unable to address the questions at that time because of the open public comment period on the Veterinary Feed Directive (VFD) rule.

Some key takeaways: FDA plans to educate and train those affected by the changes before conducting enforcement activities like risk-based surveillance and for-cause inspections in partnership with state regulators; feed mills must keep distribution records for two years; FDA doesn't currently have plans to eliminate all over-the-counter antibiotics used in animals; and the agency needs more data on on-farm antibiotic use practices to understand the links between usage and trends in antibiotic resistance to assess whether its strategies are successful; photos/videos are not sufficient to establish a veterinary-client patient relationship for purposes of the VFD. The letter also answers questions on dosage, disposal and records retention for entities that have a staff veterinarian, a feedmill and own livestock.

See all of FDA's responses at <http://tinyurl.com/VFD-3-11-16>.

### **FDA Issues Guidance on Animal Feed Safety**

The U.S. Food and Drug Administration (FDA) issued this week its Guidance for Industry (203) Ensuring Safety of Animal Feed Maintained and Fed On-Farm. This document does not create any new regulations for animal feed, but provides recommendations based on FDA's research and information. This Guidance is focused on helping veterinarians, nutritionists and producers avoid consequences associated with livestock feed possibly contaminated with mycotoxins, pesticides, excessive minerals or toxins.

To read the Guidance, visit <http://tinyurl.com/FDA-3-11-16>.

### **Changes in Leadership for FDA's Foods and Veterinary Medicine Program**

The U.S. Food and Drug Administration's (FDA) Deputy Commissioner for Foods and Veterinary Medicine Michael Taylor will be leaving the agency on June 1, 2016. As part of a succession plan, Dr. Stephen Ostroff will become the second Deputy Commissioner for Foods and Veterinary Medicine upon Mr. Taylor's departure.

Prior to serving as acting FDA commissioner, Dr. Ostroff joined FDA in 2013 as chief medical officer in the Center for Food Safety and Applied Nutrition and senior public health advisor to Mr. Taylor and in 2014, was named the agency's chief scientist.

Taylor joined FDA in July 2009 and plans to continue working in the food safety arena, focusing on those settings where people lack regular access to sufficient, nutritious and safe food.

To read the full press release, visit <http://tinyurl.com/FDA-03-11-16>.

### **NAMI Releases Results of Thermal Processing Research**

The Foundation for Meat and Poultry Research and Education has posted results of a report from the North American Meat Institute (NAMI) that analyzed the development of thermal processing tools to improve the safety of ready-to-eat meat and poultry products.

The study sought to investigate the effect that certain thermal processing parameters and product characteristics have on the thermal inactivation of pathogenic *Salmonella* and *L. monocytogenes*; develop scientifically-based, regulatory-supported and industry-useful thermal processing parameters to assure pathogen destruction and regulatory compliance in pre-cooked meats considering the vast array of products and thermal processing methods.

According to the study, results confirmed that cooking temperatures and times currently being widely used in the meat and poultry industries following USDA, FSIS Appendix A for thermal lethality are sufficient to kill 1) *Salmonella* when the end point cooking temperatures meet or exceed 140°F for non-impingement processes and 2) *L. monocytogenes* when the end point cooking temperatures meet or exceed 160°F for non-impingement processes.

To view the full report, visit <http://tinyurl.com/NAMI-3-11-16>.

### **Three Consumer Groups With Whom Producers Should Connect**

*Beef Magazine* published a blog this week in reference to research from the Center for Food Integrity on consumer groups with whom producers should be most interested in connecting. The article cites moms, millennials and foodies as the main groups who are more likely to be reached for agriculture by connecting with producers rather than being “educated” with scientific content and facts.

To learn more, visit <http://tinyurl.com/BEEF-3-11-16>.

### **Cargill Announces Reduced Antibiotic Use in Feedyards**

Cargill announced this week that it would be reducing shared-class antibiotic use by 20 percent in its four feedyards in Texas, Colorado and Kansas as well as four Friona Industries feedyards in Texas. The total number of cattle impacted by this change is projected to be approximately \$1.2 million. Cargill also announced that it would increase to 90 percent Beef Quality Assurance certified feedyards in its supply chain by 2018.

To read the full press release from Cargill, visit <http://tinyurl.com/Cargill-3-11-16>.

### **TCFA BQA Cattle Care & Handling Seminar**

TCFA, in conjunction with Texas A&M AgriLife Extension Service, will host three upcoming Beef Quality Assurance (BQA) Cattle Care & Handling seminars for member feedyards. The date and locations options will be as follows: April 19 at Bartlett I, Tulia; April 20 at Dawn Custom Cattle Feeders, Dawn; and April 21 at Cactus Feedyard, Cactus.

Dr. Ted McCollum will present the principles of cattle handling, movement of non-ambulatory cattle and proper euthanasia of cattle with an emphasis on cattle flight zone, point of balance, basic instincts of cattle and human interaction. Mr. Curt Pate will help participants will gain a better understanding of the differences of handling cattle, horseback or on foot. During separate live cattle demonstrations, cattle will be moved in groups using horses or by foot depending on feedyard location. In addition, the concepts for gentle handling of groups of cattle being moved out of a pen as well as the proper technique for pulling a sick animal for treatment will be discussed. Dr. Ron Gill will present a session on processing cattle, including key concepts like the importance of facility design, understanding the capacity and capabilities of the facilities available, establishing cattle flow, working cattle in the box vs. the tub and ensuring proper handling and movement of cattle from the first day of arrival until they are shipped out.

Each one-day program will be held from 9:00 a.m. to 3:30 p.m. Attendees will receive signed training logs that can be used to fulfill the TCFA BQA requirements for annual employee training. The registration fee is \$30 per person or \$100 per feedyard for unlimited employees. The deadline to register is April 15. For more details and to register, including how to register, visit <http://tinyurl.com/BQA-2016-03-11>.

### **2016 Cattle Raisers Convention**

The 2016 Cattle Raisers Convention will be held at the Fort Worth Convention Center on April 8-10. Cattle producers will network while discussing current issues facing the industry.

For more information about the 2016 Cattle Raisers Convention, visit <http://tinyurl.com/cattle-raisers-conv>.

## 2016 Fed Beef Challenge

The best cattle in Cattle Feeding Country will make their way to the historic Amarillo Livestock Auction on Wednesday, April 13 for the 2016 TCFA Fed Beef Challenge. Feedyards from throughout the TCFA area will bring their top quality steers, heifers and Holstein steers to compete for awards, cash and bragging rights. In addition to the carcass contest to determine the best beef, there will be a live evaluation contest, steak feed and special activities benefiting the TCFA Education Foundation. Visit [www.tcfa.org/news-events/fbc.html](http://www.tcfa.org/news-events/fbc.html) for contest rules and the printable entry form. Contact Brady Miller at (806) 358-3681 or [brady@tcfa.org](mailto:brady@tcfa.org) for more information.

## Calling All Junior Cattle Feeders

The start of the 2016 Junior Fed Beef Challenge is just around the corner. Junior cattle feeders from all across Cattle Feeding Country will compete for scholarships, cash and prizes by participating in four phases of the event, including carcass merit, record keeping, written exam and oral presentation or interview. Steers can be validated March 1 – March 28. Find all contest details at [www.tcfa.org/news-events/fbc.html](http://www.tcfa.org/news-events/fbc.html), or contact Brady Miller at (806) 358-3681 or [brady@tcfa.org](mailto:brady@tcfa.org).

## 2016 TCFA Feedyard Camp

TCFA, in conjunction with Texas A&M AgriLife Extension Service and West Texas A&M University, will host the 2016 Junior Fed Beef Career & Leadership Program, also known as “Feedyard Camp.” The program is open to incoming high school juniors or seniors who are interested in a career in the fed beef industry.

Participants will receive hands-on instruction about feedyard operations, as well as career opportunities in the fed beef industry. Students can obtain an application, which must be returned to TCFA by May 1, online at <http://tinyurl.com/fy-camp>. The registration fee for camp is \$100, which covers all costs excluding travel to and from Canyon. Contact Brady Miller at [brady@tcfa.org](mailto:brady@tcfa.org) or Rachel Hernandez at [rachel@tcfa.org](mailto:rachel@tcfa.org) with any questions.

## TCFA Members Host McDonald’s Sustainability Group

Several TCFA members along with NCBA hosted a group of three McDonald’s corporate sustainability personnel for a beef immersion experience to allow them to see how beef is raised in the U.S. McDonald’s attendees included Keith Kenny, Vice President, Worldwide Sustainability; Susan Forsell, Vice President, U.S. Sustainability; Rickette Collins, Director, U.S. Supply Chain. Also represented was Nicole Johnson-Hoffman, Vice President and North America Managing Director for the McDonald’s Business Unit with Cargill. The guests were able to visit the J.A. Ranch to learn about cow-calf production and Wrangler Feedyard to learn about cattle feeding.



Pictured L to R: Kim Stackhouse-Lawson, NCBA; Dale Smith, J.A. Ranch; Ross Wilson, TCFA; Jim Lovell, Bartlett Cattle Co.; Rickette Collins, McDonald's; Susan Forsell, McDonald's; Keith Kenny, McDonald's; Nichole Johnson-Hoffman, Cargill; Jav O'Brien, J.A. Ranch; and Ben Weinheimer, TCFA.

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**Texas Cattle Feeders Association**

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