

MINUTES

SPECIAL COMMITTEE ON KANSAS SECURITY

November 12, 2003
Room 123-S—Statehouse

Members Present

Senator Jay Scott Emler, Co-Chairman
Representative Lee Tafanelli, Co-Chairman
Senator Jim Barone, Ranking Minority Member
Senator Larry Salmans
Senator Dave Jackson
Representative Joe Shriver
Representative Sydney Carlin
Representative Mario Goico

Members Absent

Representative Carl Krehbiel
Senator Nick Jordan

Staff Present

Robert Waller, Kansas Legislative Research Department
Bruce Kinzie, Office of the Revisor of Statutes
Dee Ann Woodson, Committee Secretary

Conferees

George Teagarden, Livestock Commissioner, Kansas Department of Animal Health
Dan Riley, Chief Legal Counsel, Kansas Department of Agriculture
Janet McPherson, National Director-Governmental Relations, Kansas Farm Bureau
Allie Devine, Vice President and General Counsel, Kansas Livestock Association

Morning Session

Co-Chairman, Representative Tafanelli, called the meeting to order at 9:05 a.m., and asked the Committee to review the minutes from the October 21 meeting. *Senator Barone made a motion to approve the minutes as written, seconded by Senator Jackson. Motion carried.*

Co-Chairman Tafanelli welcomed George Teagarden, Livestock Commissioner, Kansas Animal Health Department (KAHD), to give a review of legislation passed relating to animal security. Commissioner Teagarden explained that with the passage of 2001 Substitute for HB 2468, the emergency declaration statutes were more easily accessed, and made it easier for the Governor to maintain an emergency for an extended length of time. The statute read that the Governor could declare an emergency for 15 days, and that emergency could be extended another 30 days with Finance Council authority. The change in the statute in 2001 allowed the Governor to extend the declaration of 45 days for 30-day periods of time with unanimous consent of the Finance Council until the Legislature convenes session.

Commissioner Teagarden further explained additional changes to the statute which included establishing a quarantine area. He added that the statute also spoke to Foot-and-Mouth indemnity being paid by a county commission or the federal government, and the intent to use federal funds first if at all possible and then utilize county funds. He noted that the statute states that state expenses would be paid by the state. Commissioner Teagarden remarked that the bill also increased penalties for exposing any animal to an infectious or contagious disease, which is now a Class A non-person misdemeanor. He noted that importing animals or exposing animals to Foot-and-Mouth disease (FMD) is a Severity Level 4, non-person felony.

Commissioner Teagarden informed the Committee that the statute also eliminated the legal feeding of garbage to animals except one's own garbage to their own animals. He disclosed that KAHD was going to conduct a survey relating to garbage feeding which will be directed at hospitals, school districts, and other large entities that produce a lot of garbage to ensure they are not currently selling or giving their waste to any producers.

Senator Salmans asked what the reason was for discontinuing the feeding of garbage. Commissioner Teagarden responded that it would eliminate the high risk of disease being introduced into this state's animals, and noted that garbage feeding was the cause of the Foot-and-Mouth outbreak which occurred in the United Kingdom. Senator Salmans commented that he felt it was somewhat overkill, and that garbage feeding, if handled properly, could be beneficial. He added that currently there had been no reported cases of FMD in Kansas. Commissioner Teagarden responded that there was only one person feeding garbage at the time the law was changed.

Co-Chairman Tafanelli asked Commissioner Teagarden if there was anything the Legislature needed to do to assist KAHD in terms of protecting the food supply. He responded that there were two initiatives, one of which was authorizing pre-approved burial sites especially for large operations like feedlots. He said currently they are approaching the initiative on a voluntary basis, and regional meetings in conjunction with the Kansas Department of Health and Environment (KDHE) will be conducted starting in January to discuss the issue. Commissioner Teagarden explained that the other initiative that is rapidly coming to the forefront is animal identification which is a national plan for premise identification and eventually individual animal identification for all species of livestock. He stated that the statutes may need to be changed to give KDHE the authority to register those premises and make individual identifications available. However, before KAHD demands mandatory reporting, it will be done on a voluntary basis for a year, and if they do not get a good response, a possible change will occur in 2005. He noted that some producers are concerned about privacy

issues of their operations relating to the numbers they have or exact locations, but thought this could be taken care of very easily.

Co-Chairman Tafanelli inquired about the relationship between KDHE and producers in the industry, and whether they are working together to come up with safeguards and strategies that the industry can live with. Commissioner Teagarden responded that there was a national task force, of which he was a member, where the membership is made up of more producers than government personnel. The producers will have a huge influence on how the identification system is being designed and noted that the program at the federal level was in the third drafting stage with additional instructions provided by the U.S. Animal Health meeting held in October. He added that when completed, the states will have to pass some legislation in order to comply with the mandates of that program.

Commissioner Teagarden talked briefly about 2002 SB 395, and explained that the statute clarified that animal and plant disease could be declared a disaster, and that the Governor had the authority to do so.

Co-Chairman Tafanelli called upon Dan Riley, Chief Legal Counsel, Kansas Department of Agriculture (KDA), for his comments regarding legislation passed relating to agricultural security. Mr. Riley stated that there were five statutes that have been adopted recently that impact food security. He began with 2003 SB 31 which dealt with endangering the food supply, in addition to the animal aspects of that statute. There were also provisions contained within the bill that made it part of the same felony package for bringing, releasing, or exposing any plant intentionally to a plant disease. It also made the action of exposing any raw agricultural commodity, animal feed, or processed food to a contaminant, contagious, or infectious disease as a part of that same felony framework.

Co-Chairman Tafanelli asked whether the Department felt there was sufficient statutory authority to deal with food safety security. Mr. Riley replied yes at this time.

Mr. Riley, continued by explaining the provisions of 2001 Substitute for SB 36 which expanded the Farm Animal and Field Crop Research Facilities Protection Act to extend the coverage to field crops. He stated the legislation was in response to several situations that occurred in a few of the surrounding states as far as intentional acts to damage test plots and protest actions against various GM type test plots and activities. He stated that Kansas fortunately did not have that particular set of circumstances to deal with.

Mr. Riley discussed 2001 SB 139, which expanded the state laws relating to domestic animal activities to include bison, camels, giraffes, or any other creature of the ratite family. He stated this particular statutory language amended the Meat and Poultry Act to allow slaughter of bison in what is an expanding industry in Kansas.

Mr. Riley also discussed 2002 SB 334, which amended the provisions of the commercial feeding stuffs law, and allows the Secretary of Agriculture to issue and enforce printed stop sale orders for any commercial feeding stuff which may contain any substance injurious to public health.

Senator Barone inquired if the state has detrimentally impacted the marketability of some of our farm products, particularly Karnal bunt. Mr. Riley responded that the Karnal bunt issue has been around for years, and restrictions had been placed on seed coming into Kansas and also on the seed cleaning equipment. The states that have the problem, primarily Texas and Oklahoma, try to downplay the impact and consequences, while the states that do not have Karnal Bunt attempt to keep it from spreading to their state. He explained what the USDA had done in Texas to try and contain it to a three or four county area, and discussed the change and reduction in USDA restrictions.

Senator Salmans asked in regard to the crossing of the borders by custom cutters coming from Oklahoma to Kansas. Mr. Riley replied that the original Karnal bunt order required that any time a custom cutter or other entity harvests in a Karnal bunt problem area, their equipment has to be cleaned and certified before it enters the state. He noted KDA has tried to educate and simplify that cleaning process as much as possible, and voluntary compliance has been good.

Co-Chairman Tafanelli called upon Commissioner Teagarden to give a review of the Emergency Incident Website. Mr. Teagarden explained that during the Department's planning for emergency disease action, a major part of the plan was the Public Information Team which would be working full time in developing information for the public. He stated that the website is not yet operational but some preliminary work has been performed, due to time and fiscal restraints. Once operational, during an emergency, it would be available to the public for general information about the exercise or emergency action, and also contain a secured section for personnel to access information that does not need to be made public, or for the dissemination of classified information for KAHD, counties, or other state agencies. He stated they are still in the planning stages, and have the capability of working with the Division of Emergency Management (DEM) in developing that type of website.

Committee questions and discussion related to clarifying what type of information would be withheld from the public. Commissioner Teagarden stated that classified information, possibly operation instructions, unconfirmed reports, etc., would be withheld. He explained the Incident Command System, how it would be used during an event, and access to information from media personnel, public, veterinarians, staff, etc.

Senator Salmans inquired about lab test results taking 12 to 14 hours to be conducted, and how to shorten that time period. Commissioner Teagarden answered that any foreign animal disease (FAD) has to be confirmed by the Plum Island, New York national laboratory as they are the authority on FADs. He noted that eventually there will be laboratories located throughout the U.S. to conduct disease confirmation tests. The intent is that during an outbreak, the Plum Island lab would be immediately overwhelmed with the number of tests to run. Plum Island will get the first case and determine what type of FAD it is, and then the other laboratories will gather the right agents so they can confirm the analysis. Plum Island takes four hours to run the initial test, then it takes about 24-48 hours to actually isolate the virus.

Senator Salmans expressed concern regarding the time frame being unacceptable, and Commissioner Teagarden stated that KAHD and USDA both were inclined to agree due to the speed by which the disease can spread throughout the state. Senator Salmans asked what percent of animals live after being infected by FMD. Commissioner Teagarden responded approximately 10-15 percent die (not including those which are destroyed during the quarantine), and noted that FMD was the most contagious disease known to man in spreading from animal to animal.

Co-Chairman Emler asked for clarification regarding the actual state declaration of emergency and if there were procedures in place to ensure there was an actual event and not just hearsay. Commissioner Teagarden replied that a declaration would not be made unless a case had been diagnosed in the U.S., and its presence verified.

Co-Chairman Emler inquired when Kansas State's new Level 3 lab would be completed and ready for operation. Commissioner Teagarden deferred to Dr. Marty Vanier, Kansas State University. Dr. Vanier responded that there was a two-year time line for the building of the new facility, and it would be completed in the early part of 2006. She added that there was a room in the College of Veterinary Medicine that will be used as a lab until the new facility comes online. Commissioner Teagarden reiterated that Plum Island would still make the official and initial call. If Plum Island

becomes overwhelmed, then some of the overload cases could be referred to Kansas State or the other Level 3 laboratories.

Co-Chairman Emler asked how many other labs would be built in the U.S. similar to Kansas State's. Commissioner Teagarden said eventually there will be one in every state, but initially there will be only 12 area labs.

Co-Chairman Tfanelli called upon Dan Riley, Chief Legal Counsel for the Department of Agriculture, to present testimony on agricultural bio-terrorism security. He spoke on the three primary areas of KDA authority which are: Plant Protection Program; Meat and Poultry Inspection Program; and the Dairy Inspection Program. He explained that each of the regulatory programs has a significant interface with regulatory programs on the federal level and rather than a re-direction of the core food safety function, KDA's efforts have been focused on maintaining the current food safety and agricultural product safety mechanisms, while broadening the scope to include the prospect of intentional acts.

Mr. Riley informed the Committee that the Plant Protection Program has developed Bio-Security Response Guidelines which are designed to provide the most effective and rapid response to plant pests that may occur or be intentionally introduced into any of the nearly 19.5 million acres utilized for grain production in Kansas. Components of the guidelines encompass detection, identification, and mitigation of plant pests. Mr. Riley stated the guidelines recognize that effective and timely communication and cooperation between all branches of government, academia, and plant industry professionals and producers will be absolutely critical if a wide spread crisis threatens the state's plant resources. He went on to explain the guidelines as outlined in his written testimony (Attachment 1). KDA and USDA Animal and Plant Health Inspection Service (APHIS) cooperatively possess the regulatory authority to enter premises where suspected plant pest activity is located, and put in place those restraints necessary to contain or control the pest.

Regarding the Meat and Poultry Inspection Program, Mr. Riley stated that both procedures related to the Foreign Animal Disease Plan and Food Security Monitoring Procedures are combined under this program. He noted that the foreign animal disease portion of the plan is part of the annex to the state plan and that Meat and Poultry staff contribute nine veterinarians to the infectious disease plan in addition to other Meat and Poultry staff members. He explained how the food security monitoring portion of the plan encompasses all other food security issues and interface with the federal plans. At the state level, the plan is provided to all entities who are encouraged to incorporate all security measures appropriate for their operation into their daily operations.

Mr. Riley informed the Committee that the Dairy Inspection Program is also an active participant in the Foreign Animal Disease Plan in cooperation with KAHD and the Division of DEM. The KDA Dairy Inspection Program Emergency Response Plan is designed to interface with federal programs in addition to the animal disease preparedness, and the KDHE Bureau of Consumer Health. He remarked that KDA has adopted the FDA plan and security guidelines, and distributed this information to the dairy industry members in Kansas.

Mr. Riley spoke about the Food Safety Policy Working Group which was formed by KDA in April 2003. The group includes KDHE Consumer Health, KAHD, USDA/APHIS plant, animal (and smuggling interdiction sections), UDA FSIS, FDA, Office of the Governor, and KSU National Agricultural Bio-security Center. He explained that since its formation, communication and interaction between the groups represented has improved dramatically both in routine enforcement and issues concerning the preparation and response to crisis.

Mr. Riley informed the Committee that KDA participates in the Multi-state Partnership which was formed in August of 2003. The Partnership has expanded to a total of nine states, with the

express purpose of improving the security of agriculture and agriculture products. He explained that the Partnership had formed three working groups: State to State, State to Federal, and State to State Resource Sharing. He explained each of the groups' functions.

Mr. Riley stated the absence of comprehensive planning and coordination on the statewide level is severely lacking in agricultural/food safety security. He added that extensive work had been done in Kansas on infectious animal disease, but coordinated planning for all other vulnerable food production and food processing sites and facilities within the state is virtually non-existent. He also suggested that the need exists for development of a comprehensive plan that designates the roles and utilizes the particular strengths and expertise of each level of participant from local and state law enforcement, food and agriculture regulating agencies, and academia. Mr. Riley concluded by pointing out that oversight and coordination of the planning efforts requires a broad based authority such as the Division of Emergency Management to prevent duplication of efforts or inadequate coverage.

Committee questions and discussion followed related to reasons for some fragmentation or duplication of efforts by different groups, and the availability of funding for various items or machinery, and the need for such items.

Co-Chairman Tafarielli asked who had the overall responsibility for food safety planning in Kansas. Mr. Riley responded that it depended on what level you are engaged. In terms of food safety, traditionally that is KDA. However, if this is in an emergency situation involving an intentional action where every city and county in the state could be impacted, KDA would not have the authority to deal with all food safety aspects of the situation. Co-Chairman Tafarielli asked (from a planning perspective) was it the Secretary of Agriculture's opinion that he owns that responsibility for planning or food safety. Mr. Riley replied yes to the extent that he can commit the resources of the KDA. He commented that the problem with planning on a broad scale was he did not have the ability to commit other components of emergency response because the Secretary of Agriculture does not have the authority to order the Highway Patrol to do anything or local levels of government to provide the resources the Department would feel were necessary to respond effectively.

Co-Chairman Tafarielli inquired if the Legislature needed to give the Secretary the overall authority to manage that situation. Mr. Riley responded that if there was no statewide organization that could do so, *i.e.*, the Division of Emergency Management, then yes consideration should be given to having one agency in charge of the overall emergency planning. He added that the Secretary of Agriculture never anticipated dictating the actions of the Highway Patrol in response to a plant pest situation. However, he thought if there was a level of state government at which the oversight could be provided it would be better than having someone from the participant level dictate to other state agencies. Co-Chairman Tafarielli suggested the establishment of a Department of Homeland Security for Kansas which would have the overall authority for all of the agencies for planning emergency responses. Mr. Riley stated he felt that would function best, and it is difficult for one agency to involuntarily commit the resources of other agencies to plan a project.

Inquiry was made whether KDA had submitted an application for federal grant funding for emergency planning and exercises. Mr. Riley replied that they had not submitted an application for funding to test those plans, and the only grant application that had been submitted was a grant for the Food and Safety Policy Working Group for some multi-language training regarding the illegal meat products.

Mr. Riley informed the Committee that there is an Office of Homeland Security survey being conducted in each state involving an assessment of assets that are considered vulnerable and need to be included in the Homeland Security analysis. The survey is being conducted by the Highway Patrol. KDA found out in mid-October that there may or may not be any particular agricultural assets

included in that survey. KDA received a letter from one of the trade associations, that was sent out to all the states, to make sure they review the assets that are included in the Homeland Security survey. He remarked that KDA is attempting to provide that information, but have not been able to compile all the documentation. He stated that the Highway Patrol has a consultant working on the template for the survey, which will apparently be utilized as the template for agricultural and food safety security by the Department of Homeland Security. Mr. Riley commented that KDA has not been asked for any information or spoken with the consultant or the Highway Patrol, and this was an example of the fragmented efforts discussed earlier in the meeting.

Committee discussion and questions continued relating to what states belonged to the Multi-state Partnership, whether the State to State Resource Sharing would require legislative authority, the consolidation efforts of security, and preventing the duplication of efforts or responsibilities.

Co-Chairman Tafanelli expressed his appreciation to Mr. Riley for his comments and testimony. He recessed the Committee at 12:00 p.m., for a lunch break, to reconvene at 1:30 p.m.

Afternoon Session

Co-Chairman Tafanelli called the meeting to order at 1:30 p.m., and asked Commissioner Teagarden to give his presentation on animal security.

Commissioner Teagarden gave a power point presentation covering foreign animal diseases (FAD) with pictures of cattle with FMD symptoms ([Attachment 2](#)). He said efficient control of FAD was dependent upon producer cooperation, and the rapid observation and confirmation of disease. He reviewed the state plan for FAD, which the first step is the confirmation of disease followed by Declaration of Emergency by USDA, Governor, County, or possibly even Presidential depending upon the severity and geographic location of the disease. Commissioner Teagarden explained that naturally the counties will be the first responders. He stated they were encouraging counties to start with committees made up of producers, veterinarians, County Emergency Managers, Commissioners, county government people, trucking industry, etc., to help develop a County Emergency Animal Disease Plan. Counties should know what their assets and vulnerabilities are for dealing with a FAD emergency, and to document the roles of key personnel.

Commissioner Teagarden stated that the first line of defense was early detection which would be by the producers and notifying their vet and reporting to KAHD of the possible FAD. KAHD would respond with county support. He gave a scenario of the process of working a FAD incident, and emphasized how fast FMD could spread across the state. He stated that the state borders would be closed if FAD was diagnosed in any state, and explained the process of closing state borders and why those precautions are taken during an emergency. Livestock markets and slaughter plants would also close. Commissioner Teagarden went over the stop movement order procedures, and noted that diverted livestock become the responsibility of State/Federal agencies. He also reviewed the county response procedures, and discussed a diagram showing a quarantined area depicting the surveillance zone (4.5 mile radius), exposed zone, and the infected premises. He said the planned time for euthanizing and burying the carcasses was 24 hours.

The training for first responders was also explained by Commissioner Teagarden. He informed the Committee there were 200 volunteers in the Voluntary Veterinary Corps, nine veterinarians plus inspectors from the Department of Agriculture, the Shawnee Emergency Response Team from the City of Shawnee, and county teams that had been trained and are receiving training.

Committee discussion and questions related to eradicating all cloven hoofed animals within the 4.5 mile radius of the quarantine area depending upon the disease diagnosed, how the euthanizing is performed, clarification of the point of origin in cattle shipments, and how long the affected premises cannot be used after being cleaned and disinfected. Senator Salmans commented that he felt there definitely needed to be a change in terminology regarding the use of "first responders" as it was taking on multiple meanings and could involve funding allocations. He said that possibly this should be addressed through legislation, and Co-Chairman Tafanelli remarked that it could be included in the Committee Report.

Commissioner Teagarden informed the Committee that Kansas State University's College of Veterinary Medicine staff and senior students would be a part of the emergency efforts, and the Department is currently in the process of determining how to utilize their staff and students. A web based training program is being utilized to train those responders, and will be used for training the Voluntary Veterinary Corps for extended continuing education.

Co-Chairman Emler asked if there was a liability issue with the use of students. Mr. Teagarden responded that this is totally voluntary, and all people would be temporary federal employees with a federal disaster declaration.

Commissioner Teagarden explained that because of food safety, tracing, consumer concerns, and disease control in general, the U.S. will establish a National Identification Program. The intent of the program is to have the ability to trace any animal to its point of origin within 24 to 48 hours. He added that the identification program will initially be a voluntary system, and will become mandatory as more and more pressure mounts to identify every animal, where it has been fed, and where it came from. He stated that USDA would be paying for the computer systems and necessary equipment. KAHD would collect all the information in the proper form, and enter the data into the system.

In regard to markets and slaughter plants, Commissioner Teagarden stated that Kansas was second in the nation for slaughtering, with 2.9 million head of cattle on feed per day in Kansas, and 18,700 employed at major slaughter plants in Kansas. He said it was extremely important in the case of a major shutdown, to get the plants back up and working again as soon as possible. He briefly spoke about the protocol for the feeding states (Texas, Oklahoma, Colorado, Nebraska, and Kansas) for intra-state and inter-state purposes of risk assessment. He reiterated that Kansas had over a \$10 billion livestock industry, and stated that the stakes were too high in not having the proper procedures in place to prevent or respond to an incident.

Commissioner Teagarden discussed pre-approved burial sites and KAHD's cooperation with KDHE. He explained that during the June exercise it took five hours in the Emergency Operation Center to determine a burial site for a feedlot, which is too long. KAHD has asked their 500 licensed feedlots in Kansas to attend regional meetings, and take an application home to complete with the necessary burial site information for KAHD to make an assessment if the site can be utilized to bury a particular number of animals. He explained that an infected premise of 100 head would take 125 people to clean and disinfect, including 14 veterinarians plus law enforcement people. For a feedlot of 30,000, it would take at least 250 people over a three-day period at 50 animals per hour. He explained the preferred method of euthanasia is the captive bolt pistol method, with use of shotguns depending on the location and the situation, or chemicals.

Continuing, Commissioner Teagarden commented that federal funds would be utilized during the incident, indemnity, control, and eradication efforts would be paid by those funds. However, it has not been determined who will pay the associated costs. He explained there was a proposed pending federal rule on indemnity in regards to cost sharing which states that the federal government would only pay 50 percent except in instances of some priority diseases listed, which includes Foot-

and-Mouth. In regard to state funding, Commissioner Teagarden confirmed that Kansas could not handle paying all the operational costs and the federal government would probably pay for most of that expense in the case of a major crisis, except for the state staff personnel.

Commissioner Teagarden talked briefly about the financial impact on the industry as it related to what happened in the United Kingdom. He showed a short video covering the exercise of the state plan conducted on June 18 and 19 in conjunction with the National Agriculture Biosecurity Center at Kansas State University, ANSER (a professional training group out of Virginia), and the counties of Grant and Finney. He noted that communication was the biggest problem in exercising the state plan since the cell phones would not work in the Emergency Operation Center (EOC). Commissioner Teagarden explained how the exercise was conducted and that it was geared for high speed thinking and reaction.

Co-Chairman Tafanelli called upon Janet McPherson, Kansas Farm Bureau (KFB), who spoke to the Committee on agricultural security and how it impacts KFB's members. She stated that KFB members support the actions by the U.S. Department of Homeland Security that ensure agriculture's continued ability to produce food and fiber. Ms. McPherson said the State of Kansas, including the KAHD, has partnered with private organizations, including the Kansas Farm Bureau, to develop and test a response plan that would activate in the event of a foreign animal disease outbreak. She added that the system allows those in agriculture, regulators, emergency response investigators and the private sector to speak with one voice. Producers would receive timely, factual information related to a disease outbreak or rumor.

Ms. McPherson informed the Committee that KFB policy encourages farmers and ranchers to develop and implement their own individual, voluntary biosecurity plans, to minimize opportunities for crime to occur. KFB recommends that regulatory agencies adopt biosecurity measures, and prearrange visits and on-farm inspections. She emphasized that it was imperative that farmers and ranchers know who is entering their land and facilities, and for what purposes. She stated that KFB supports state and federal legislation to strengthen penalties for persons or organizations that engage in acts of biological terrorism, including but not limited to, the introduction or spreading of biological agents or contaminants harmful to agricultural products.

Ms. McPherson testified that KFB supports training law enforcement personnel in the most effective techniques for dealing with crime. She said a bioterrorism attack would present circumstances unlike other types of crime, and law enforcement and the agricultural community would need to respond accordingly. KFB would also encourage that inter-agency cooperation be anticipated where there is potential for criminal investigation running parallel to plant pest, animal health, or food system investigations, so that both may be conducted without jeopardizing the other.

In regard to animal identification, Ms. McPherson stated that KFB's member-adopted policy opposes mandatory animal identification, and members support development of a new world-class national animal health emergency management for the U.S. KFB policy supports state and federal indemnification programs for the control of serious communicable plant, livestock, and poultry diseases. Ms. McPherson concluded that laws that undermine private control of agricultural land or laws that inhibit agricultural production are a risk to our nation's security. KFB believes a strong and productive agriculture is essential to national defense and should be considered when formulating security policy (Attachment 3).

Co-Chairman Tafanelli inquired if she or KFB had looked at or studied KAHD's plans, and did they agree with it. Ms. McPherson responded that KFB believed the plan was appropriate and had been supportive; however, KFB does not feel there is a need for any more legislation or other authority to address security needs. Co-Chairman Tafanelli asked why KFB opposed the National Animal Identification Program. Ms. McPherson explained that when you have a lot of independent

businesses that may change their practices and have certain flexibility, there is concern about disclosing the exact amounts of livestock they may have on the individual premises.

Committee appreciation was expressed by Co-Chairman Tafanelli for Ms. McPherson's testimony.

Co-Chairman Tafanelli called upon Allie Devine, Kansas Livestock Association, to testify on the size of the cattle industry in Kansas, and how bioterrorism would affect the Kansas economy. Ms. Devine's presentation included information on the value of the industry, its importance to the state, and outlined logistical issues facing the industry and the regulators as plans are made for potential disasters. She gave references for the submitted information in her written testimony (Attachment 4).

Ms. Devine informed the Committee that Kansas ranks second in the number of cattle and calves on farms, third in the number of cattle and calves on grain feed, third in red meat production by commercial slaughter plants, and second in the number of cattle slaughtered. She reviewed the general numbers covering farms and beef cattle farms, cattle inventory, stocker operations, commercial slaughter, etc. as detailed in her written testimony and the accompanying relative charts. She also presented numbers relating to economic contributions, according to John Leatherman from Kansas State University, that livestock production accounted for over 3 percent of total sales in Kansas and 1 percent of total jobs and income. Meat processing industries accounted for 4 percent of total sales, about 1 percent of jobs and income, and 10 percent of the state's exports.

Ms. Devine elaborated that the statistics are quite different if the analysis is done only for the 31 counties in western Kansas, whereas those counties account for 10 percent of the total sales and exports for the state and 5 percent of the state employment and income. She said in this region livestock production and meat processing account for 50 percent of the total sales, 15 percent of the employment and income, and 72 percent of the exports. Livestock production accounted for 4 percent of industry sales, 3 percent of total income, and 2 percent of household income. Meat processing dominates the economy of the region and accounts for 58 percent of the total sales; 36 percent of total income; and 24 percent of all household income. In his writing, Mr. Leatherman cautions that removing any segment from an economy will not automatically equate to a reduction by the same amount as it contributes.

Ms. Devine shared what would happen if an animal health crisis occurred in Kansas or the U.S. as outlined by John Fox in excerpts from his paper that describe the effects of Bovine Spongiform Encephalopathy (BSE) outbreaks in the United Kingdom, Japan, and Canada. Ms. Devine replied that the implications for the U.S. of cumulative loss for a period of four to five years due to a BSE outbreak would be approximately \$30 million, and even greater if it was an outbreak of Foot-and-Mouth disease.

Ms. Devine briefly discussed the importance of communication, and the challenging components of a coordinated response to a foreign animal disease outbreak. She stated that providing accurate, fact-based information to producers will be essential to containment and eradication of the disease.

Ms. Devine suggested that the Committee could address the funding for the KAHD's disease control function which could possibly be discontinued at the end of FY 2006. She asked the Committee to recognize the importance of emergency disease preparedness and planning, and support the creation of a separate function within the KAHD for this purpose. The emergency planning efforts are consuming 30 percent of the disease control staff's time and 60-75 percent of the Commissioner and Assistant's time. Those efforts benefit all species of livestock and the state as a whole, and is largely supported by fees on the beef cattle industry. The distribution of livestock

throughout the state requires planning by nearly all counties, and this work takes resources of people and dollars. Ms. Devine testified that KLA would recommend that the state appropriate \$200,000 to \$300,000 of State General Fund money for this separate function of KAHD.

In regards to the National Agricultural Biosecurity Center, Ms. Devine stated that KLA strongly supports the development of the Center at KSU . The industry needs this level of expertise to guide the planning process.

Ms. Devine spoke briefly on the proposed Animal Identification Program. She said this issue would be discussed during their convention in December, and there would be members who would oppose or be reluctant to support an animal identification system. She added that the Canadian situation revealed that an animal identification system may be the best tool for isolation and containment of animal health diseases.

In conclusion, Ms. Devine stated that KLA hoped the Committee would support legislation that declares a product "wholesome" if it had been inspected and approved by governmental entities as part of a package for the protection of one of the state's key industries. Once declared "wholesome" the burden of proof will be on the plaintiff to show that the producer was negligent in the production of that product. She said this would not provide immunity to producers, only an affirmative defense.

Committee question and discussion regarded the additional funding requested for KAHD. Co-Chairman Tafanelli expressed his appreciation for her information and testimony.

Committee announcements were made by Mr. Waller regarding the next meeting, and that a draft of the interim committee report would be presented by staff.

Senator Barone requested a briefing on human health issues during a terrorist event.

The next meeting of the Special Committee on Kansas Security is scheduled for Wednesday, December 10, at 8:30 a.m. in Room 123-S.

The meeting was adjourned at 3:45 p.m.

Prepared by Dee Ann Woodson
Edited by Robert Waller

Approved by the Committee on:

December 10, 2003

(Date)