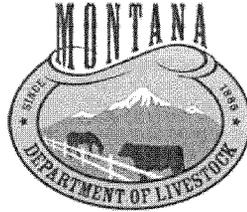


EXHIBIT 17
DATE 1-31-13
WB 312

STATE OF MONTANA
STEVE BULLOCK, GOVERNOR

DEPARTMENT OF LIVESTOCK
PO BOX 202001
HELENA, MONTANA 59620-2001



DEPARTMENT OF LIVESTOCK (406) 444-7323
ANIMAL HEALTH DIVISION (406) 444-2043
BRANDS ENFORCEMENT DIVISION (406) 444-2045
FAX (406) 444-1929

January 31, 2013

My name is Marty Zaluski and I'm the state veterinarian for the state of Montana and work for the Department of Livestock (DOL).

DOL is the animal health authority for the state, is responsible for regulations to prevent the introduction and spread of diseases in livestock and also assists in the continued marketability of livestock. Based on these responsibilities, I strongly oppose House Bill 312.

As you likely know, brucellosis is a disease that has been transmitted to wildlife in the greater Yellowstone area over the last century. There are many reasons why the disease persists in wildlife including: a) lack of aggressive disease reduction in Yellowstone National Park, b) winter feeding of elk in Wyoming, c) land ownership changes in Montana, d) possibly predators, and other factors. While we have been highly successful in eradicating the disease from livestock, infected wildlife now sporadically infect cattle and domestic bison with 17 affected herds detected in Idaho, Montana and Wyoming in the last 10 years.

In 2009, the Department of Livestock established a Designated Surveillance Area (DSA) for brucellosis to address this risk from wildlife. The DSA regulations require most livestock operations that use the DSA to test cattle at sale or when they move them out of the DSA. Last month, the United States Department of Agriculture (USDA) reported on an audit of Montana's DSA program and gave us high marks. Special commendations were made for the number of cattle tested, wildlife surveillance, and responsiveness of the Board of Livestock to adjust the boundaries of the DSA as new information is made available.

The DSA has been highly successful in finding brucellosis affected herds and at the same time allowing the majority of Montana's cattle to move interstate without testing. In fact, cattle from 95% of Montana can move interstate without brucellosis testing regulations. Cattle from the DSA get tested, but producers subject to these regulations have one state program to adhere to, and get reimbursed for testing expenses. Other state veterinarians have told me that without the DSA, they would impose testing requirements on Montana cattle that would include operations in the DSA, and possibly statewide.

I oppose this bill because it:

1. Eliminates the DSA program one year after the last case in livestock has been detected. I and other state veterinarians don't agree that the risk of transmission disappears after you don't find brucellosis in livestock for 12 months. Elk with brucellosis have been proven to be an ongoing

risk even if we are lucky enough to have an extended period of time without cases. Seatbelts are a reasonable analogy. Do you wear seatbelts even if you haven't had a wreck for a year or two. This bill is asking us to take our seatbelts off.

2. Prescribes public meetings into code. During my tenure, the DOL has never refused to hold a meeting; in fact our assistant state veterinarian spent last week in Eastern Montana speaking at public meetings in Ekalaka, Broadus, and Jordan. Our brucellosis veterinarian has made dozens of contacts with producers individually, through meetings, and news releases. Further, changes to the DSA have been made with public input according to current Montana law. Some of these changes have actually relaxed regulations such as rescinding the requirement for an annual herd test. To put this section into code when the requirement for public input is already in the Montana Administrative Procedures act is unnecessary, and overly prescriptive.

In summary, livestock from 95% of Montana are able to move interstate without testing for brucellosis because of our state's strong brucellosis program; the DSA. This bill weakens the program, and compromises the continued marketability of Montana's cattle. Over the last 24 hours eight out of eight state veterinarians that I contacted said that should the DSA be eliminated, they will rapidly put in place testing requirements on Montana's cattle that in most circumstances will be more onerous, affect more cattle in the state, and cost Montana producers a greater amount of money.

For these reasons I strongly oppose this HB312.

Enclosures: Email communication from State Veterinarians of Colorado, Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Washington.

Zaluski, Martin

From: Zaluski, Martin
Sent: Wednesday, January 30, 2013 11:09 AM
To: Oedekoven, Dustin; Leonard Eldridge; Keith Roehr; Brown, William; Dennis Hughes; Keller, Susan J.; Dee Ellis; Rod Hall
Cc: Mackay, Christian; Eric Liska (ELiska@mt.gov)
Subject: TIME SENSITIVE: Proposed Bill Comment requested

Importance: High

Dear Colleagues,

There is a legislative hearing Thursday, Jan 31 on a bill related to our DSA. I've highlighted one section of the bill (below) that I hope to get your feedback on.

My question is whether you would be comfortable with Montana eliminating the DSA program 1 year after the last case of "brucellosis in livestock has been eradicated". If not, is there a time frame from the last livestock brucellosis case that you would not require cattle testing entering your state as long as the disease exists in elk/bison.

Thanks for your prompt response,
mz

Martin Zaluski, DVM
Montana Department of Livestock

2013 Montana Legislature

[Additional Bill Links](#) [PDF \(with line numbers\)](#)

HOUSE BILL NO. 312

INTRODUCED BY A. REDFIELD

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AUTHORIZATION FOR TESTING AND PREVALENCE REDUCTION OF BRUCELLOSIS IN LIVESTOCK AND WILDLIFE; ESTABLISHING RESPONSIBILITY FOR TESTING COSTS; REQUIRING REPORTING; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Brucellosis testing for livestock and wildlife -- testing costs -- rulemaking. (1)

Pursuant to 81-1-302, the administrator provided for in 81-1-301 may, upon notification that livestock in the state are infected with brucellosis, promulgate orders or regulations for an area to enforce brucellosis surveillance and eradication procedures for livestock.

(2) If the source of brucellosis transmission resulting in an order or regulation promulgated under subsection (1) is:

(a) wild buffalo or wild bison, the administrator shall enforce the provisions of 81-2-120 in a manner that ensures that the risk of additional transmission from wild buffalo or wild bison to livestock is eliminated or minimized as much as possible; or

(b) from any other species of wildlife, the administrator shall, in coordination with the department of fish, wildlife, and parks, develop brucellosis surveillance and prevalence reduction procedures for the wildlife species identified as the source of transmission within the area affected.

(3) The department shall pay testing costs for the surveillance of livestock pursuant to subsection (1). Per capita funds as prescribed in 15-24-922 may be used to pay these costs after all other funds appropriated to the department for the payment of testing costs have been expended.

(4) The department of fish, wildlife, and parks shall pay testing costs for brucellosis surveillance and prevalence reduction in wildlife pursuant to subsection (2)(b).

(5) In promulgating any order or regulation under subsection (1), the administrator shall comply with the provisions of the Montana Administrative Procedure Act if the order or regulation requires testing of livestock for more than 1 year.

(6) An order or regulation promulgated under subsection (1) must:

(a) expire within 1 year after the last case of brucellosis in livestock is eradicated in the designated surveillance area unless:

(i) after examination of brucellosis surveillance and prevalence reduction information acquired pursuant to subsection (2)(a) or (2)(b), the administrator determines that the order or regulation should continue in order to protect the health of livestock in the designated area, in which case the order or regulation may be extended for up to 1 year. Subject to the requirements of this subsection (6)(a), the administrator may grant more than one extension.

(ii) the administrator extends an order or regulation, in which case the administrator shall review the order or regulation with livestock producers in the designated area every 6 months;

(b) prior to adoption, include public hearings within the area designated in the order or regulation, including the opportunity to comment by livestock producers affected by the order or regulation.

(7) During a review required under subsection (6)(a)(ii), the administrator shall communicate with livestock producers about:

(a) any need for continued testing and surveillance of livestock;

(b) any changes to herd management plans; and

(c) the status and progress the department is making in addressing:

(i) the source of the disease transmission; and

(ii) the disease in wildlife.

(8) In promulgating and reviewing an order or regulation under this section, the administrator shall coordinate with any county livestock protective committees established within the designated area pursuant to Title 81, chapter 6, part 1, regarding the requirements and duration of any order or regulation.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 81, chapter 2, part 1, and the provisions of Title 81, chapter 2, part 1, apply to [section 1].

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 4. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to any orders or regulations promulgated on or after January 1, 2011.

- END -

Latest Version of HB 312 (HB0312.01)

Processed for the Web on January 25, 2013 (5:35pm)

New language in a bill appears underlined, deleted material appears stricken.

Sponsor names are handwritten on introduced bills, hence do not appear on the bill until it is reprinted.

See the [status of this bill](#) for the bill's primary sponsor.

[Status of this Bill](#) | [2013 Legislature](#) | [Leg. Branch Home](#)

[All versions of all bills \(PDF format\)](#)

[Authorized print version of this bill w/line numbers \(PDF format\)](#)

[[NEW SEARCH](#)]

Prepared by Montana Legislative Services

(406) 444-3064

Zaluski, Martin

From: Roehr - CDA, Keith <keith.roehr@state.co.us>
Sent: Wednesday, January 30, 2013 3:13 PM
To: Zaluski, Martin
Cc: Oedekoven, Dustin; Leonard Eldridge; Brown, William; Dennis Hughes; Keller, Susan J.; Dee Ellis; Rod Hall; Mackay, Christian; Liska, Eric
Subject: Re: TIME SENSITIVE: Proposed Bill Comment requested

Marty,

This would seem to beget perpetual rule review, rule making and public hearings. I'm sure you incorporate producer/public input to make decisions in rule making but prescribing that process in statute seems cumbersome. From my perspective, this also questions the DSA boundaries according to livestock disease incidence first and then a review of other issues including wildlife incidence later.

Therefore, if this bill results in these changes in your statutes it could result in Colorado using counties or other means to insure an appropriate DSA area or perhaps a statewide requirement of testing for adult cattle.

Keith A. Roehr DVM
Colorado State Veterinarian
303-239-4166

Please note that my email address has changed to : keith.roehr@state.co.us

On Wed, Jan 30, 2013 at 11:09 AM, Zaluski, Martin <MZaluski@mt.gov> wrote:
Dear Colleagues,

There is a legislative hearing Thursday, Jan 31 on a bill related to our DSA. I've highlighted one section of the bill (below) that I hope to get your feedback on.

My question is whether you would be comfortable with Montana eliminating the DSA program 1 year after the last case of "brucellosis in livestock has been eradicated". If not, is there a time frame from the last livestock brucellosis case that you would not require cattle testing entering your state as long as the disease exists in elk/bison.

Thanks for your prompt response,
mz

Martin Zaluski, DVM
Montana Department of Livestock

2013 Montana Legislature

Zaluski, Martin

From: Hughes, Dennis <dennis.hughes@nebraska.gov>
Sent: Wednesday, January 30, 2013 2:24 PM
To: Zaluski, Martin; Oedekoven, Dustin; Leonard Eldridge; Keith Roehr; Brown, William; Keller, Susan J.; Dee Ellis; Rod Hall
Cc: Mackay, Christian; Liska, Eric
Subject: RE: TIME SENSITIVE: Proposed Bill Comment requested

Marty: I don't have "good news" from Nebraska. Our stance, and our industries stance, is that the GYA/ DSA states are going to be a continuous cauldron for Brucellosis problems for many years to come. Right or wrong, it's going to take some time (much longer than 1 year) before there is "trust" that DSA states don't have a problem with Brucellosis in livestock (same skepticism we have towards Mexican cattle and TB!). We've watched each of the GYA states clean up the last infected herd, and then another new infected herd appears a few months to a couple of years later. I know that probably seems cruel, but we (Nebraska) are probably one of the biggest (if not the biggest) receiving state for DSA cattle. That puts our industry at risk if MT were to drop their DSA protocol. I can assure you that Nebraska would impose testing requirements before importing MT cattle. And you thought our individual ID requirement for sexually intact cattle from DSA was tough! ☺

Dennis

Dennis A. Hughes D.V.M.
Nebraska State Veterinarian
c/o Animal and Plant Health Protection/Nebraska Department of Agriculture
P.O. Box 94787. Lincoln, NE. 68509-4787
Phone: (402)471-6834
Fax: (402)471-6893
E-mail: dennis.hughes@nebraska.gov

From: Zaluski, Martin [mailto:MZaluski@mt.gov]
Sent: Wednesday, January 30, 2013 12:09 PM
To: Oedekoven, Dustin; Leonard Eldridge; Keith Roehr; Brown, William; Hughes, Dennis; Keller, Susan J.; Dee Ellis; Rod Hall
Cc: Mackay, Christian; Liska, Eric
Subject: TIME SENSITIVE: Proposed Bill Comment requested
Importance: High

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Thanks for your prompt response,
mz

Martin Zaluski, DVM
Montana Department of Livestock

Zaluski, Martin

From: Keller, Susan J. <skeller@nd.gov>
Sent: Thursday, January 31, 2013 7:53 AM
To: Zaluski, Martin; Oedekoven, Dustin; Leonard Eldridge; Keith Roehr; Brown, William; Dennis Hughes; Dee Ellis; Rod Hall
Cc: Mackay, Christian; Liska, Eric; Carlson, Beth W.; Vollmer, Jesse L.
Subject: RE: TIME SENSITIVE: Proposed Bill Comment requested

Dr. Zaluski,

This is not a science supported bill. The repercussions will likely be very harmful to your livestock industry.

Given the concern about wildlife interacting with and affecting livestock..... and then the movement of livestock out of the DSAs, I think I can safely say that at the least our Board could impose mandatory testing of all sexually intact cattle from MT that wish to enter ND. The bigger concern is that given the lack of real management of the DSA area after one year only of no additional cases, even one negative test would not give our Board, our veterinarians confidence that cattle coming from MT are free of Brucellosis without a total risk based management plan.....based on the science of the disease and the normal business movements within and between states. I am wondering if your neighboring state's producers would be less likely to purchase animals from MT if they understand the disease.

Maybe Dr. Eldridge should take a trip to MT and explain the latent heifer syndrome to them....sure got the attention of one of our Board members!

Best Wishes, Marty!
Susan

From: Zaluski, Martin [mailto:MZaluski@mt.gov]
Sent: Wednesday, January 30, 2013 12:09 PM
To: Oedekoven, Dustin; Leonard Eldridge; Keith Roehr; Brown, William; Dennis Hughes; Keller, Susan J.; Dee Ellis; Rod Hall
Cc: Mackay, Christian; Liska, Eric
Subject: TIME SENSITIVE: Proposed Bill Comment requested
Importance: High

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Thanks for your prompt response,
mz

Zaluski, Martin

From: Rod Hall <Rod.Hall@ag.ok.gov>
Sent: Wednesday, January 30, 2013 2:23 PM
To: Zaluski, Martin; Oedekoven, Dustin; Leonard Eldridge; Keith Roehr; Brown, William; Dennis Hughes; Keller, Susan J.; Dee Ellis
Cc: Mackay, Christian; Liska, Eric
Subject: RE: TIME SENSITIVE: Proposed Bill Comment requested

Dr. Zaluski,

I appreciate you asking for my input. Given the history of livestock being infected by wild elk and bison in the Greater Yellowstone Area, I would not feel comfortable with putting a time limit on testing requirements. I trust you and your DSA program to allow Oklahoma producers to import cattle from Montana without testing. As long as there is wildlife with brucellosis in the GYA I would not be comfortable allowing cattle from Montana to enter Oklahoma without testing unless you all have mitigation measures set up such as your DSA.

Sincerely,

Rod Hall, DVM
State Veterinarian
Animal Industry Services
Oklahoma Department of Agriculture, Food and Forestry
405-522-0270 (office)
405-990-1709 (mobile)
rod.hall@ag.ok.gov
www.ag.ok.gov

From: Zaluski, Martin [mailto:MZaluski@mt.gov]
Sent: Wednesday, January 30, 2013 12:09 PM
To: Oedekoven, Dustin; Leonard Eldridge; Keith Roehr; Brown, William; Dennis Hughes; Keller, Susan J.; Dee Ellis; Rod Hall
Cc: Mackay, Christian; Liska, Eric
Subject: TIME SENSITIVE: Proposed Bill Comment requested
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Thanks for your prompt response,
mz

Martin Zaluski, DVM
Montana Department of Livestock

Zaluski, Martin

From: Oedekoven, Dustin <Dustin.Oedekoven@state.sd.us>
Sent: Wednesday, January 30, 2013 12:31 PM
To: Zaluski, Martin; Leonard Eldridge; Keith Roehr; Brown, William; Dennis Hughes; Keller, Susan J.; Dee Ellis; Rod Hall
Cc: Mackay, Christian; Liska, Eric
Subject: RE: TIME SENSITIVE: Proposed Bill Comment requested

Marty,

Swamped here with our own legislative efforts, so I didn't read the entire proposed bill.

However, shooting from the hip based on your description:

The SD Animal Industry Board (SD or Board) has supported NOT testing MT cattle as a routine import requirement based on the satisfactory review of MT's DSA and related surveillance programs. My gut feeling is that if the MT DSA and associated surveillance were to dissolve, the Board would seriously consider reinstating a test requirement for ALL MT breeding cattle.

As you know, we can't monitor in-state borders & movement within MT, and rely on MT to do that for the benefit of the cattle industry in MT. Absent the oversight/protection/surveillance by MT state officials – we have no way to monitor the situation and would react to protect our industry.

Thanks for seeking input!

Dusty

Dustin Oedekoven, DVM
State Veterinarian and Executive Secretary
South Dakota Animal Industry Board
605-773-3321
www.aib.sd.gov

From: Zaluski, Martin [mailto:MZaluski@mt.gov]
Sent: Wednesday, January 30, 2013 12:09 PM
To: Oedekoven, Dustin; Leonard Eldridge; Keith Roehr; Brown, William; Dennis Hughes; Keller, Susan J.; Dee Ellis; Rod Hall
Cc: Mackay, Christian; Liska, Eric
Subject: TIME SENSITIVE: Proposed Bill Comment requested
Importance: High

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Zaluski, Martin

From: Dee Ellis <Dee.Ellis@tahc.texas.gov>
Sent: Wednesday, January 30, 2013 1:00 PM
To: Keller, Susan J.; Dustin Oedekoven; Zaluski, Martin; Leonard Eldridge; Keith Roehr; Brown, William; Dennis Hughes; Rod Hall
Cc: Mackay, Christian; Liska, Eric
Subject: RE: TIME SENSITIVE: Proposed Bill Comment requested

Marty – I don't want to pile on but we would definitely require a retest of breeding cattle upon entry from any GYA state that did not have a DSA. To be honest Texas will probably propose at the next Commission meeting in May anyway a retest of all sexually intact cattle from Idaho, Montana and Wyoming – similar to what we have for Mexican sexually intact animals. We will then take comments before passage and each state can provide good evidence why we should back off to just DSA cattle or don't do it at all. We are open minded and want to talk more at the Western states meeting and we will also study the USDA review and each states response to that more – but that is where we are headed. I don't think this is a surprise as I have mentioned it before, but I wanted to make sure everyone knew. We receive approximately 20,000 head of breeding cattle a year from the three states and believe the wildlife source of brucellosis is probably a never ending threat – regardless of how long y'all have gone without an infected herd. In fact – the lack of infected herds could be a result of inconsistent surveillance methods as much as because there is no infection.

D

Please note I have a new e-mail address.
Dee.ellis@tahc.texas.gov

Dee Ellis DVM MPA
Executive Director/State Vet
Texas Animal Health Commission
P.O. Box 12966
Austin, Texas 78711
512-719-0704 (w)
512-560-9741 (c)
www.tahc.state.tx.us



From: Keller, Susan J. [mailto:skeller@nd.gov]
Sent: Wednesday, January 30, 2013 1:41 PM
To: Dustin Oedekoven; 'Zaluski, Martin'; Leonard Eldridge; Keith Roehr; Brown, William; Dennis Hughes; Dee Ellis; Rod Hall
Cc: Mackay, Christian; Liska, Eric
Subject: RE: TIME SENSITIVE: Proposed Bill Comment requested
Importance: High

Dr. Zaluski,

ND's Board of Animal health would respond similarly or even more urgently since we are a nearby and close trading partner.

Please keep us posted! If a letter from our Board President or a phone call is needed, let us know to who, where and when.

Zaluski, Martin

From: Eldridge, Leonard (AGR) <LEldridge@agr.wa.gov>
Sent: Wednesday, January 30, 2013 3:23 PM
To: Zaluski, Martin; Oedekoven, Dustin; Keith Roehr; Brown, William; Dennis Hughes; Keller, Susan J.; Dee Ellis; Rod Hall
Cc: Mackay, Christian; Liska, Eric
Subject: RE: TIME SENSITIVE: Proposed Bill Comment requested

Thanks Marty:

As long as there is brucellosis in wildlife in Montana and if the DSA expired we would test all Montana cattle quarantine and retest in 60 to 90 days.

*Leonard E. Eldridge DVM
Washington State Veterinarian
leldridge@agr.wa.gov
360 902 1881*

From: Zaluski, Martin [mailto:MZaluski@mt.gov]
Sent: Wednesday, January 30, 2013 10:09 AM
To: Oedekoven, Dustin; Eldridge, Leonard (AGR); Keith Roehr; Brown, William; Dennis Hughes; Keller, Susan J.; Dee Ellis; Rod Hall
Cc: Mackay, Christian; Liska, Eric
Subject: TIME SENSITIVE: Proposed Bill Comment requested
Importance: High

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mz

Martin Zaluski, DVM
Montana Department of Livestock

2013 Montana Legislature

Zaluski, Martin

From: Brown, William <William.Brown@KDA.KS.GOV>
Sent: Wednesday, January 30, 2013 5:27 PM
To: Eldridge, Leonard (AGR); Zaluski, Martin; Oedekoven, Dustin; Keith Roehr; Dennis Hughes; Keller, Susan J.; Dee Ellis; Rod Hall
Cc: Mackay, Christian; Liska, Eric
Subject: RE: TIME SENSITIVE: Proposed Bill Comment requested

Marty,

For the reasons stated by others, Kansas would not allow cattle in without pre-entry testing. Appreciate you bringing this to our attention.

Regards,

Bill

William L. Brown, Animal Health Commissioner
Kansas Dept of Ag
Division of Animal Health
785-296-2326 (office)
785-230-8933 (cell)
William.Brown@kda.ks.gov
www.ksda.gov

From: Eldridge, Leonard (AGR) [mailto:LEldridge@agr.wa.gov]
Sent: Wednesday, January 30, 2013 4:23 PM
To: Zaluski, Martin; Oedekoven, Dustin; Keith Roehr; Brown, William; Dennis Hughes; Keller, Susan J.; Dee Ellis; Rod Hall
Cc: Mackay, Christian; Liska, Eric
Subject: RE: TIME SENSITIVE: Proposed Bill Comment requested

Thanks Marty:

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Leonard E. Eldridge DVM
Washington State Veterinarian
leldridge@agr.wa.gov
360 902 1881

From: Zaluski, Martin [mailto:MZaluski@mt.gov]
Sent: Wednesday, January 30, 2013 10:09 AM
To: Oedekoven, Dustin; Eldridge, Leonard (AGR); Keith Roehr; Brown, William; Dennis Hughes; Keller, Susan J.; Dee