

FARAD Begins Shutting Down

(AVMA - Schaumburg) Despite extensive efforts by America's veterinarians to convince the US Congress, the USDA and the FDA to provide long-term funding, the Food Animal Residue Avoidance Databank (FARAD) may be permanently shutting down, leaving in the lurch information essential to protecting America's food supply.

FARAD — used by veterinarians, livestock producers, and state and federal regulatory and extension specialists to ensure that drug, environmental and pesticide contaminants do not end up in meat, milk, and eggs — began shutting down earlier this month. The program needed an immediate cash infusion to stay open, and, ultimately, long-term funding of \$2.5 million per year.

The AVMA has been leading efforts to fund FARAD, which is administered by the USDA's Cooperative State Research, Education, and Extension Service and operates out of North Carolina State University, the University of Florida and the University of California-Davis.

Through lobbying and grassroots efforts, the AVMA worked with Congress to have language authorizing FARAD at \$2.5 million inserted in this year's Farm Bill. The USDA, however, never incorporated the funding in its budget, and Congress has provided neither emergency funding nor appropriations.

"It's disheartening — even tragic — that a program that costs so little yet does so much to keep our food supply safe is not being funded," said Dr. Mark Lutschaunig, director of the AVMA's Government Relations Division. "We're talking about a cost of less than a penny per American to help keep meat, eggs and dairy products free of drugs and pesticides."

Lutschaunig is urging all veterinarians to call the USDA at 1-202-720-1542 and tell them to immediately provide \$2.5 million in emergency funding for FARAD. More information on FARAD can be found on the AVMA's food safety advocacy web site, www.keepourfoodsafesafe.org.

AVMA Seeks Nominations for Euthanasia Panel Working Groups

Nominations and expressions of interest are sought for membership in working groups that will contribute to the next edition of the AVMA Guidelines on Euthanasia. The current guidelines are posted at www.avma.org/issues/animal_welfare/euthanasia.pdf.

Members selected for working groups will have demonstrable expertise in particular euthanasia techniques or the application of those techniques to various animal types, species, or uses.

Working groups for which nominations are sought are inhalant agents, noninhalant agents, physical agents, equine, food animals (large animals, poultry), zoo/wildlife (including reptiles and amphibians), birds, aquatics (fish, marine mammals), companion animals (dogs, cats, birds, small mammals, reptiles, amphibians), laboratory animals (rodent, nonrodent, primate), and depopulation.

Expressions of interest and nominations are also sought for an ethicist, who will engage with the working groups to provide that perspective.

Letters of interest or nomination, together with the individual's curriculum vitae—including a current list of publications—should be e-mailed to euthanasiapanel@avma.org; faxed to (847) 925-1329; or surface mailed to Kathy Sikora, Animal Welfare Division, AVMA, 1931 North Meacham Rd, Suite 100, Schaumburg, IL 60173.

Closing date for submissions is Dec. 31. Questions regarding the panel or this process may be directed to the AVMA Animal Welfare Division at (847) 925-8070, Ext. 6635.

Amidst the thousands of bills introduced in the current Illinois General Assembly, there were many on which the ISVMA represented its members through oral and written testimony, direct lobbying of legislators and Constitutional Officers, negotiations with sponsors and advocates, and through the use of our grassroots advocacy network in which more than 1100 veterinarians and students have support our lobbying efforts by contacting their legislators.

These are just a few of the bills that we worked on during the two-year General Assembly:

House Bill 1951 - Would have required a veterinarian to provide a client to whom a prescription drug is dispensed with a client information sheet that sets forth certain information about the drug at the time of dispensation.

Disposition: ISVMA convinced the state representative sponsor of the legislation that implementation and application of his proposal could have negative consequences not intended by his desire to elevate the definition of informed consent. As a result, he agreed not to call the bill for a vote in committee.

House Bill 4391 - Would provide that licensed prescribers may not knowingly prescribe medications, including veterinary prescriptions, for a patient by fax, telephone, Internet, or other electronic means unless the patient has been physically examined by the prescriber or has been given a documented patient evaluation, the prescriber and the patient have discussed treatment options and the risks and benefits of treatment; and the prescriber has maintained the patient's medical records. Would provide for certain exemptions.

Disposition: This bill was originally introduced by human medical associations and covered all medical professions except veterinary medicine. ISVMA consulted with the sponsor and proponents and the legislation was amended to include veterinary medicine. With the support of ISVMA and its grassroots advocacy network, the legislation was overwhelmingly approved by the Illinois House of Representatives. HB 4391 was not called for a vote in the Illinois Senate because of a dispute between the Governor and the House Speaker that will be described below. ISVMA will reintroduce the legislation in January 2009 when the new General Assembly convenes.

House Bill 4166*

House Bill 4162*

House Bill 4489*

House Bill 4489 (amendment)

***as introduced**

Underscoring the ongoing issues related to the ban on euthanasia of unwanted horses for the purposes of human consumption, these bills would provide that no person may transport any horses in a vehicle or trailer with two or more levels, with one on top of the other. HB 4489 was amended to repeal the 2007 law that makes it unlawful to slaughter a horse if the meat is to be used for human consumption.

Disposition: ISVMA supported the restrictions on transportation of horses in "double-decker" trailers. House Bill 4162 did pass in the Illinois House of Representatives but was not called for a vote in the Senate. It was another victim of the dispute between the Governor and House Speaker.

The amendment to House Bill 4489 resulted in a debate on the welfare of unwanted horses that no longer can be sold to plants in the United States that slaughter and process the horses for human consumption. Concerns over the proliferation of unwanted horses will likely result in similar legislation being introduced again in 2009.

House Bill 4843 - Would create the Illinois Veterinary Loan Repayment Program Act to provide

incentives to veterinary students to pursue careers in underserved areas of the profession (i.e. agricultural animal health, food safety, public health, or regulatory medicine). Loans would be provided to four veterinary students in each class at the University of Illinois for up to 20K per year for up to four years. Preference will be given to Illinois residents.

Disposition: This bill was a legislative priority for the ISVMA in 2008. It unanimously passed the Illinois House of Representatives and was referred to the Illinois Senate for a vote that would send it to the Governor for final approval. Unfortunately, this bill was yet another victim of the dispute between the Governor and House Speaker. It will definitely be reintroduced in January 2009 with the full support of ISVMA.

House Bill 5076 - Provides that any person, including without limitation any licensed veterinarian in Illinois or any other state or territory in the United States, who in good faith provides emergency care or treatment without fee to an injured animal, or an animal separated from its owner due to emergency or disaster, is not liable for civil damages as a result of his or her acts or omissions in providing or arranging further care or treatment, except for willful or wanton misconduct. Further provides that the statute of limitations for a violation of the act is two years.

Disposition: This was one of the very few bills that escaped the perils of the leadership dispute that stalled most legislation in 2008. It was signed into law by the Governor on 8/20/2008.

Explaining the Legislative Dispute That Stalled Most Legislative Proposals in 2008

Most bills that become law are dependent upon rules being promulgated by a regulatory agency (under the authority of the Governor) for the implementation of the law. During the 2008 legislative session, a dispute over rules making authority has a negative impact on nearly all legislation. Among the bills that stalled in the legislative process as a result of the political in-fighting were two initiatives of the ISVMA - the Veterinary Student Loan Repayment Program Act (HB4843) and the Internet Prescribing Prohibition Act (HB4391).

Every bill requires approval from both the House of Representatives and the Senate before it can be sent to the Governor for final approval. When a bill is introduced in the House it is assigned a House Bill number (i.e. HB4843). If a bill is introduced in the Senate it is given a Senate Bill number (i.e. SB1234). The bill must pass the chamber of origin first and then be sent to the other chamber for approval.

Bills considered in the House of Representatives in 2008 were blocked by the Speaker of the House (using his considerable power) unless they included a "rules amendment" that took rule-making authority away from the Governor. In other words, bills weren't passing the House without this politically-motivated amendment that pitted the House against the Senate President (who declined to consider bills with the the House "rules amendment") and the Governor.

All bills with the "rules amendment" passed by the House and referred to the Senate were blocked by the Senate President who refused to allow a vote on bills with the amendment attached. Senate bills that were sent to the House were amended to include the "rules amendment" and were then returned to the Senate for concurrence and the Senate would then refuse to accept the House amendment and caused the bills to languish.

ISVMA initiatives were among many hundreds of bills that were stalled in this manner. The Illinois General Assembly adjourned and we were left with no recourse. Unfortunately it appears the political climate among the legislative leaders and the Governor will preclude any further progress on stalled legislation this year. Neither the House nor the Senate will recede from their political agendas with regard to authority over the rule-making process. Therefore, ISVMA will likely have to wait until January 2009 and the next legislative session to advance our strategic legislative initiatives.

Meanwhile, the players and the field of play are changing. Senate President Emil Jones has

announced his retirement and the Senate will be electing a new leader that may or may not be as politically aligned with the Governor as was Senator Jones. Additionally, the substance of the "rules amendment" is being challenged in the courts. Regardless of any political obstacles that are present in 2009, the ISVMA will be re-introducing the Veterinary Student Loan Repayment Program Act and the Internet Prescribing Prohibition Act. We also plan to offer a Pet Lemon Law and some other legislation in preparation for the next renewal of the Veterinary Medicine and Surgery Practice Act.

About the Photo

The [Florida Scrub-Jay](#) is a 12-inch-long, blue and gray crestless jay that lacks the white wing spots and tail feather tips of the more common and widespread Blue Jay. It has a necklace of blue feathers that separates its whiter throat from its grayer forehead. The bird's tail is long and loose in appearance, and its back is gray. Scrub-jays that are less than about 5 months old can be identified by their dusky brown head and neck, but there are no plumage differences that distinguish males from females (the male averages slightly larger).

Scrub-jays range over much of the western United States and Mexico, but the physically and behaviorally unique Florida Scrub-Jay is restricted to scattered, often small and isolated patches of sand pine scrub, xeric oak scrub, and scrubby flatwoods in peninsular Florida. They have very specific habitat requirements and prefer these various forms of scrub habitat which burn frequently enough to maintain a tree height of 3-10 feet tall. They actively avoid other forest types, wetlands, and large, open areas such as agricultural lands. While scrub-jays can be found in areas where scrub has been recently converted to other uses such as residential developments or farmland, their survival and reproductive success are generally very poor in these areas.

Because of the territoriality of this species and the requirement for maintaining specific habitat conditions, it is unlikely that a "viable" population can be supported on any but the very largest scrub preserves. It is likely, however, that even small populations scattered throughout a region actually function as a metapopulation, or "population of populations." It is important, therefore, that Florida Scrub-Jays be preserved wherever they occur, with each isolated population being recognized as an integral part of a larger, regional scrub-jay population. As little as 5-10 acres of suitable habitat may support a mated pair, but a minimum of 25 acres per family is recommended as a general guideline for establishing scrub-jay preserves.

Habitat management for Florida Scrub-Jays essentially consists of periodically burning scrub tracts to maintain the desired shrub height, canopy closure, and percentage of bare ground. Optimal fire frequency for scrub-jay management is about once every 5 to 20 years. Mechanical site renovation may also prove satisfactory for scrub-jay habitat management where prescribed burning is inadvisable.

Biologists in several regions of Florida are currently studying Florida Scrub-Jays; both in undisturbed, natural habitats, and in areas undergoing rapid development. Because it is often difficult to determine a jay's sex or age in the field, marking each bird being studied with a unique set of colored plastic and aluminum leg bands is required. These banding techniques have been used on scrub-jays for over 20 years, and do not harm or distress the birds in any way.

By identifying families and individual birds, banding studies provide information on territory size and stability, kinship of birds within and between families, nesting success, survival and dispersal of jays, and many other aspects of scrub-jays and their environment. In many cases, interested citizens can assist the biologists by reporting observations of banded birds to the appropriate agency.

Because of its highly restricted choice of habitat and low dispersal ability, populations of the Florida Scrub-Jay have become very isolated. Jays from the Atlantic Coast, central Florida, and southwestern Florida differ in some of their vocalizations, despite being separated by less than 100 miles.

The Florida Scrub-Jay is federally classified as Threatened because of severe habitat restriction to its rare habitat that is under great development pressure. Fire suppression makes habitat unsuitable. It is listed on the Audubon Watchlist at www.audubon.org/bird/watchlist/.

A bold and curious bird, the Florida Scrub-Jay can become hand-tamed in areas where it comes in contact with people. The first one that I ever saw landed in my hand to take a peanut from me at Oscar Scherer State Park in Florida. I photographed this banded Florida Scrub-Jay at that same location in 1998.

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