

Meeting Minutes: Advisory Committee for Farmed Cervidae Rule Amendments

Date: 09/08/2020, 10:00 a.m. to 12:00 a.m.
Minutes prepared by: Dr. Courtney Wheeler
Location: Virtual Meeting via Microsoft Teams

Attendance

Farmed Cervid Advisory Committee Members

- Michelle Carstensen, Minnesota Department of Natural Resources (DNR)
- Kelly Anderson, Minnesota Department of Agriculture (MDA)
- Dr. Joni Scheffel, Minnesota Department of Health (MDH)
- Dr. Jerry Torrison, University of Minnesota Veterinary Diagnostic Lab (MVDL)
- Dr. Stephan Schaeffbauer, United States Department of Agriculture (USDA-APHISVS)
- Rich Meech, Minnesota Deer Farmers Association
- Brenda Hartkopf, Minnesota Elk Breeders Association
- Craig Engwall, Minnesota deer hunters
- Dr. Joel Ihnen, Minnesota cervid veterinarians
- Daryl Simon, Non-native Minnesota Cervidae species producers
- Robert Ernst, Minnesota farmed cervid producers
- Miles Falck, Minnesota Tribal Members
- Amy Cordry, Member of the public
- Dan Miller, Livestock producer
- Brian Martinson, Association of Minnesota Counties

Minnesota Board of Animal Health staff

- Dr. Beth Thompson, Executive Director
- Dr. Linda Glaser, Farmed Cervidae Program Director
- Dr. Courtney Wheeler, Farmed Cervidae Program Director
- Annie Balghiti, JD, Rules Coordinator
- Michael Crusan, Communications Director
- Addie Evans, Farmed Cervidae Program Administrator

Members of the Public who made comments

- Dennis Quarberg
- Jim Byrne Registered Farmed Cervidae Producer, Member of the Minnesota Elk Breeders Association

Welcome

Annie Balghiti, Board of Animal Health (Board) Rules Coordinator called the meeting to order. She started the meeting with a thank you to Advisory Committee members for volunteering their time and noted that they were chosen for their expertise which is needed by the Board to draft changes to current farmed Cervidae rules. Ms. Balghiti also thanked members of the public for their attendance and reminded them that she would reserve the last 15 minutes of the meeting for their comments.

Ms. Balghiti reminded everyone that the Advisory Committee does not write rules; rules are written by the Board. The Advisory Committee members offer the Board their expertise and have the power of persuasion to influence the Board. She also encouraged members of the Advisory Committee to bring forth comments from their constituents.

Ms. Balghiti noted that the comment period deadline has been extended to October 30, 2020. Additional opportunities for the public to attend rulemaking sessions are posted on the Board's website.

Ms. Balghiti described the goals of this Advisory Committee meeting which include finishing review and discussion of the Board's proposed amendments to the rules during which Dr. Glaser and Dr. Wheeler will share tracked changes with attendees. After review of the Board's proposed amendments has been accomplished, the plan is to go back to the beginning of the current rules and allow an opportunity for committee members and members of the public to comment on additional proposed changes.

Ms. Balghiti reminded everyone that we must do our best to be efficient and be cognizant of time to ensure that the last 15 minutes of the meeting remains reserved for public comment.

Proposed Rules Draft Review

Dr. Linda Glaser introduced herself as the Assistant Executive Director for the Board and Director of the Board's farmed Cervidae program. She explained that she would replicate Dr. Courtney Wheeler's presentation of the Board's proposed rule amendments during the last Advisory Committee meeting. Dr. Wheeler introduced herself and stated that she assists Dr. Glaser with managing the farmed Cervidae program. She thanked everyone for attending.

Dr. Glaser explained that during the last meeting, the committee had gone through the definitions and explanations of changes proposed by the Board through Minn. Rule 1721.0380 Subp. 5, Fencing. She shared a copy of the proposed amended rules draft with tracked changes (available on the Board's website) and reminded everyone that a strikethrough indicates language omitted by the Board and underlined language indicates language has been added.

Amy Cordry commented that [generally] she had additional concerns about the committee's previous discussion regarding fencing. Specifically, she requested clarification on the Board's rulemaking authority which she presumed to be intended to make statutes "stronger, not weaker". Dr. Glaser explained that we [the Board] have to stay within our statutory authority. She further explained that a state agency cannot overreach beyond

what the laws enacted by the legislature are dictating what actions the agency should take. For example, we [the Board] could not tell someone not to use high tensile for repairs; that would be going outside of our authority for fencing.

Craig Engwall expressed that he also had concerns about “scoping issues”. He referenced the section of the Board’s rules regulating intrastate movement of farmed Cervidae stating that he had concerns about adding a definition for terminal hunt facilities, the Board’s authority to do this and its application.

Dr. Glaser continued the discussion by presenting the Board’s proposed amendments to Minn. Rule 1721.0380, Subp. 10, record keeping. She pointed out that the Board added specific language to clarify that an owner is required to maintain records for every animal in the herd and which records must be kept. Specifically, the Board wants to clarify that records include Chronic Wasting Disease (CWD) test results. There were no additional comments from committee members on Subp. 10.

Dr. Glaser next introduced the Board’s amendments to Minn. Rule 1721.0390, animal identification. In this modification, the Board proposes striking language that is no longer applicable and adding language in response to statutory changes made by the legislature. Specifically, the legislature made changes that require white-tailed deer (WTD) species to be identified by October 31st of the year in which they were born, at weaning, or when/if moved off of the premises. All remaining cervid species will maintain the December 31st deadline for application of official identification.

Brenda Hartkopf raised the question, “Has the Board considered requiring two forms of identification for every animal to coincide with federal guidelines?” She pointed out that this would allow for better retention if an animal loses a tag and better ability to identify an animal from a distance. Dr. Glaser replied that the Board would take Ms. Hartkopf’s suggestion under consideration

Ms. Hartkopf questioned the proposed amendment in the rule that requires identification tags “include a distinct number that has not been used during the previous 3 years”. She stated that this may create a hardship for some producers. Dr. Glaser explained that this amendment was in response to statute changes (Minn. Stat. §35.155, Subd. 6). Dr. Glaser further explained that all official identification tags are unique and cannot be reused [under state law]. For example, National Uniform Ear-tagging System (NUES) tags may repeat after several years (millions of animals), so it is extremely unlikely that a producer would get the same tag twice.

Michelle Carstensen interjected that she inferred that Ms. Hartkopf was referring to reusing dangle/management tags (for example Yellow 1 is used, and then reused again 10 years later). She asked if the Board would/should include language that would not allow producers to reuse official and non-official identification. Dr. Glaser commented that the Board would discuss.

Dr. Glaser then moved on to discussion of the Board’s proposed amendments to Minn. Rule 1721.0400, Importation of farmed Cervidae. She highlighted the areas where the term “CWD endemic area” was replaced with the term “CWD management zone”. She recalled that Ms. Philomena Kebec had commented at the last meeting, the term “CWD endemic area” is used in Minnesota Statutes governing importation of farmed Cervidae and the Board recognized the need to revisit this definition.

Michelle Carstensen commented that within the state of Minnesota, the DNR uses the term management zone, which defines an area 15 miles around a wild CWD positive deer. The DNR appreciates aligning with BAH on zone definition and management within Minnesota. However, outside of our state there is a significant amount of variation in how “CWD endemic area” is identified. Ms. Carstensen suggested that the Board seek clarification by defining endemic area rather than recognizing how another state defines it.

Daryl Simon expressed his concerns with amendment to this section, reminding the group that he raises and displays reindeer. Mr. Simon pointed out that [Minnesota] regulations for cervids appear to be all lumped together, although there are some variances for WTD. Specifically, Mr. Simon raised concerns that reindeer originating from a “CWD management zone” may not be imported into the state. He noted that he was granted a prior exemption from the Board to display animals in a “CWD management zone” and then bring them home because he implements multiple biosecurity measures. With this rule change, Mr. Simon expressed his concern that he might be at a display in a non CWD management zone when a positive deer is found, and the status of the zone may change. He pointed out that the Board should consider amending language to allow an exemption for businesses like his as “we are not importing deer; we are just taking them somewhere [for display] and then bringing them home”.

Dr. Glaser let the group know that the Board has historically considered the movement that Mr. Simon described as movement for exhibition which differs from importation.

Daryl Simon reiterated that his biosecurity measures are more stringent than USDA guidelines, and asked that the Board consider adding specific language for exhibitors.

Brenda Hartkopf expressed support for Michelle Carstensen’s comments on “CWD endemic area”. She stated that “we [MN Elk Breeders] do not think the definition should be based on one positive animal”.

Michell Carstensen requested that the Board consider a blanket ban on any carcasses coming into Minnesota intact. Ms. Carstensen informed the group that there is a law, enforceable by the DNR, which prohibits any wild cervid carcass from being imported into the state. She added that the law has been presented for review this legislative session. Dr. Courtney Wheeler requested that Ms. Carstensen send the statute number to her, which she agreed to do.

Amy Cordry made the statement that because she lives near a producer who claimed ignorance of Minnesota rules governing farmed Cervidae, enforcement of these types of rules appears to be an issue. Ms. Cordry suggested a moratorium on any interstate travel [of farmed Cervidae] until improved testing modalities are available. She also let the group know that she has visited reindeer on exhibition after walking through her neighboring “decommissioned deer farm” where the owner was taking in wild cervid parts, not importing farmed Cervidae. Ms. Cordry again pointed out that the former owner of the cervid farm claimed ignorance of Minnesota law and questioned whether or not there were consequences for the producer.

Dr. Glaser pointed out that the DNR has jurisdiction over the importation of wild deer carcasses. She further explained that this forum pertains to farmed Cervidae, and the Board does not have authority over movement [importation] of wild deer where the disease may move freely. The Board has the authority to depopulate an affected Cervid farm but does not have the authority to depopulate wild Cervids.

Rich Meech stated that he felt the causes for the continued spread of CWD are multi-factorial and infected wild deer play a significant role. He expressed his opinion that “to point the finger at one single producer is unjust”.

Amy Cordry expressed her disagreement stating that the producer [owner of the “decommissioned deer farm”] admitted his action freely. Ms. Cordry also stated, “I am one public representative on a committee largely represented by people in the Cervid industry” and am doing my best to express public opinion.

Rich Meech acknowledged Mr. Cordry’s comments and informed her that he appreciated her participation.

Dr. Glaser moved the discussion forward to examine Minn. Rule 1721.0410, intrastate movement of farmed Cervidae. She explained that the Board omitted and added language to this section and moved the Subp. 1 to

another section. Specifically, Dr. Glaser pointed out that the Board proposed inserting language that would require a producer moving animals to another registered farmed Cervidae premises to have at least one Cervid in the herd tested in the previous twelve months.

Brenda Hartkopf pointed out that the portion of the section (Subp. 1) pertaining to submission of a movement report is under state law and cannot be struck. Ms. Hartkopf requested that the addition of Part D, requiring a producer moving animals to another registered farmed Cervidae premises to have at least one cervid in the herd tested in the previous twelve months be discussed further. She stated that we [Minnesota Elk Breeders] are not against conducting surveillance but would like the Board to consider a more scientific approach to selecting the one animal for testing. Ms. Hartkopf also inquired as to whether live animal testing could be considered. She reported that she attended a presentation by Dr. Peter Larson [Minnesota Center for Prion Research and Outreach] the week prior who promised RT-QuIC testing technology which would allow accurate testing of feces, urine and the environment within the year.

Dr. Glaser responded to Ms. Hartkopf's first comment, stating that we [the Board] are not omitting language requiring producers to submit movement reports (Subp. 1), but are including it elsewhere within the rules.

Requesting clarification, Daryl Simon stated that his interpretation of the Board's proposed amendment to limit movement to producers who have had at least one cervid in the herd tested for CWD in the previous twelve months is as follows: "If we had a customer that wanted an animal from our herd, and I have not lost an animal in the last year and tested it for CWD, I couldn't sell an animal to another producer in Minnesota. But I could sell to someone that doesn't have any deer."

Dr. Glaser clarified that if a producer is selling a farmed cervid to another individual in Minnesota, the individual would have to be registered, so a producer couldn't move animals to a location where they would be the first farmed Cervidae without a CWD test.

Daryl Simon commented for further clarification, under this amendment, if I haven't lost any animals in the last year, I can't move animals within the state regardless of my herd certification program status. Mr. Simon further inquired as to why we [the state of Minnesota] even have a certification program if it [participation and surveillance] will not be recognized.

Dr. Glaser commented that 50% of herds in the country that have had an animal test positive for CWD are herds with a [CWD surveillance] status level 6, indicating current protocols for testing and herd surveillance are inadequate for assessing risk of CWD transmission.

Daryl Simon commented that [under this proposed amendment] if he wanted to sell a reindeer calf in Minnesota, he would have to sacrifice another animal, before he is allowed to move that calf. He expressed that he is not supportive of this regulation noting that if the Board chooses to move forward with this amendment they are discounting the value of herd level 6 certification status.

Rich Meech commented that he was also not supportive of this amendment qualifying this with the statement, "If a herd has quality herd health and does not lose an animal, they are subject to unfair regulations. I think what we are saying here, is that you have lost all confidence in our surveillance program. If we are going down this road, we need to consider live animal testing."

Stephan Schaeftbauer reminded the group that genetics plays a role in CWD transmission and USDA limits use of live animal testing to CWD exposed animals. When used, live animal testing is performed as a whole herd test that is performed more than once, it is not as simple as a single test on a single animal.

Brenda Hartkopf commented that live animal testing could be used for monitoring purposes and would provide us with a lot of valuable information.

Michelle Carstensen stated that she also attended Dr. Peter Larson's presentation the week prior, and felt it seemed unrealistic that validation of RT-QuIC would be accomplished within a year. She further stated that the DNR is very supportive of live animal testing as it would be a "game changer" for mitigating disease risk. Her opinion was that we [the Board] should worry about including language regarding live animal testing when it becomes available, not pre-emptively. Ms. Carstensen also agreed with Ms. Hartkopf that which animal is tested needs to be more specific (example testing an animal that represents higher risk).

Miles Falck acknowledged that there are differences in movement of CWD in wild populations versus captive herds, specifically that movement of captive animals has the potential to move the disease over larger distances. We have much more control over movement between captive facilities versus animals in the wild. Mr. Falck stated that we need to consider how much we are averting risk by these proposed amendments to movement requirements. For example, with current testing modalities we can't be certain about incubation periods, disease transmitted with equipment, etc. He further commented that he believes the cost of testing a replacement animal outweighs the benefits. Without an approved live animal test, we cannot be certain how much risk we are averting.

Brenda Hartkopf agreed that Peter Larson's timeline for RT-QuIC validation seemed optimistic but pointed out that even if accomplished in 2-3 years it would be beneficial to have the capability to recognize live animal testing in the rules. She suggested reiterating the language used elsewhere in the rules; "as approved by the Board".

Dr. Glaser moved on to discussing the next section of the rules 1721.0410, Subp. 4, restriction on herd additions. She highlighted the proposed amendment to add language that "a person may not move a farmed cervid to a premises that is not in compliance with the legal requirements for possession of Farmed Cervidae in Minnesota". Dr. Glaser further explained that this amendment would require a producer to be in compliance with fencing requirements and be aware of regulations including record keeping, inventories and testing before they could move captive cervids to their premises.

Brenda Hartkopf inquired if the Board had considered not allowing level 4 or level 5 herds to move. She stated that she doesn't have a good avenue for determining if the person she is selling animals to is compliant and asked if the Board had thought about requiring a person to obtain a permit number before moving animals intrastate.

Dr. Glaser commented that we [the Board] have discussed requiring permits for intrastate movements and elected not to add this requirement based on staffing resource needs. We [the Board] haven't discussed an amendment to not allow movements out of [CWD herd certification program] level 4 and level 5 herds.

Brenda Hartkopf commented that she felt obtaining permits for movement was important enough that we need to find the resources for the Board to do this. She added that a permitting system would provide checks and balances to make sure the movement is valid.

Amy Cordry asked a for clarification on Dr. Glaser's previous comment which she heard as "50% of level 6 herds nationwide were CWD positive". Dr. Glaser clarified that 50% of the herds that were classified as CWD positive had achieved a status level 6 prior to the positive animal(s) being identified.

Rich Meech suggested that the Board only allow herds that have achieved a herd certification status level 6 to move without a permit. He expressed his concern for facilities that frequently move animals using the example that, “if it’s Friday afternoon and no one is available to issue a permit and we need to move an animal on Saturday, how do we facilitate that?”

Brenda Hartkopf inquired with Dr. Glaser, “Isn’t there a 24 hour call in line for obtaining a permit?”

Dr. Glaser verified that the Board has a mechanism for obtaining permit to import cattle 24 hours a day. She also noted that currently we only have 3 herds that are [CWD herd certification level] 5 and none at level 4.

Brenda Hartkopf added to the permit discussion that the Board wanted to issue a blanket movement restriction this year that would have impacted hundreds of producers that were not involved in the [Pine County] CWD investigation. She felt that requiring a permit for every movement would allow the Board more authority to control movement in response to a CWD positive herd.

Rich Meech commented that in the Pine County investigation, the affected herd was a level 6 and would have been granted a permit.

Brenda Hartkopf responded that a permitting process would still have allowed the Board to target specific “herds of concern” after identification of the positive.

Dr. Joni Scheftel commented that she would be in favor of permitting intrastate movements of farmed Cervidae.

Rich Meech implored that we consider blanket permits for a certain period of time (example Sept. 1 through the end of the year) which would benefit hunt preserves and elk breeders.

Dr. Glaser next addressed Minn. Rule 1721.0410, Subp. 5, movement into and out of “CWD endemic areas” (proposed to be amended to read “CWD management zone”). The Board proposed striking language for movement of animals to slaughter here and moving this language to Subp. 2 and adding language to allow permitted movement to other registered premises within the same management zone. Dr. Glaser further explained the Board’s proposal to add an allowance for movement to a terminal hunt facility outside of the management zone with the requirement that all animals in the facility be terminated within 12 months.

Craig Engwall commented that, per his earlier comment, he believes adding a definition for “terminal hunt facility” is outside of the Board’s scope of authority. As an example, if the Board issued a permit, a producer could move an animal from Fillmore county [currently a CWD endemic area] to a terminal hunt facility in Itasca county [not currently a CWD endemic area] when current statute does not allow animals to move out of a CWD endemic area.

Dr. Glaser responded that our current statutes and rules do not limit our ability to restrict movement of animals within the state.

Craig Engwall stated that the Board would be “liberalizing movement” which is not within their scope, inquiring if the Board can make this amendment, why can’t they change 96 inches [current requirement for perimeter fencing height] to 10 feet? Furthermore, the definition of terminal hunt facility does not exist anywhere else in state or federal law.

Michelle Carstensen stated that the DNR will forward comments on the proposed language pertaining to terminal hunt facilities. She further commented that, as the Board is aware, we [the DNR] have gone to great

lengths to limit movement of high risk animals. To her, it seems very risky to move animals from a high risk area to a non-risk area where the animals may live for a determined period of time giving them a chance to escape.

Brenda Hartkopf requested a more specific definition for terminal hunt facility. For example, no history of escapes, and/or harvested within 90-180 days.

Rich Meech commented that when considering these amendments, the Board is not taking into consideration how many farms are within these endemic areas/management zones that do not have CWD. He further stated that he felt the Board is basically stating that Minnesota has no confidence in our current testing program as we are essentially labeling all herds in an endemic area as positive without taking into consideration their testing surveillance status.

Amy Cordry commented that she believes if a herd is in a CWD endemic area, the risk is there.

Dr. Glaser clarified that producers within a CWD endemic area, within 15 miles of positive wild deer, currently cannot move animals to other parts of the state regardless of status as we do believe that wild animals pose a risk to animals in the enclosure(s) in these areas.

Miles Falck inquired about the process and criteria for obtaining a movement permit from the Board.

Dr. Glaser explained that the Board has requirements in place for permitting movements when needed. Criteria evaluated for movement include state herd level status and compliance with Board regulations. She also informed the group that the Board hasn't outlined specific requirements for permits in our amended language.

Miles Falck commented that he thought the Board should outline specific requirements for permits in our rules.

Brenda Hartkopf commented on Minn. Rule 1721.0410, Subp. 5B, which states that "farmed Cervidae may not be moved into a CWD management zone unless they move directly to slaughter or to a terminal hunt facility within the management zone," suggesting the Board amend the definition of terminal hunt facility within the management zone to terminal hunt facility within a management zone.

Stephan Schaeffbauer asked if the originating premises and the terminal hunt facility need to be under the same ownership?

Dr. Glaser answered that we did not classify ownership in the definition.

Kelly Anderson commented that the Board should consider offering special provisions for those producers in the CWD endemic area who take additional provisions to mitigate the spread of CWD, like exclusionary fencing.

Dr. Glaser explained that the Board already allows this, and herds with exclusionary fencing are not considered part of the CWD endemic area. She added that we will be discussing this exemption and its timeline further on in our rule amendments.

Rich Meech supported the concept that farms with double fencing remain exempt.

Dr. Glaser next discussed Minn. Rule 1721.0420, chronic wasting disease (CWD). She explained that most of the changes in this section applied to the state's CWD herd certification program. Primary changes include inserting language that addresses the requirements for cervids to be tested for CWD and striking through previous language related to surveillance periods and consequences for not testing.

Dr. Glaser addressed Subp. 1(D) which requires that any animal from a farmed Cervidae herd that is 12 months of age and over that dies or is harvested to be tested for CWD with an official test. The Board proposes insertion of language providing more clarification on consequences for not testing. If a producer has a test eligible animal that they do not submit samples for, or for which a successful test cannot be performed, this section would apply. Point two (1721.0420, Subp. 1 D(2)) clarifies that the surveillance status may be reduced based on Program Surveillance Standards. A draft copy of the Board's proposed standards are available on the Board's website.

Dr. Glaser further explained that under the Board's proposed program surveillance standards, if a producer does not test a statistically significant number of animals within a twelve month period, their surveillance period will be dropped. Point three (1721.0420, Subp. 1 D(3)) allows the board to grant an exception to a missed sample if animals die from anthrax or another zoonotic disease where sample collection poses a public health risk, or if animals are lost due to an outside act of vandalism or due to a mass mortality event such as a natural disaster or infectious disease outbreak.

Brenda Hartkopf suggested that the Board define successfully tested. She inquired that, if a producer were to submit an obex and lymph nodes, would the Board consider a sample successful if one was negative and not the other?

Dr. Glaser replied that if at least one of the tissues tests negative for CWD, the sample would be considered negative. For example, if a producer submits lymph nodes and they test negative, but the brainstem cannot be tested, the animal would be deemed negative. Dr. Glaser further explained that a result of "location" indicates a non-successful tissue and often means that the wrong part of the brainstem was submitted. If a producer received a negative result for submitted lymph nodes, the test would be considered successful and negative. Dr. Glaser also commented that producers may request the lab to revisit any tests they receive with a "location" result.

Brenda Hartkopf commented that she would like to see "successful test" and "negative test" defined in the rules. She also requested that we go through the Board's proposed program surveillance standards.

Michelle Carstensen suggested that when substituting a missed animal testing that the animal selected needs to be housed in the same pen. A producer could pick out an animal from a different pen that may not be exposed. Ms. Carstensen also suggested deletion of the language "due to a mass mortality event such as an infectious disease outbreak" as animals with infection diseases could likely still be tested.

Miles Falck supported Ms. Carstensen's suggestion to omit the language "due to a mass mortality event such as an infectious disease outbreak" as CWD is an infectious disease, and the language could be interpreted to disqualify exposed animals from being tested.

Brenda Hartkopf agreed with Ms. Carstensen that selecting a substitute animal for testing simply based on same sex and species seems random. She suggested looking at herd testing history and considering testing and animal selection [if needed] on a case by case basis.

Stephan Schaeffbauer agreed that there still needs to be a testing exception, "wiggly room", in the event of a natural disaster like a tornado or flooding.

Rich Meech commented that he felt under the Board's proposed program surveillance standards, we're eliminating the "human factor". He used the following example, "If it is the middle of summer, I can't leave my

farm for more than a few days without risk of an animal dying and tissues decomposing in the heat. The way it is written right now, someone would be docked for a missed sample in this instance”.

Amy Cordry asked Mr. Meech, “Are you saying that an animal can’t be tested after 3 days?”

Mr. Meech referred the question to Dr. Jerry Torrison who responded that in the heat and humidity, a producer is “fighting the clock”. Dr. Torrison stated that he couldn’t pinpoint an exact number of days, temperature or humidity level for tissue degradation, but certainly on a hot, humid summer day, degradation is a concern.

Rich Meech reiterated his opinion that the Board needs to take into consideration the “human factor”.

Annie Balghiti relayed to all in the meeting that the time had arrived to open the meeting for public comment.

Public Comments

Jim Byrne with the Minnesota Elk Breeders Association referenced Minnesota Rule 1721.0380, Subp. 6, running at large prohibited. He relayed that the language in this rule has sparked a conversation concerning who owns the animal once it has escaped. Mr. Byrne stated that he thought we [the Board] need to add language to the rule stating that the producer is still responsible and has ownership of the escaped animal, even after escape. If someone kills the animal (not the producer), they need to return the carcass to the owner for sampling as soon as possible. To reiterate, Mr. Byrne expressed that farmed Cervidae running at large are still considered livestock and are the property and responsibility of the owner.

Denis Quarberg noted in a written comment that for an animal escaped and at large, the animal is given up at time of escape, testing should be mandatory, and the animal should not be returned to the previous owner.

No additional comments were made by member of the public.

Annie Balghiti suggested that because there were no additional public comments that the advisory committee resume their work with the time remaining.

Proposed Rules Draft Review - Continued

Dr. Glaser referenced the Board’s draft for farmed Cervidae Program Surveillance Standards. She explained that the Board currently defines surveillance by using a method where a producer is docked for failure to successfully test any animals 12 months of age and over that die or are harvested for CWD. If a producer is a level 6 herd, they would be docked 90 days for every animal not submitted or not successfully tested. She further stated that the Board didn’t feel this was an effective way to monitor and ensure adequate surveillance for herds that have participated in the program for 15-20 years.

Dr. Glaser iterated that the proposed standards will be based on the same requirement that any animals 12 months of age and over that die or are harvested must be tested for CWD and penalties would only be applied if an animal is not submitted or a test is not successful. The draft outlines the penalties for different numbers of animals that are missed. These penalties would be applied only if no substitute animals from the herd are used to meet CWD surveillance requirements.

Dr. Glaser provided multiple examples for the group, including, if <5% of total animals died or harvested were not successfully tested for CWD, the herd status would not be impacted (ex: 1 animal missed in 20 or more that

died or were harvested, 2 in 40, etc.). A producer's status would be impacted if he/she failed to successfully test more than 5% of total animals that died or were harvested (ex: miss 1 animal in 4-19 animals). If less than or equal to 25% of animals were missed, a level 6 status would move to a level 5 and wait 6 months before being reinstated. If more than 25% of animals were missed, a level 6 status would be lowered to a level 5 for 12 months.

Dr. Glaser provided additional examples, including, if a producer failed to test the only animal harvested, his/her status level is significantly reduced and they would need to successfully test animals over a period of time to regain status. If a producer continues to miss animals in the year following, consequences are more severe, and the status is decreased more quickly. Dr. Glaser explained that the goal of these standards is to give us [the Board] time to hopefully detect disease if present in any additional animals that are harvested and tested before additional animals are moved off of the farm.

Brenda Hartkopf commented, saying that she appreciated how much thought had gone into this [developing program standards]. She went on to say that, we [MN Elk Breeders] submitted comments on how they would like to approach animals that are missed (not successfully tested). Ms. Hartkopf requested approval to present suggestions at the next committee meeting.

Dr. Glaser continued the discussion by introducing the Board's amendments to Minn. Rule 1721.0420, Subp. 2, quarantine procedures. She pointed out that this section does not apply to a CWD exposed herd, just CWD positive herds. She further exemplified the need to update the language in this section in response to the legislature updating language in statute. She also brought attention to the language that was omitted that is no longer applicable.

Amy Cordry expressed that she had several comments regarding this section but offered to "table her comments" until the next meeting in the interest of time.

Adjournment

Annie Balghiti adjourned the meeting, thanked all participants for joining and let the group know the Board would schedule another meeting in the next couple of weeks.

Next Meeting

Date:

Time:

Location: Virtual Meeting via Microsoft Teams