

Meeting Minutes: Advisory Committee for Farmed Cervidae Rule Amendments

Date: 10/28/2020, 1:00 p.m. to 3:00 p.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)
- Amy Cordry, Member of the public
- Craig Engwall, Minnesota Deer Hunters
- Brenda Hartkopf, Minnesota Elk Breeders Association
- Rich Meech, Minnesota Deer Farmers Association
- Dan Miller, Livestock producer
- Dr. Joni Scheftel, Minnesota Department of Health (MDH)
- Dr. Jerry Torrison, Minnesota Veterinary Diagnostic Laboratory (MVDL)

Minnesota Board of Animal Health staff

- Dr. Linda Glaser, Farmed Cervidae Program Director
- Dr. Courtney Wheeler, Farmed Cervidae Program Director
- Annie Balghiti, JD, Rules Coordinator

Welcome

Annie Balghiti, Rules Coordinator for the Board of Animal Health (Board) welcomed members of the advisory committee and thanked them for their participation and valuable input related to the Board's proposed rule amendments. Ms. Balghiti reminded everyone that members of the committee were chosen for their expertise and knowledge needed by the Board to amend their rules in the most effective way possible. She stated that the role of the advisory committee is to influence the Board, adding that Board members do not write rules, do not vote on rules, and do not have final say on rules adopted by the Board.

Ms. Balghiti reminded the group that the Board is currently in the request for comments phase of the rulemaking process and the request for public comments period will close on Friday, October 30, 2020. After this comment period ends, another public comment period will open for a minimum of 30 days when the Board publishes its Notice of Intent to Adopt and its proposed final draft of the rules.

Ms. Balghiti took roll call to determine which of the Advisory Committee members were present (refer to Attendance). She then reminded the group that the Board's most recently updated rules draft had been sent out to committee members and also posted on our website.

Dr. Courtney Wheeler and Dr. Linda Glaser introduced themselves and reiterated their roles with the Farmed Cervidae Program at the Board.

Annie Balghiti reminded the group that members of the public would be given an opportunity to comment during last 15 minutes of the meeting.

Proposed Rules Draft Review Public Comments

Linda Glaser began the discussion with a "focus on changes to the rules since the last meeting". She pointed out that changes (changes in the most recent draft of rule amendments), were outlined in red; added language is underlined, and eliminated language struck through. Dr. Glaser noted that some committee members submitted comments to the Board through e-mail and she encouraged all to "feel free to add comments throughout the discussion".

Dr. Glaser pointed out that previously we spoke about inventories required for farmed Cervidae producers, noting that the Board is proposing adding separate definitions for annual inventory and physical inventory as follows:

"Annual inventory means a complete, and accurate record of all forms of animal identification in each animal in the herd that is required to be identified with official animal identification, with the age, gender, and species of the animal."

"Physical Inventory means the visualization of all the numbers and letters of all forms of animal identification in each animal in the herd that is identified with official animal identification at the time the physical inventory is performed, and the recording of all the animal identification completely and accurately with the age, gender, and species of the animal."

Dr. Glaser read the proposed definition for "authorized sample collector," meaning an individual who has met all training, sample collection, and submission requirements of the board to be authorized.

Dr. Glaser pointed out minor amendments were made to the definition of "brucellosis certified free herd".

She then read the added definition of Chronic Wasting Disease (CWD) test: "CWD test means any test for the diagnosis of CWD approved by the board. A list of CWD tests approved by the board is available through the Internet on the board's website or by calling the board office."

Dr. Glaser pointed out the addition of "Official animal identification, meaning a device or means of animal identification approved for use by APHIS to uniquely identify individual animals".

Brenda Hartkopf commented on proposed amendments to Section 1721.0370, Subp. 7, defining "CWD state level 6 herd" (the current rule lists this as "CWD certified state level 6 herd"). Ms. Hartkopf stated that she thinks it is important that we keep the word "certified" in the definition for "consistency across all levels of government".

Ms. Hartkopf also requested that the Board consider keeping the definition for “CWD endemic area”, again to be consistent with definitions under federal regulations. She added that “we [Minnesota Elk Breeders] do believe that, when applied, endemic should refer to disease that is found continuously and persistently, not just based on one diseased animal.”

Amy Cordry commented on the Board’s proposed amendment to utilize the term management zone instead of the word endemic. She stated that “endemic is probably correct for the state of Minnesota”. Ms. Cordry added that she understood the intent is to refer to specific areas in the state of Minnesota, but it should be acknowledged that “CWD is endemic in Minnesota and across the United States”.

Michelle Carstensen explained that the Department of Natural Resources (DNR) plan uses percentages of the wild cervid population to guide where the state is in the trajectory of CWD. She pointed out that Minnesota’s highest CWD prevalence is in the Fillmore county area and is 1%, which the DNR considers “persisting”. Ms. Carstensen stated that “endemic would be considered 5%, which does not exist anywhere in the state at this time”. She added that there is not “persisting” infection in the Brainerd area, and level of infection is unknown in the Dakota county area at this time.

Dr. Glaser reiterated that CWD is not endemic in wild deer based on the DNR’s definition. She added that we need to continue to place restrictions on herds that are in a geographic area of concern without waiting for the DNR to declare the area endemic.

Brenda Hartkopf commented that the Board’s definition should match the United States Department of Agriculture’s definition, not the Minnesota DNR’s.

Dr. Glaser pointed out that endemic is not defined in national program standards.

Ms. Hartkopf asked if endemic is defined in other states.

Dr. Glaser responded that each state has different governing bodies that make those decisions and may have different thresholds for the term “endemic”.

Dr. Glaser read the Board’s proposed definition for “redundant gate”, which means “two gates, an inner and outer gate, at entry areas for farmed Cervidae enclosures that are regularly used for feeding, managing, or handling farmed cervids. The redundant gates must allow all the equipment used regularly to feed, manage, or handle farmed cervids to get completely inside the enclosure between the gates, and allow the outer gate to be secured before opening the inner gate and gaining entrance to the enclosure.” Dr. Glaser explained that the purpose of redundant gating is to reduce human error of leaving gates open and risking animals escaping.

Dr. Glaser read the definition for “successful CWD test result”, which means, “a test result where the CWD status of the animal is known, including the test results of not detected, suspect, or positive”. She recognized that there are multiple terms that could be used to describe a test as unsuitable or unsuccessful and that future approved testing may include different results.

Dr. Glaser read the definition for “terminal hunt facility”, “a facility at which all farmed Cervidae in the facility are killed and the carcasses removed by the end of the calendar year in which they were moved to the facility”. She pointed out the proposed additional language that would require all terminal hunt facilities outside a CWD management zone to be double fenced.

Craig Engwall stated that he had questions about the scope of the rules, specifically pertaining to fencing. For the record, he noted that double fencing is listed here and again later on in the rule. Mr. Engwall stated that Minnesota Deer Hunters has a problem with the Board's choice to insert double fencing requirements here but not elsewhere in the rule.

Brenda Hartkopf commented that Minnesota Elk Breeders doesn't think that those hunt facilities not accepting animals from endemic areas should be treated differently.

Linda Glaser responded that the only time a facility would need to meet requirements as a terminal hunt facility would be if the facility were receiving animals from an endemic area.

Brenda Hartkopf suggested that the Board consider that these facilities only accept animals from an endemic area.

Dr. Glaser explained that terminal hunt facilities would be a subset of hunt facilities and it would not be a requirement for every facility that offers hunts on their premises.

Ms. Hartkopf asked again that the definition should be clarified to allow these facilities to accept deer from an endemic area only. She added that the Board still needs to evaluate whether or not requiring double fencing for these facilities would require legislative action.

Dr. Glaswer stated that we are proposing requiring double fencing only in this situation to decrease the risk of moving live animals outside of an endemic area/management zone. We have historically not allowed this. This rule would allow for additional movement with caveats.

Rich Meech agreed that requiring these facilities to double fence may be outside of the Board's statutory authority. He then inquired if any of these facilities are currently in existence.

Dr. Glaser responded that there are currently no facilities that meet this definition because current rule does not allow live animal movements outside of an endemic area.

Rich Meech reiterated for clarification that "there are currently no premises designated as terminal hunt facilities and no facilities have been talked to about being described as terminal hunt facilities?"

Dr. Glaser confirmed that this was accurate.

Mr. Meech requested to have a conversation with Dr. Glaser "off-line" because his constituents informed him that they had been "talked to about this already".

Dr. Glaser continued to present the Board's proposed language changes. She noted amended language in Minn. Rule 1721.0380, Subp. 2, stating that, "the Board may refuse to register a premises or person that has had their herd registration revoked by the board, by taking into consideration the factors leading to the revocation".

Dr. Glaser then pointed out that the Board had added language to Subp. 3 in this section for clarification, "the inspection shall include a physical inspection of all perimeter fencing, and a viewing to verify that all animals are tagged as required under part 1721.0390". She then addressed the Board's proposed amendment that reads, "prior to stocking with Cervidae, the owner shall permit a representative of the board to conduct an inspection

of the premises to document compliance with this part, including verifying that perimeter fencing meets requirements, and verify an initial null inventory for the herd".

Dr. Glaser pointed out the Board's proposed edits to Subp. 4 which are intended to clarify timeline requirements for inventory submission, and to incorporate the Board's proposed definitions of annual and physical inventory. She read, "An annual inventory must be submitted within a maximum of 3 months of the date of the previous annual inventory. Every third year, a physical inventory must be performed, and the inventory may be submitted anytime in the calendar year." Dr. Glaser highlighted the Board's proposal to add language "indicating when the animals were retagged" to "the inventory must be filed on forms approved by the board and include the age, sex, type of animal, and all identification numbers for each animal in the herd". She also noted the Board's attempt to clarify language in this section related to when a physical inventory should be conducted.

Brenda Hartkopf pointed out that Minnesota statute requires that an inventory must be conducted every 12 months and she wasn't confident that the Board had the authority to amend this requirement.

Dr. Glaser responded that the Board would have to verify that this doesn't exceed statutory authority. She stated that the goal of this amendment is to ensure that the inventory is conducted roughly at the same time every year but still offers some flexibility for producers. She added that producers would be given until the end of the year to submit their physical inventory as the process is more intensive and may take longer.

Brenda Hartkopf recommended that the Board add language to the definition of terminal hunt facility that states an agent of the Board must be allowed to inspect the facility at the end of the year to ensure all animals have been removed.

Dr. Glaser responded that although the Board would require this for these facilities, it doesn't need to be included in the definition.

Rich Meech inquired again, "Are there any facilities that meet this definition now".

Dr. Glaser reiterated that there were not.

Rich Meech inquired as to why someone practical, would buy bucks from an endemic area, equating the transaction to a "car dealership, not selling cars and having to crush them". He added that he did not see any producers "jumping on this". Mr. Meech further stated that if a producer had to get rid of deer purchased from an endemic area because they didn't sell a hunt for them, and the pens they were housed in were so small that a member of the Board could see if they were emptied, that did not seem ethical.

Dr. Glaser continued with her presentation of proposed amendments, reading, "All fencing installed or repaired after July 01, 2019, shall be constructed of high tensile material, or a material that is equivalent to or more effective in preventing ingress or egress of cervids than high tensile, as determined by the board". She added that the Board recognizes that there may be materials that may be more effective at preventing ingress and egress and the Board amended language to accommodate this.

Dr. Glaser read added language after "entry areas for farmed Cervidae shall have redundant gates" with proposed language of, "If an entry does not require redundant gating, then the gate to the entry must have double locks."

Dr. Glaser read through the Board's proposed amendments to section 1721.0380, Subp. 6, "Running at large prohibited". She pointed out the additional language, "farmed Cervidae that are running at large are livestock as defined in part 1721.0370, and remain the property of the rightful owner", and "all escaped animals that are harvested or found dead must be returned to the owner and tested for CWD, regardless of age".

Brenda Hartkopf commended that Board for their amendments to rule language regarding cervids running at large. She noted that "time is of the essence for collecting good samples" and asked the Board to consider "the animal in its entirety must be returned immediately." Ms. Hartkopf then stated that Minnesota statute requires "all repairs to be high tensile", and questions if the Board's insertion of "or a material that is equivalent" is going beyond the law. She thanked the Board for recognizing that high pressure areas might need a solid barrier, but again expressed her concerns that this rule may not be "within the scope of the law".

Dr. Glaser referenced an earlier conversation during an advisory committee meeting, in which the committee discussed that if there is an existing enclosure composed of wood or concrete that it could be repaired. She asked Ms. Hartkopf to describe the conflict with this proposed language.

Brenda Hartkopf responded that Minnesota Elk Breeders had recommended keeping language that required new fencing to be high tensile but allowed for repair of deficiencies with other materials. She added that proposed wording was available in the most recent amended draft that she e-mailed to the committee.

Michelle Carstensen commented on the Board's proposed amendments to section 1721.0380, Subp. 6, "Running at large prohibited" that requires animals to be returned to owner and tested for CWD. She pointed out that while the producer is working with the Board on a recovery plan this seems reasonable, but sometimes animals are not recovered for a significant amount of time after the escape. For example, an animal may be harvested a year later. Ms. Carstensen added that by the time an animal that is out this long is discovered, the hunter may have already tagged the animal. She expressed her concerns that forcing a hunter to return the animal to the owner might be outside of the scope of the DNR or Board's authority and might be "a civil matter".

Dr. Glaser asked Ms. Carstensen if she thought that there should be a specific timeline after which the owner gives up ownership of the animal.

Ms. Carstensen responded that the DNR works with the Board for the initial 30 days of a recovery plan period to actively recover an escaped animal, so it makes sense that the language limit this authority to 30 days. She added that after that period the producer could bring suit against a hunter to recover the animal.

Brenda Hartkopf stated that "livestock does not become wildlife after 30 days". She commented that she would be against a time limit using the example that, "for a \$30 license, a hunter could get an animal worth thousands of dollars after 45 days".

Michelle Carstensen responded that it would be up to a court to decide, reiterating that she didn't think the Board or the DNR has the authority to demand an animal be returned to a producer.

Dr. Glaser continued her presentation of the Board's amendments outlining changes to section 1721.0390, "Animal identification". The Board is proposing that all animals have two forms of identification, at least one that has to be visible. She also outlined the Board's proposed language changes to clarify when official animal identification and has to be applied, in alignment with updated statuses.

Dr. Glaser highlighted the Board's proposed amendments to Minn. Rule 1721.0400, "Importation of Farmed Cervidae." The Board is proposing updated language to Subp. 3, "Chronic Wasting Disease", as follows, "Live Cervidae may not be imported into the state from an area where CWD has been detected, as determined by the board, live Cervidae may not be imported into Minnesota from a herd that is infected with or exposed to CWD, and Cervidae carcasses may not be imported into the state except for cut and wrapped meat; quarters or other portions of meat with no part of the spinal column or head attached. Antlers; hides; teeth; finished taxidermy mounts; and antlers attached to skull caps that are cleaned of all brain tissue may be imported". Dr. Glaser informed the group that the Board has reached out to USDA partners to gather more information regarding the risk of importation of antlers.

Dr. Glaser read the Board's proposed addition of language for "Live Cervidae Returning from Display: Live farmed Cervidae who are from a registered Minnesota herd and are returning to Minnesota from a display where they were housed and maintained according to board approved guidelines are exempt from the importation requirements of subparts 1, 2, and 3."

Brenda Hartkopf commented that "Board approved guidelines" appears vague, and asked Dr. Glaser to offer an explanation of what those guidelines are.

Dr. Glaser responded that the Board is currently following USDA guidelines for movement of reindeer. She provided the example of a buck moving with no other animals to a hunting show where he is in an arena on display. USDA criteria would dictate that the buck must not be exposed to other cervids and not maintained on land where potentially infected cervids may have been. Dr. Glaser added that application of this exemption may need to be discussed on an individual case by case basis.

Ms. Hartkopf pointed out the Minnesota Elk Breeders Association had provided some suggested language to the Board.

Dr. Glaser continued by reading proposed added language that requires all animals moved to be officially identified and originate from a herd that has achieved a level 6 in the CWD herd certification program. She clarified that the intention is that if animals move into another registered herd, they would have to be at least a level 6, lower levels can move elsewhere in the state.

Dr. Glaser restated the Board's previous proposed amendment that requires producers moving animals to another registered farmed Cervidae premises to have at least one test-eligible cervid in the herd tested for CWD within the previous 12 months or to meet other risk-based scientific criteria, as determined by the board.

Rich Meech commented only 10 herds in the state are less than a level 6. But if these herds (that are less than a level 6) are not able to move into a hunting ranch or another registered herd this could be detrimental to commerce. He added that this amendment would also present difficulties for a producer who is starting out and trying to achieve a level 6.

Brenda Hartkopf referenced the most recent letter submitted to the Board by Minnesota Elk Breeders Association in which it was stated that producers would be more supportive of this amendment if a live animal test would be accepted. Ms. Hartkopf stated that "It doesn't make sense to have to kill a healthy animal just to prove there is no CWD in a herd that has had no deaths. Daryl Simon would need to kill most of his herd just to move them to exhibit. We had to sell a cow to buy a squeeze chute. It makes no sense to require a herd with no evidence disease to kill an animal".

Rich Meech stated that he agreed with Brenda and reiterated her point.

Amy Cordry commented, "I hear Brenda and Rich and understand what kind of situation this puts a producer in. However, a valid live animal test is a ways away. MNPRO [Minnesota Center for Prion Research and Outreach] has advised that the approval process is intricate and time consuming". Ms. Cordy posed the question to the group, "What are we going to do to protect animals from infection until a live animal test is available?", adding, "I don't know what alternative the Board has".

Brenda Hartkopf commented that the percentage of herds in which CWD is found is less than 1%, so by enforcing this rule, the Board would be forcing the remaining 99% of "clean herds" to kill an animal.

Rich Meech agreed with Ms. Hartkopf's comments.

Dr. Glaser read through the Board's proposed amendments to section 1721.041, Subp. 3, "movement of animals to slaughter", which reads, "Animals from registered herds may be moved directly to a slaughtering establishment having state or federal inspection with a farmed Cervidae movement report, unless the animals are moving from a CWD management zone."

Dr. Glaser pointed out the Board's proposed change to language related to "restraint of animals in transit" changing from "must be restrained at all times" to "must always be restrained".

Dr. Glaser commented on the Board's amendments to clarify Subp. 5, "restriction on herd additions" requiring herds selling animals to be a level 6, and those receiving animals to be at least a level 4.

Dr. Glaser pointed out the Board's proposed amendments in Subp. 6 including additional language that animals from a CWD management zone may be moved "to a terminal hunt facility that is double fenced" and clarification on animal parts that may be imported into the state, "Antlers, hides, teeth, finished taxidermy mounts, and antlers attached to skull caps that are cleaned of all brain tissue may be imported."

Dr. Glaser read the Board's proposed addition for a section referring to exhibition (1721.0415) explaining that Board rules for all other livestock species contain an exhibition section. She read, "Movement of farmed Cervidae for exhibition must be reported to the board within 14 days of the movement on forms approved by the board. All farmed Cervidae at exhibitions must be identified with two forms of identification, one must be official animal identification".

Michelle Carstensen requested that the record show that the DNR strongly objects amendments to the rule that allow animals to be moved out of a management zone under any circumstances. She stated that the most recent CWD infection in a farmed deer exemplifies this risk as the positive herd was in an endemic area [management zone]. Ms. Carstensen added that movements of this type, "go against risk assessment".

Craig Engwall stated that he "wholeheartedly agreed with the comments made by Michelle [Carstensen]".

Joni Scheftel commented that the Minnesota Department of Health was in agreement.

Brenda Hartkopf commented that if a facility in a management zone has no evidence of CWD, they still need a way to market their animals. She inquired if this restriction would also apply to animals moving out of state.

Dr. Glaser responded that the decision is up to the state that is receiving the animals.

Ms. Hartkopf stated that Minnesota Elk Breeders is still in favor of adopting a permitting practice to know what is moving “in real time” instead of after the movement is completed.

Dr. Glaser stated that any animals moving within a management zone must currently be permitted and the Board would continue to require that. The rest of the state would not require permitting.

Dr. Glaser continued with amendments to Minn. Rule 1721.0420, “chronic wasting disease.” She pointed out the Board’s proposal to eliminate the requirement for a herd certification agreement stating that producers are made aware that they must comply with requirements, this is implicit in the registration process and producers don’t need to recertify every year. Dr. Glaser mentioned the addition of the word “all” to “when farmed Cervidae that are officially identified die or are slaughtered, the owner must report the age, sex, and all official identification numbers of the animals to the board within 14 days”. She explained that the Board wanted it to be clear that all id numbers must be included when submitting samples, not just one. She also noted that the Board proposed language clarifying that samples must be collected by an authorized collector and the Board reserves the right to approve and recognize additional CWD testing protocols.

Dr. Glaser informed the group that the Board amended their draft of CWD herd surveillance program standards and updated on their website, offering to review “if time permits”.

Dr. Glaser read amendments to part F (formally part G), “If farmed Cervidae are brought into a herd from other herds, the owners of both the origin and destination herd must report the age, sex, and all identification numbers of the animals, and the name and address of the source herd, to the board within 14 days on forms approved by the board”. Dr. Glaser explained that this is required in statute and the Board wanted to reiterate it here because it is not always clear that the receiving herd needs to report as well.

Brenda Hartkopf asked Dr. Glaser to review proposed amendments to Minn. Rule 1721.0420, Subp. 1 (C)(2) which states: “For each animal not successfully tested, the herd status will be reduced based on compliance history and on the most recent 12 months of surveillance in the herd in accordance with board surveillance standards for Farmed Cervidae”. Ms. Hartkopf inquired, “what happens if you don’t have an animal that meets the requirements? For example, I lose a 14 year old animal and my next closed animal in age is 12 years. Would I not be allowed to use this exception?”

Dr. Glaser affirmed that this is the way the amendment read, stating that this is a good example of why the Board shouldn’t be too specific. She added that Ms. Hartkopf is always asking the Board to be more specific in their rule amendments.

Ms. Hartkopf responded that ages of animals in a herd can vary significantly.

Dr. Glaser inquired, “Are you asking us [the Board] to be less specific?”

Ms. Hartkopf replied that she was asking from the standpoint of a producer, what would happen. She stated that she did not believe that national program standards say, “same age”.

Rich Meech commented that he agreed with Ms. Hartkopf’s point.

Amy Cordy suggested substituting “approximate age”. She reminded the group that previous discussions indicated that the current level system is “flawed”, and this system need to be re-evaluated to make sure it is actually verifying that herd is “less likely to be infected.” Ms. Cordry expressed her disappointment that the Board is not “looking at those levels to adjust them”.

Dr. Glaser commented that she didn’t recall using the word flawed but recognizes that with the current system there is no way to guarantee disease freedom. “These levels just provide criteria for disease surveillance. Although the system falls short of ideal, until we get better testing, there are not a lot of alternatives for improvement”. Dr. Glaser added that infected herds may have missed no animals or very few, a herd may test thousands of animals and not find CWD, we don’t see it until we see it. Hopefully by looking at risk factors, we can circumvent it.

Ms. Cordy reminded Dr. Glaser that she did use the word “flawed”. Then she inquired, “To be clear, if CWD is found, does a herd maintain a level 6 status?”

Dr. Glaser responded that when CWD is identified, all animals in a herd are removed or the herd’s status is reclassified as infected and they no longer have a status in the system.

Amy Cordy inquired further, “so the 9 herds that were found to be infected were quarantined and lost their status or were decommissioned?”

Dr. Glaser confirmed that those herds were depopulated.

Dr. Glaser continued the discussion by relaying the Board’s proposed amendments to Minn. Rule 1721.0420, Subp. 2, “quarantine procedures”. She explained that when the Board receives a preliminary “suspect” diagnosis from VDL [the Minnesota Veterinary Diagnostic Laboratory], the herd is quarantined while awaiting confirmatory test results. The Board also quarantines herds that have received animals from the suspect herd. Dr. Glaser pointed out the proposed language change, which reads, “The board must immediately quarantine a farmed Cervidae herd that is suspected to be infected with or exposed to CWD. If the herd is determined to be infected with CWD, then the herd owner must depopulate the Cervidae herd within a reasonable time after any appraisal process is complete. If no appraisal is required or requested, the herd must be depopulated in a timely manner. The herd owner shall also maintain fencing for at least five years from the date of detection and post biohazard signs as directed by the board”. Dr. Glaser added that the Board’s goal in amending this language is to distinguish between CWD exposed and CWD infected herds.

Brenda Hartkopf pointed out that the Board changed language from “determined to be infecteds” to “suspected to be infected with” and urged the Board to change the language back to “determined”.

Dr. Glaser explained that the goal is to quarantine when a herd is suspected to be infected, out of an abundance of caution.

Ms. Hartkopf attempted to clarify her point stating that “the Board could determine a herd to be exposed, not suspect it to be”.

Dr. Glaser responded that if we suspect a herd to be infected based on preliminary results from VDL, we quarantine.

Ms. Hartkopf responded that “at that point you have determined the herd to be infected”.

Dr. Glaser explained that only NVSL (the National Veterinary Services Laboratories) can confirm.

Ms. Hartkopf "strongly encouraged" the Board to change language related to the federal indemnification and appraisal process back to exact statute language.

Amy Cordry commented that "a quarantine shall be released 5 years after infection, cleaning and disinfection". She stated that one of the advisory committee members, Dr. [Jerry] Torrison forwarded an e-mail that said this is "random, ill-advised and ineffective given information on "experiences" with Scrapie being reintroduced into herds after 16 years". Ms. Cordry "strongly encouraged" the Board to evaluate the 5 year requirement and stated she felt this timeline is "outdated and arbitrary".

Brenda Hartkopf asked if the five years is outlined in national program standards language. She commented on all of Subp. 2, "I don't see any language stating how a herd that is exposed can be released from quarantine and I think we need guidelines on what to do with an exposed herd".

Dr. Glaser commented that the language is "lumped together" in the first two sentences, adding that a significant portion of the omitted language had to do with CWD contamination.

Ms. Hartkopf responded that the rule still doesn't include what happens to CWD exposed herds and she felt that producers and the public "need to see this information in rule and understand it".

Ms. Hartkopf then commented that "historically animals have been moved to slaughter and some of the costs for indemnity have been recouped. I think when the infected red deer herd was depopulated, a significant number were sent to slaughter and this got the animals off of the landscape sooner".

Dr. Glaser stated that she didn't know if statutory language allows that.

Ms. Hartkopf commented that the statute language does not say how animals must be depopulated, so maybe there is some leeway.

Rich Meech posed the question, "What is required of a suspect herd, what are the ramifications, are they only quarantined or are they offered an appraisal?"

Dr. Glaser explained again that the VDL notifies the Board when a suspect animal has been identified and samples are forwarded to NVSL. The herd is immediately quarantined, pending results.

Rich Meech asked if the rules were going to address trace forward and trace back herds.

Dr. Glaser responded that those herds are considered "exposed" and this is outlined in program standards.

Brenda Hartkopf inquired what happens if a herd doesn't get indemnity, pointing out that the amendments eliminate all options for moving animals out of the herd, "short of killing them and putting them in hole".

Dr. Glaser finished describing the Board's amendments to Minn. Rule 1721.0420, Subp. 3, highlighting the Board's proposal to change "endemic area" to "management zone" and the inclusion of language that reads, "Individual farmed Cervidae herds where animals are kept on premises within a designated CWD management zone shall be excluded from and not considered to be a part of a CWD management zone if the herd is maintained in such a way that commingling of farmed Cervidae and wild Cervidae is prevented for at least 36 consecutive months".

Brenda Hartkopf commented that the Board should not be given unfettered discretion to declare whatever they want for a management zone. She suggested adding language that the Board must get approval from their citizen Board. She added that she believes the “180 day window” should be added back in, explaining that “until our herd has been infected, we should be given a minimum amount of time to put up fences and or move animals to deal with this unfortunate and unforeseen situation”.

Rich Meech inquired “why the Board was being so vague and yet draconian at the same time”. He asked for clarification on how the board will be defining a management zone, “a five county area, a 20 mile radius?” Mr. Meech added that “this will put people out of business overnight”.

Dr. Glaser pointed out that the Board’s authority to declare an endemic area has always extended to allowing us to declare an area beyond the 10 mile minimum.

Rich Meech continued to press his point by asking, “are we making this up as we go? Who decides, one person at the Board?” He stated that by no fault of their own, producers in one of these designated areas will not be able to move animals and will not be compensated which “seems unfair to cervid producers”.

Dr. Glaser reminded the committee that the Board declared a 15 mile radius for endemic areas after approval from their citizen board. She added that we cannot predict the risk of wild cervids on the landscape and the goal is to prevent the potential movement of CWD infected animals out of these areas.

Mr. Meech stated that if CWD is confirmed near his herd tomorrow, he would be out of business because he didn’t have exclusionary fencing in place for 36 months.

Dr. Glaser commented that we can’t know when the instance is that CWD exposure occurred.

Public Comments

Annie Balghiti informed the group that the time had come to open the meeting for public comment. She stated that the Board will continue to work with the advisory committee after the comment period closes at the end of the week. She welcomed comments from the public asking that those speaking share their name and affiliation.

Jim Byrne, Minnesota Elk Breeders Association, addressed amendments to Minn. Rule 1721.0380, Subp. 6, “running at large prohibited”, suggesting that the Board revisit comments requesting language that requires an animal to be immediately returned to the owner intact. Mr. Byrne inquired, “If the rules don’t state this, what happens to the status of the farm if they can’t get the animal back in at all? Is this recorded as a missed test and the herd must substitute the animal?”

Dr. Glaser responded that this animal would be counted as missed surveillance in the herd.

Mr. Byrne further inquired that if the escape was attributed to causes, for example a flood, tornado, or act of God, would the animal still count towards missed surveillance and affect the herds status?

Dr. Glaser referred to the section in rule that states, “The board may grant an exception to these requirements 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”.

Shawn Schafer, Executive Director, North American Deer Farmers Association, expressed that he was not in favor of sacrificing an animal to make up for a missed sample. He stated that “there is very little science behind randomly selecting a healthy animal to substitute for testing, it is more of a punishment than epidemiologically sound”. Mr. Shafer suggested that live animal alternatives should be considered. He added, “If a producer misses a market animal that is worth 5-10,000 dollars, the idea that he/she would just go out and shoot another one is ludicrous”.

Dr. Glaser referenced the resolution presented to the United States Animal Health Association last month, asking State Animal Health Officials to consider allowing producers to substitute live animal testing for submitting post-mortem samples. State and Federal Animal Health Officials agreed that there is not sufficient science based evidence to support that live animal testing is equivalent.

Shawn Schafer agreed with this statement adding that “the number live animals to be tested is still under scrutiny”. He stated that it seems just as valid to live animal test “a bunch” of animals as it does to kill a perfectly healthy animal. Mr. Schafer reminded the committee that national program standards do not require a producer to go out and “kill one for one” this is just a recommendation for chronic offenders.

Dr. Glaser responded that the Board is not requiring a substitution either but is allowing a producer who misses a subset of testing the option to sacrifice an animal that has been in the herd at least as long.

Mr. Shafer pointed out that exchanging an animal that is the same age is not necessarily equivalent from an epidemiologic standpoint.

Dr. Glaser requested additional public comments.

Jeff Heil, a member of the public from Steele County Minnesota, stated that he considers himself “an anti-among the one sided conversation today”. Mr. Heil inquired how many non-compliant farms the Board is dealing with currently.

Dr. Glaser responded that one herd is currently under a compliance agreement, clarifying that compliance for this has gone beyond a simple notice of violation.

Mr. Heil asked if the Board of Animal Health ever considered surprise inspections by an independent contractor or if the DNR considered working with the Board to appoint one inspector for the entire state. Mr. Heil added that “If a producer’s fences and records have to be kept up to date 365 days per year, a surprise inspection could keep them on the up and up”.

There were no more public comments.

Brenda Hartkopf commented that she appreciated Dr. Glaser’s comments that in the future we may need to consider additional variables when determining a management zone. She reiterated how important she felt it was to make sure that one person cannot make this decision and that the decision is made the way it was last time; it was reviewed before the board and comments were accepted.

Rich Meech stated that if producers are going to be held accountable for 100% accuracy in sample collection the diagnostic laboratory should also be held to 100% accountability.

Adjournment

Annie Balghiti thanked committee members and members of the public for their time commitment and comments. She adjourned the meeting and let committee members know that she would be sending another survey to determine the best time for the next meeting.

Next Meeting

Date: 11/13/2020

Time: 10:30 AM-12:30 PM

Location: Virtual Meeting via Microsoft Teams