

Office of the Legislator Auditor Evaluation of the Board's Farmed Cervid Program

Follow up to the Seven Key Recommendations from the audit

Recommendations

- The Legislature should consider expanding the number of board members and adding at least one member of the general public. (p. 14)
 - Since 2019:
 - HF 2744 (Posten)/SF 2783 (Ruud)
 - HF 3289 (Posten)/SF 3503 (Weber)
 - HF 2973 (Becker-Finn)/SF 3838 (Hawj)
- BAH should clarify expectations of whether and how often producers must verify their herd inventory on an animal-by-animal basis. (pp.23-24)
 - The Board implemented the requirement for every farmed cervid herd to conduct a physical inventory every three years beginning January 2019. This requirement aligns with the USDA's CWD herd certification program which requires a physical inventory every three years.
 - A physical inventory is defined as visualizing, and completely and accurately recording all identification tags for every animal in the herd required to be officially identified at the time the physical inventory is performed. The animal identification must be recorded along with the age, gender, and breed of the animal.
 - Cervid herds were divided into three groups and assigned to one calendar year for a physical inventory; 2019, 2020, or 2021; an annual inventory is required the other two years. The physical inventory can be performed any time in the calendar year and then is repeated every three years thereafter. Each producer is notified the year they are required to conduct a physical inventory of their herd and producers receive a reminder letter if they have not completed the inventory by the middle of that calendar year.
 - For herds with a bovine tuberculosis (TB) accredited or brucellosis (BR) certified herd, the physical inventory is aligned with the year testing is required to maintain these herd statuses; a veterinarian must collect a blood sample or perform a skin test on every animal over 12 months of age in the herd.
- BAH should (1) systematically analyze CWD-testing compliance, and (2) appropriately penalize those producers who fail to submit CWD-testing samples. (p.27)
 - Response to (1) above –
 - Testing compliance is monitored by reviewing each herd when their annual inventory is received to determine how many animals died in the herd and how many of these

- animals were tested. Producers are required to submit death reports for every animal officially identified in the herd.
 - Regular evaluation of authorized CWD sample collectors will also provide information to assess testing compliance – see below.
 - Response to (2) above -
 - A penalty of \$100.00 may now be assessed for every animal not tested for CWD.
 - Herd CWD status is also adjusted by advancing the surveillance period as outlined in the rules. As this is not an effective consequence for failure to test eligible animals, the Board is seeking to amend this rule with increased consequences for failure to successfully test eligible animals for CWD.
- BAH should develop an approval program for deer and elk producers who wish to collect their own CWD test samples. (p.30)
 - The Board initiated a training program in 2019 to authorize individuals that want to collect tissues from farmed cervids for CWD testing. This training requires:
 - Attendance at a classroom session with information on the CWD prion, biosecurity, and how to collect and submit tissues for testing.
 - A field demonstration of tissue collection techniques for individuals with no history of successfully testing farmed cervids for CWD
 - Successfully tested samples from two farmed cervids submitted with a complete and accurate submission form to the MVDL.
 - Once an individual is authorized, they are issued a sample collector number to use when they submit tissues to a lab for CWD testing.
 - Starting January 1, 2020, the Board will no longer pay for samples submitted to the laboratory by unauthorized sample collectors.
 - The Board has developed a report to monitor the successful test rate of CWD Sample Collectors
 - The Board makes authorized sample collectors aware that their authorization may be revoked if their test success rate is not maintained.
 - Currently we have 160 authorized sample collectors and 57 additional individuals working to complete their authorization requirements.
- BAH should (1) ensure producers follow Minnesota deer and elk laws, (2) strengthen consequences for producers, and (3) monitor field staff performance. (p.33)
 - Response to (1) above – producers receive information to outline deer and elk laws including:
 - A ‘mailing’ at the beginning of each year to inform producers of updates and requirements of the program.
 - Producers were notified by email, paper and contact by field staff with changes to the farmed cervid laws in 2019
 - Written Notices of Violation and timelines for coming into compliance are issued to producers, so both the Board and producer have documentation of non-compliance and how to correct the violation.
 - Response to (2) above -
 - An algorithm was developed to assess civil penalties for non-compliance increasing the penalties with repeat non-compliance or non-compliance with multiple regulations.
 - Non-payment of civil penalties results in debt referral to the Dept. of Revenue for collection.

- Registrations are cancelled for farmed cervid producers with chronic non-compliance.
- Response to (3) above
 - Field staff are individually assigned to each farmed cervid herd so their responsibilities to inspect the herd and follow up on non-compliance by the producer in a timely and effective manner can be tracked.
 - Any issues with individual field staff not meeting deadlines or lack of follow up are referred to their supervisors.
- BAH and DNR should draft a memorandum of understanding outlining each agencies' responsibilities with respect to data sharing. (pp.47-48)
 - A Memorandum of Understanding was signed in January 2019.
 - In addition to data sharing responsibilities, the MOU generally outlines data sharing for escapes and CWD-related events.
- The Legislature should convene an advisory task force to evaluate the state's regulations related to deer feeding and live-animal imports. (p. 51)
 - The Minnesota Legislature has convened meetings with regard to CWD, the most recent being September 1, 2020.