

Minnesota Board of Animal Health

CERTIFICATE OF THE BOARD OF ANIMAL HEALTH; AUTHORIZING RESOLUTION TO PROCEED WITH EXEMPT RULEMAKING UNDER MINNESOTA STATUTE § 14.388

Amendment to Rules Governing Farmed Cervidae, Minnesota Rules, Chapter 1721.0420

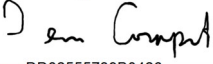
I, Dean Compart, certify that I am a member and the President of the Board of Animal Health (Board), a board authorized under the laws of the State of Minnesota; that the following is a true, complete, and correct copy of a resolution that the Board adopted at a properly convened meeting on April 21, 2021; that all board members were present; and that a majority of those present voted for the resolution, which has not been rescinded or modified. The Board resolved the following:

1. Chronic Wasting Disease (CWD) is a disease that affects both farmed and wild Cervidae.
2. CWD has become a serious health risk to both farmed and wild Cervidae in Minnesota.
3. The Board notes that under Minnesota Statute § 35.155, the Minnesota legislature has determined that CWD-positive farmed Cervidae herds in Minnesota should be removed from the landscape and such herds depopulated once the federal appraisal process is complete.
4. When a case of CWD is confirmed in wild Cervidae, the Board designates all locations within 15 miles of the confirmed case as a CWD endemic area. The Board applies additional movement restrictions to farmed cervids in this area due to the risk of exposure to CWD from wild deer outside the fence. This regulation was promulgated to address the risk of moving apparently healthy but undetected CWD infected farmed cervids to other locations in Minnesota, jeopardizing the health of farmed cervids throughout the state.
5. Under the current Minnesota Rule 1720.0420, subpart 3, individual farmed Cervidae herds that are located within a designated CWD endemic area are excluded from and not considered to be a part of a CWD endemic area if, under the rule, commingling of farmed Cervidae and wild Cervidae has been prevented.
6. The Board has previously approved exclusionary fencing as a method to prevent commingling of farmed Cervidae and wild Cervidae.
7. Epidemiologic investigation in response to the recent detection of CWD in a farmed Cervidae herd in Beltrami County demonstrates that a CWD infected animal had been moved into the herd from a Winona County herd located in a designated CWD endemic area. The Winona County herd had been considered to not be a part of the endemic area based on approval of exclusionary fencing intended to prevent commingling of farmed and wild Cervidae. The Winona County herd had been double fenced since 2015 and no other risk factors for CWD were determined to be the most likely cause of infection.
8. The Board recognizes that under the current Minn. Rule 1720.0420, subp. 3, farmed Cervidae in CWD endemic areas of the state may be exposed to CWD even when commingling has been prevented in accordance with the current rule. The Board believes exclusionary fencing is not effective in preventing the introduction of CWD infection to a farm located in a designated CWD endemic area when CWD infection occurs in wild deer outside the fence.
9. The Board recognizes that under the current Minn. Rule 1720.0420, subp. 3, farmed Cervidae in CWD endemic areas of the state could be exposed to CWD even when

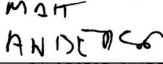
commingling has been prevented in accordance with the current rule. Under the current rule, these farmed Cervidae may then move and carry the disease outside of the CWD endemic area to other parts of the state.

10. The Board finds that CWD presents a serious and immediate threat to public health, safety or welfare. The current rule is inadequate to protect farmed Cervidae from CWD, and amending this rule through the normal rulemaking process will take too long and is contrary to public interest.

11. The Board therefore authorizes and directs the Executive Director of the Board of Animal Health to proceed with exempt rulemaking under Minnesota Statutes, section 14.388, and to approve and sign all necessary documents, in order to immediately amend Minnesota Rule 1721.0420 as reasonable and necessary to prevent the threat of CWD to farmed and wild Cervidae.

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Dean Compart,
President of the Board of Animal Health

4/22/2021
Date

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Signature of Attesting Board Member

Dr. Matt Anderson
Printed Name of Attesting Board Member