

Agenda Item Summary

BACKGROUND

Staff is proposing two changes to the Division 049 cervid rules: adoption of a new section concerning the Cervid Disease Surveillance List (CDSL), and an amendment of reporting requirements related to cervid parts and products. No other changes to the cervid rules can be considered at this time.

When the Commission adopted comprehensive amendments of Division 049 in May, it committed staff to promptly develop and propose a Cervid Disease Surveillance List rule (see OAR 635-049-0055). Staff is now proposing adoption of such a rule (and repeal of the placeholder rule that called for development of the CDSL). The CDSL defines disease testing and reporting requirements upon death of a captive cervid and testing of gamete and embryo imports as directed by the Oregon Fish and Wildlife Commission (Commission) during the May 9, 2008 Commission Meeting.

The proposed CDSL was initiated and developed by Oregon Department of Fish and Wildlife (ODFW) and Oregon Department of Agriculture (ODA) veterinarians.

Additionally the Commission action in May of adoption included OAR 635-049-0205, which in part requires cervid holders to report to the Department each sale of a cervid part or cervid product. After adoption it became clear that this rule would have an effect that was unintentionally broad and onerous. For example, the rule would require a cervid holder to report to the Department the details of each sale of jewelry made from elk antlers. After considering such concerns from cervid licensees, the Department determined that the longstanding rules in Division 200 (governing sale of wildlife parts) already covered this issue adequately, and that a new rule concerning reporting of sale of cervid parts and products was not necessary. Therefore, staff is proposing a minor change to OAR 635-049-0205 to delete the new sales reporting requirement. The proposed removal of this new requirement would decrease the amount of time and money cervid holders would need to spend to comply with the Division 049 rules.

PUBLIC INVOLVEMENT

For public and outside involvement concerning the Department's CDSL proposal, veterinary staff consulted directly with Oregon Department of Agriculture, State Veterinarian Dr. Don Hansen. Additionally, staff discussed issues and concerns with Oregon captive cervid producers, a cervid industry private practitioner (veterinarian) in central Oregon and a mixed practice veterinarian in eastern Oregon, director (and pathologist) with the Southeast Cooperative Wildlife Disease Study, University of Georgia, and a pathologist with Oregon State University. Also, the Chronic Wasting Disease (CWD) Program Coordinator for the USGS National Wildlife Health Center, Madison, Wisconsin and a CWD diagnostician with the National Veterinary Services Lab in Ames, Iowa were consulted. Department interviews were also conducted with all

USDA slaughter facilities (14) servicing Oregon cervid producers. Two USDA Food Safety Inspection Service Veterinary Medical Officers (meat inspectors) and their Denver based Administrator. Additional interviews and consultations were conducted with other state wildlife program veterinarians including Michigan (bovine tuberculosis), Colorado (CWD), Idaho, Nevada, Washington, Montana, and Virginia. During this public involvement and consultation period, both ODFW veterinarians participated in and consulted with 59 other wildlife and livestock health specialists from the US and Canada including state, federal, university, and non-governmental veterinarians and scientists as part of an international CWD workshop in Edmonton, Alberta.

Public involvement regarding removing the reporting requirements related to cervid parts and products in OAR 635-049-0205 has included cervid licensees.

ISSUE 1

Cervid Surveillance Disease List (CDSL).

ANALYSIS

The purpose of this amendment is to place into rule the CDSL. The proposed list includes diseases posing risk to cervids, cervid diseases posing risk to livestock, wildlife or humans, testing standards, test methods, prohibitions, and deadlines for required disease analysis and reporting. The list also addresses disease testing requirements and prohibitions for gamete or embryo transfer and importation.

ISSUE 2

Remove requirement in OAR 635-049-0205 that cervid part and product sales be reported in detail to the Department.

ANALYSIS

The purchase, sale or exchange of cervid parts is regulated by OAR Chapter 635, Division 200. Reporting the sale of all parts and products is unnecessary, time consuming and expensive for cervid facility licensees and the Department. Records required by OAR 635-049-0205 were intended to document history and information on individual animals. Reporting requirements concerning the sale of animal parts and products in OAR 635-049-0205 are not necessary due to rules related to the sale of animal parts in OAR. 635-200.

OPTIONS

1. Repeal OAR 635-049-0055 and 635-049-0090, adopt OAR 635-049-0065 and amend -0205, as proposed by staff.
2. Repeal OAR 635-049-0055 and 635-049-0090, but adopt OAR 635-049-0065 and amend -0205 in some other way.
3. Do not repeal OAR 635-049-0055 or 635-049-0090, adopt OAR 635-049-0065 or amend OAR 635-049-0205.

STAFF RECOMMENDATION

1. Option 1

DRAFT MOTION

“I move to repeal OAR 635-049-0055 and 0090, adopt OAR 635-049-0065 and amend -0205, as proposed by staff”

Upon Filing

EFFECTIVE DATE