

Staff Summary

Policy Issue: Define testing and reporting requirements for captive cervids as directed during the May 9, 2008 meeting by the Oregon Fish and Wildlife Commission (Commission).

Background: The Cervid Disease Surveillance List (CDSL) was developed jointly by Oregon Department of Fish and Wildlife (ODFW or Department) and Oregon Department of Agriculture (ODA) veterinarians as a result of a directive from the Commission.

The Commission heard staff presentations and public testimony during the November 14, 2008, meeting in Salem and decided to leave the public comment period open and for staff to return for final action during the June 5, 2009 Commission meeting. During this comment period, staff was directed to address specific issues concerning the Cervid Disease Surveillance List and protocols for import of gametes and embryos by Type 1 facility producers. Through a meeting with producers and additional research of existing disease surveillance programs in states and provinces, the following information is presented for consideration by the Commission.

This summary is presented in four main sections including Cervid Deaths – Reporting, Disease Testing Requirements, The Voluntary State Chronic Wasting Disease Monitored Herd Program, and the Import of Gametes and Embryos.

During March 2009, USDA APHIS presented an amended proposed rule under 9 CFR Parts 55 and 81 titled Chronic Wasting Disease Herd Certification Program and Interstate Movement of Farmed or Captive Deer, Elk, or Moose. This proposed rule was first released for comment July 21, 2006. The Association of Fish and Wildlife Agencies (AFWA), representing Oregon and all state fish and wildlife agencies, has commented extensively on the initial and amended versions of the proposed rule. Appendix 1 summarizes these comments.

I. Cervid Deaths - Reporting

Revision Alternative

- Current rule – Anyone possessing cervids under the provisions of OAR Chapter 635, Division 049 must, at their own expense, subject any animal that dies to necropsy by a licensed veterinarian and report the cause of death to the Oregon Department of Agriculture within 14 working days from date of death or completion of any required laboratory tests; unless death is due to obvious non-disease related causes.
- Proposed revision - Captive cervids listed under Type 1 and Type 2 facility permits that die of any cause within the borders of Oregon will be reported within 24 hours of death or discovery to the ODFW Wildlife Health Laboratory at 541-757-4186 during regular business hours or 541-231-9271 during non-business

hours. Contacts for reporting deaths include notification of staff (veterinary or laboratory or office coordinator) at the Wildlife Health Laboratory. Producers may also report cervid deaths by electronic media by emailing veterinary staff at colin.m.gillin@state.or.us or richard.l.green@state.or.us .

- Alternative 1 – Reporting of deaths of captive or farmed cervids will be reported in circumstances that do not include USDA slaughter facilities.
- Alternative 2 - No reporting of deaths of captive or farmed cervids is required.

Staff Additions and Changes: As part of surveillance for CDSL diseases in the captive cervid industry in Oregon, Type 2 species were included in this proposal. In addition this proposal will increase communication between all producers and the department, and provide effective assistance, response, and containment actions which can be implemented by the department, ODA, and USDA in the event of a disease outbreak. Staff included the Corvallis office coordinator in the reporting contacts to provide producers an additional contact for reporting mortalities in the event that all Wildlife Health Lab personnel are not immediately available. Information will be relayed by the office coordinator to the veterinary staff for follow-up contact with the producer if necessary.

Staff Rationale: Under the current rule, captive cervid deaths are reported only during filing and permit renewal at the end of the year. Prior to the Division 049 rule revision during Commission decisions in 2008, cause of captive cervid death has not been routinely reported to ODA or ODFW by a producer or their veterinarian. The proposed reporting rule will increase communication between producers and ODFW and allow for appropriate and effective response in the event of a disease outbreak.

II. Disease Testing Requirements

Revision Alternative

- Current Rule – Reported information must include examination and, where appropriate, test results for any communicable disease or parasite that may have, in the professional opinion of the veterinarian, led to or contributed to the cause of death of the animal.
- Proposed Revision – Held cervids, 6 months of age or older, dying of any cause will be tested as part of a disease surveillance program for specific diseases listed in the CDSL. In the event of a circumstance suggestive of a reportable disease, the ODFW veterinarian in consultation with the ODA State Veterinarian may subject the carcass of the animal in question to a necropsy by a state, federal, or accredited veterinarian at ODFW expense (definitions of proposed revision in Appendix 2).
- Alternative 1 – Held cervids dying of any cause will not be required to be tested for disease as part of a surveillance plan.

Cervid Disease Surveillance List (CDSL)

Table of CDSL diseases by species surveyed and surveillance action

CDSL Diseases			
Cervid Species Surveyed	CWD*	Tb **	Brucellosis
Rocky Mountain Elk	Active ^a	Active	Passive ^b
Roosevelt Elk	Active	Active	Passive
White-tailed Deer	Active	Active	Passive
Black-tailed Deer	Active	Active	Passive
Sika Deer	No test ^c	Passive	Passive
Muntjac Deer	No test	Passive	Passive
Fallow Deer	No test	Passive	Passive
Reindeer	No test	Passive	Passive

*Chronic Wasting Disease (CWD) - Collection and sampling of obex, tonsillar, and medial retropharyngeal lymph nodes.

** Bovine Tuberculosis- Collection and sampling of the medial retropharyngeal lymph nodes. If necropsy conducted, examination of lung tissue and pleural cavity by an accredited veterinarian.

^a Active Sampling- Tissue sampling from heads of deceased animals of this species

^b Passive Surveillance- Based upon information gathered through phone interviews and through investigations into morbidity or mortality events that suggest disease issues, the department reserves the right to require sampling and testing.

^c CWD currently not documented in sika deer, muntjac deer, fallow deer, or reindeer.

Staff Additions and Changes: Testing for Tb in Sika and Muntjac deer was changed from Active to Passive. The proposed protocol is for Tb to be tested via visual inspection by the laboratory diagnostician during CWD sample preparation. This evaluation is conducted routinely by pathologists on all samples as standard protocol and at no additional cost to the producer. If suspicious lesions are observed during lymph node sectioning, further testing will be conducted by the lab. For routine surveillance, the medial retropharyngeal lymph node will prove adequate for both CWD and Tb evaluations. Therefore, the parotid and mandibular lymph nodes, which are often used for Tb screening in an infected population, were removed from the list of tissues to be sampled.

Staff Rationale – The current rule does not permit for surveillance of specific diseases of concern to ODFW and ODA. Some producers have conducted their own testing however, many do not and results from testing are not reported to ODFW or ODA nor are they collected in a manner conducive to accepted national or state protocols. By testing all susceptible cervids dying over a minimum age of susceptibility (six months) and requiring submission of specific tissues from the head region, staff believes an effective surveillance program can be implemented with minimal fiscal impact to producers. If veterinarians from ODFW and in consultation with ODA believe a necropsy is warranted following the initial reporting and subsequent phone interview, a necropsy will be conducted by regulatory agency veterinary staff or a federally accredited veterinarian (defined in Appendix 2) at ODFW expense.

To implement an effective testing protocol and in accordance with OAR 603-011-0382, all captive elk and Type 1 North American deer species listed under Type 1 facility permits that die of any cause (including slaughter) within the borders of Oregon that are 6 months of age or older will be tested for bovine tuberculosis and chronic wasting disease. In experimental pen studies, deer as young as five months of age (Fox et al. 2006) have been infected with CWD and detection of the disease has occurred as early as 42 days post-infection (Sigurdson et al. 1999). During the depopulation of cervids from infected premises in Canada, animals under 12 months of age were identified as having preclinical infection via standard laboratory methods (Kahn et al. 2004). CWD testing will occur at a department approved USDA Certified laboratory. Tb testing will be conducted through routine visual inspection at no cost to the producer by the laboratory diagnostician during preparation of the tissues used in CWD sampling (NVSL personal communication). Clinical presentation of Tb lesions would result in additional confirmatory testing as determined at the discretion of the laboratory diagnostician. Testing for other diseases listed on the CDSL may be conducted depending on clinical signs or factors associated with the cause of death. Requirements and management actions involving CDSL diseases are presented in Appendix 3.

III. State Chronic Wasting Disease Monitored Herd Program

Preferred Option: Voluntary State Chronic Wasting Disease Monitored Herd Program. Captive cervid producers may enroll in a state monitored herd program under the protocols found in Appendix 4.

Alternative I: Mandatory State Chronic Wasting Disease Monitored Herd Program. All captive cervid producers will be required to enroll in a State CWD Monitored Herd Program under the protocols outlined below.

Alternative II: No program implemented. All CWD reports submitted to ODFW as per the requirements under the CDSL.

Staff Additions – The Voluntary State Chronic Wasting Disease Monitored Herd Program is an addition to previous disease testing and surveillance proposals and expands the protocols for CWD herd monitoring for North American deer and elk held in Type 1 facilities. Providing the option for producers to enroll in a State CWD Monitored Herd Program will enable them to export Type 1 North American deer and elk to additional states that only permit monitored herds that follow the protocols of tissue sampling by accredited veterinarians and accredited veterinary agency staff. Of the 46 states and provinces that allow cervid ranching, 65 percent (n=30) have CWD herd certification or monitored herd programs. By implementing this program we will specifically define how Oregon manages CWD surveillance in captive cervid facilities prior to the proposed and uncertain implementation of the federal CWD certification program. Specific requirements and management of the State Chronic Wasting Disease Monitored Herd Program are listed in Appendix 4.

IV. Import of Gametes and Embryos

Revision Alternative

- Current Rule – The importation of live cervids is prohibited.
- Proposed Alternative – Allow importation of gametes and embryos under defined disease risk management surveillance and genetic protocols of donor animals with known histories.
- Alternative 1 - Allow importation of gametes and embryos under defined disease risk management surveillance and genetic protocol including donor animals with no documented disease history.
- Alternative 2 - Allow unregulated importation of gametes and embryos.
- Alternative 3 – Allow importation of live cervids inclusive of gametes and embryos.

Staff Addition: All provisions to the proposed rule would remain the same with the exception of an additional alternative. One question presented was how to evaluate gametes and embryos stored long term that have no history of the genetic or disease status of the donor animal because the dam or sire are deceased or the reproductive products were collected and stored (frozen) prior to testing. Staff believes that though the risk of disease transmission may be low, import cases will be evaluated on a case by case basis to identify the level of risk of importing disease or genetic material from prohibited species. Therefore, only gametes and embryos will be allowed for importation into Oregon from donor animals that have a record of CDSL disease-free status and genetic history. Importation of reproductive products from samples that have been stored long term from live or deceased individuals and herds with no previous or traceable testing history will not be allowed for importation without approval on a case by case basis by the Wildlife Division Administrator.

Alternative 1 would allow import of gametes and embryos with department oversight of donor herds but not necessarily donor animals. Alternative 2 would allow the import of gametes and embryos with no department oversight or regulation.

Appendix 1

Association of Fish and Wildlife Agencies Comments on USDA APHIS proposed rule under 9 CFR Parts 55 and 81 titled Chronic Wasting Disease Herd Certification Program and Interstate Movement of Farmed or Captive Deer, Elk, or Moose

In Oregon, a cervid importation ban is presently in place to protect and maintain the health and genetic continuity of Oregon's wild cervid herds. The ban was developed in 2002 to protect against the importation of diseases and genetic material listed under the proposed testing requirements. During the development of the present and proposed rules under Division 049, USDA APHIS presented a proposed rule under 9 CFR Parts 55 and 81 titled Chronic Wasting Disease Herd Certification Program and Interstate Movement of Farmed or Captive Deer, Elk, or Moose. This proposed rule was first released for comment July 21, 2006. During the comment period, the Association of Fish and Wildlife Agencies (AFWA), representing Oregon and all state fish and wildlife agencies, requested USDA to amend the proposed rule because it would pre-empt state's rights to manage and protect their respective wildlife resources. Additional measures and issues prompted USDA to amend the proposed rule based on those comments. Presently, an amended proposed federal rule is available for public comments until June 1, 2009. Council for AFWA, provided opinion for the states on May 4, 2009. In summary, these comments include:

- AFWA takes the position that the federal program is no longer needed and the state-federal cooperative agreement system already in place is more than adequate to address CWD problems for the foreseeable future.
- In the proposed amended rule, the full text of the rule is not included and the incomplete text leaves uncertainty about previous AFWA concerns with the program.
- USDA continues to assert that its proposed rule would pre-empt state cervid import bans, if such bans were based solely on CWD concerns. AFWA's legal counsel does not necessarily agree that the underlying federal law was intended to preempt such state laws. Also, AFWA believes that partial preemption (i.e., allowing states to restrict importation of captive cervids because of concerns for diseases other than USDA program diseases, but not CWD) is confusing. The Association also believes the federal government is interfering with the rights of states to fulfill their statutory obligation of responsible resource management to ensure the sustainability of free-ranging cervids. AFWA continues to insist that any federal rule must not derogate legal deference in any measure to more stringent State regulatory programs imposed to protect the health of free-ranging cervids.
- The prohibition of interstate movement of cervids from premises in known proximity to infected wild animals, and prohibition of captive cervid facilities located there from enrolling in any federal CWD certification program within the arbitrary distance of 25 miles is undocumented and not supported by science. AFWA considers the proximity guideline of 25 miles woefully inadequate.

- The proposed amendments state that USDA APHIS considers monitoring and surveillance activities to estimate geographic distribution of CWD “as a responsibility of the state,” and will require states to continue CWD surveillance in free ranging cervids in order for states' CWD herd certification programs to attain federal approval. USDA APHIS has no regulatory authority under the Animal Health and Protection Act to manage free-ranging wildlife, nor to compel state fish and wildlife management agencies to conduct surveillance, nor to compel states to expend their own fiscal and personnel resources to conduct such surveillance.
- The proposed amendment, which allows for less frequent inventories of captive cervid herds is not supported by the AFWA.
- Not requiring testing of all animals that die or are killed after 5 years in “shooter operations” is not supported by science or AFWA. The maximum incubation period for CWD is still not known with certainty.
- The proposed amendments would allow for reintroduction of cervids into a facility previously inhabited by CWD-positive animals. AFWA contends that infected facilities should never be re-inhabited by captive or wild cervids until validated decontamination methods are available.
- Language in the proposed amendments refers to prohibitions on herds from adding animals and mentions captive cervid facilities adding animals “usually for hunting purposes”. AFWA believes “Canned hunts” and shooting animals within enclosures violates fair chase ethical standards and should not be termed nor equated with legitimate hunting.
- The amendments proposed by USDA APHIS refer to the use of accredited veterinarians to inventory captive facilities, prepare movement documents and collect samples for some diagnostic tests. If the herd owner is an accredited veterinarian conducting these activities for his/her own herd, this represents an unacceptable conflict of interest.

The Department of Justice is not convinced that a federal court would find that USDA APHIS’s proposed rule (if eventually adopted) preempts Oregon’s current ban on import of live cervids. The federal proposed program is developed to regulate interstate movement of farmed and captive cervids relative to the transmission risk potential of CWD. The federal certification program is designed, in part, to assist producers in states that have no certification program for monitoring CWD in farmed cervids. The proposed Oregon program, as described below, will provide a graduated, monitored evaluation of herd health that will be acceptable by all states allowing importation of farmed or captive Type 1 cervids.

Appendix 2

Definitions

Reportable Disease. Oregon Administrative Rules (OAR 603-011-0212) require veterinarians to report the following to the State Veterinarians office:

- 1) Any person practicing veterinary medicine in Oregon shall immediately notify the department (ODA) by telephone (503-986-4680) of observing the following abnormalities:
 - a. Any unidentified vesicular disease
 - b. Any exotic disease or foreign animal disease, even if only suspected
 - c. Any disease of unknown etiology exhibiting highly pathogenic or lethal effect

There are 22 reportable diseases on the state list including several that could affect captive cervids (Anthrax, Bluetongue, Brucellosis, Foot and Mouth Disease, Paratuberculosis, Tuberculosis among others)

Federally Accredited Veterinarian. An accredited veterinarian is a veterinarian approved by the deputy administrator of Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, and the state veterinarian in accordance with 9 Code of Federal Register (C.F.R.) Part 161 (January 1, 2007) to perform functions required by cooperative state-federal animal disease control and eradication programs. These veterinarians are graduates from a US accredited veterinary medical college or school and licensed to practice veterinary medicine in Oregon. As part of the accreditation process they attend orientation courses by USDA and ODA on accreditation requirements and apply for and receive a certificate of accreditation from USDA. Only accredited veterinarians, state or federal animal health officials are qualified to collect and submit samples for official program diseases like brucellosis, tuberculosis, scrapie, equine infectious anemia, etc. This is also true for sampling cervids for Tb, brucellosis and CWD. The CWD sample collection is described for cervids in the CFR, Part 55.23 (b)(3) in the proposed rule. Also the Uniform Methods and Rules (UM&R) for Tb Eradication in cervids and UM&R for CWD Eradication in cervids restate the same requirements. There are approximately 1,600 accredited veterinarians in the state of Oregon (source Don Herriott, USDA Area Veterinarian In-Charge (AVIC) and Don Hansen, ODA). Accredited veterinarian names and locations can be obtained from the USDA AVIC or State Veterinarian.

Age of Sampled Animal, Reporting. To sample the appropriate tissues, all captive elk and North American deer species listed under Type 1 facility permits dying of any cause and six months or older will have tissues collected under the surveillance strategy for Chronic Wasting Disease and other CDSL Pathogens.

Morbidity or Mortality Investigation Related to Passive Surveillance. Following reporting of an illness or mortality and follow-up telephone interview by the department

veterinarian or ODA veterinarian, circumstances may warrant further diagnostic testing to be conducted. This determination will be made following consultation between the department and ODA State Veterinarian, who will make arrangements for sampling and testing to be conducted by a department or ODA veterinarian, a USDA veterinarian, or an accredited veterinarian identified by the department and ODA. The necropsy may be conducted in part or entirely by a Veterinary Diagnostic Laboratory and at the department's expense.

Appendix 3

Requirements and Management Actions Involving CDSL Diseases

Requirements for escaped, recaptured Type 1 and 2 captive cervids. In cases where captive cervids have escaped the facility confines and are recaptured, the ODFW veterinarian or ODA veterinarian may require disease testing of the recaptured animals prior to reintroduction to the herd.

Possession and/or importation of restricted, prohibited, or undocumented captive cervids onto licensed Type 1 or Type 2 facilities will require inspection and inventory of the entire herd within 10 days of discovery. The department veterinarian may require sample testing for diseases, genetics, or reproductive status of any or all animals at the expense of the producer.

Quarantine: Animals placed under quarantine for disease reasons must be made immediately available to the department for testing and/or inspection upon request.

Breaking of quarantine: Licensees or other persons will not remove any quarantined animal from a quarantined area or bring animals into a active quarantine area without permission of the department.

Disposal: Animals exposed or diagnosed with a CDSL disease or other reportable disease will be disposed of in a manner consistent with the laws of Oregon and under the direction of the ODA State Veterinarian's office.

Oregon captive cervids exposed or affected by CDSL diseases

Management of Type 1 or Type 2 captive cervid herds identified as CDSL disease exposed or trace herds. Upon notification of a captive cervid herd being designated a CWD, Tb, or brucella exposed or trace herd, the licensee must comply with surveillance of the herd by ODFW and ODA Oregon Administrative Rules. The ODFW veterinarian with the ODA State Veterinarian will complete an epidemiological investigation and the licensee must allow inventory, inspection, and testing of the entire herd within 30 days of notification to the ODFW veterinarian and ODA State veterinarian. The entire herd will be restricted, inclusive of importation and exportation of gametes and embryos, from movement from the premises from the date of death or diagnosis of the CDSL disease of the affected cervid associated with the Oregon herd. In consultation with the ODA State Veterinarian and the licensee, exposed or trace herd animals may be sampled or sacrificed by an accredited or regulatory veterinarian with collected tissues sent to an approved USDA certified laboratory. If all samples show no positive CDSL results, the quarantine on the remaining animals will be reviewed for release from quarantine. Exposed or trace herd animals will be restricted from contact with other animals in the herd if contact has not previously occurred. The herd will be designated as “monitored, herd status pending” until quarantine is removed and the herd disease status is determined.

Management of Type 1 or Type 2 captive cervid herds identified as being diagnosed with a CDSL disease. Upon discovery of a captive cervid herd being diagnosed with a CDSL disease, the licensee must comply with surveillance of the herd by ODFW and ODA Oregon Administrative Rules. The ODFW veterinarian with the ODA State Veterinarian will complete an epidemiological investigation and the licensee must allow inventory, inspection, and testing within 10 days of notification by the ODFW veterinarian or ODA State veterinarian. The entire herd will be placed under quarantine and restricted from movement from the premise during quarantine. Affected and high risk animals will be quarantined with contact restricted from other susceptible herd species if contact has not previously occurred. In consultation with the ODA State Veterinarian and the licensee, herd animals may be sampled or sacrificed by an accredited or regulatory veterinarian with collected tissues sent to an approved USDA certified laboratory. In the event of diagnosed CWD, the herd and facility will remain under quarantine for 60 months from the last diagnosis until released by the Wildlife Division Administrator. The herd will be designated as “monitored, herd status pending”.

Traceback and traceforward investigations will be preformed from all animals diagnosed with CWD. All herds of origin and herds having contact with affected animals will be included in the epidemiological investigation and will be quarantined. The process of backtracking to find the original source of infection is defined as trace-back. The process of tracing a pathogen’s possible spread is termed “trace-forward”.

A herd having contact with affected or exposed animals may be removed from quarantine after demonstrated compliance with all provisions of surveillance set forth by the department and ODA State Veterinarian and both agencies concur that the risk of continued disease transmission is negligible.

If an affected or exposed herd is depopulated, the facility will not reintroduce cervids into the facility until the Wildlife Division Administrator determines that the infected facility is effectively decontaminated and rendered free of CWD using the best available science and technology at this time.

Affected, exposed, or trace herds with bovine Tb, brucellosis or other diseases determined to be harmful to the wildlife or livestock of Oregon will be managed under the revised statutes 596.010, 020, 331, 361, 392, 394, 396, 402.

Appendix 4

Requirements and Management of the *Voluntary State CWD Monitored Herd Program*

During the months of January and February 2009, staff collected information on state and provincial CWD certification and monitored herd programs via phone interviews and written questionnaires. The majority of states and provinces that conduct active surveillance for CWD manage their surveillance programs similar to other program level disease. In this survey, of 29 responding states and provinces, 79 percent that monitor for CWD in their captive cervid populations collect and submit samples via accredited veterinarians or state or federal animal health officials. These agencies do not permit collection and submission by the producer or other non-accredited or non-regulatory veterinarian. Staff and the ODA State Veterinarian believe a regulatory-based monitoring program that utilizes third party sampling (e. g. accredited veterinarian that is not the owner or closely related to the owner) is the most effective way to conduct surveillance for important diseases such as those listed on the CDSL.

Portions of the methodology and protocols described below were developed from interviews and review of other state and provincial CWD certification and surveillance programs. Any licensed producer of Type 1 elk and North American deer who agrees to comply with the outlined provisions of the State CWD Monitored Herd Program may enroll. Type 1 producers that collected and submitted CWD samples prior to enrollment will continue to be able to export cervids to states whose requirements do not mandate collection and submission by an accredited veterinarian or regulatory personnel. For CWD information compiled by producers prior to enrollment, CWD herd status for exported animals will be determined between the producer and the receiving state. States inquiring about CWD herd status will be provide information concerning whether a herd is enrolled in the voluntary monitored herd program and the completion status within the 5 year monitoring program.

Those producers that elect not to enroll in the State CWD Monitored Herd Program may also have non-accredited veterinarians, producers or persons authorized by the producer to collect and submit CWD samples from deceased deer and elk dying of any cause over the age of 6 months. Non-enrolled herds will not be listed or reported under the State CWD Monitored Herd Program. CWD status will then be a determination between the producer and the receiving state. All other requirements (certificate of veterinary inspection, import permit, TB and Brucellosis status) will be met for animal export to a state outside of Oregon. Mandatory 24 hour mortality reporting is required and CWD reports will be mailed, emailed or faxed to the Wildlife Health laboratory within 48 hours of receipt by the submitter.

Species and age of collection; Collection by trained regulatory and veterinary personnel

Captive elk and North American deer species dying of any cause including but not limited to slaughter, accident, disease, etc. and over the age of six months will be

sampled for CWD by a federally accredited veterinarian licensed in the state of Oregon, ODFW or ODA or USDA veterinary staff or a university pathologist (Oregon State University, Washington State University, The University of Idaho Caine Veterinary Center, etc.). Accredited veterinarians and regulatory staff requiring tissue sampling instruction will be trained by ODFW veterinary staff, ODA veterinary staff, or veterinary pathologists in the protocols of sampling for CWD. CWD sampling protocol is currently being taught as part of the veterinary curriculum at Oregon State University. Removal of the brain and lymph node tissues by anyone other than an accredited veterinarian (that is not the producer or from the producers immediate family), or an approved laboratory will not be listed as submitted under the State CWD Monitored Herd Program.

Biosecurity. When collecting samples at facilities, accredited and regulatory veterinarians and staff will use strict biosecurity protocols developed and made available to producers, veterinarians and staff in coordination with the ODA State Veterinarian.

Sample collection, preparation, storage, and shipment protocol

Collected tissues and samples [obex, medial retropharyngeal and tonsillar lymph nodes, ear tags with hair or tissue and permanent mark (tattoo, permanent ear tag (NAEBA) or Radio-Frequency Identification)] from the deceased animal will be sent to a USDA certified laboratory or National Veterinary Services Laboratory (NVSL) in Ames, Iowa. Approved certified USDA laboratories can be provided by the department, ODA, or USDA veterinary staff. Tissue samples will be prepared and processed as per protocols established by the NVSL (personal communication, Dr. Hall, NVSL). To avoid shipment losses or sample preparation discrepancies, NVSL recommends the sample be processed with half shipped in formalin to NVSL or a USDA certified lab. The remaining portion of sample will be labeled, frozen, and stored in a tamper proof bag and stored in the possession of the accredited veterinarian, ODFW Wildlife Health Lab, ODA lab or OSU Veterinary Diagnostic Lab until the diagnostic testing is completed. In the event of a presumptive positive sample, the stored sample will then be submitted to NVSL for additional confirmatory testing.

Preparation of collected samples from all enrolled Type 1 elk and North American deer mortalities includes paired lymph node samples to be split with half of the sample stored until test results are received from the accredited laboratory. Positive test samples can be genetically matched by USDA to stored samples and the carcass of the deceased animal. Report results received by agencies from diagnostic laboratories will be forwarded to the producer. Reports received by the accredited veterinarian will be mailed or faxed directly to the ODFW Wildlife Health Lab (Fax: 541-757-4252) within 48 hours of receipt and distributed by ODFW to the ODA State Veterinarian and included in the producers record for future state and federal certification programs.

All veterinary, collection and shipment costs will be the responsibility of the producer if using a hired accredited veterinarian.

Accredited veterinarians may also send samples to the ODFW Wildlife Health Laboratory for processing and submission of tissues to NVSL or a USDA certified

laboratory or submitted directly by the accredited veterinarian to the NVSL in Ames, Iowa or a USDA certified laboratory for CWD and TB testing. Expenses occurring following receipt of tissues collected by the accredited veterinarian and delivered to an ODFW District office or Wildlife Health lab staff will be processed and submitted at ODFW expense.

Entire head submitted. Alternatively to on-site collection, upon death of a Type 1 elk or North American deer species, the head with all identification devices including ear tags and permanent marks attached, can be removed by the producer and delivered to their accredited veterinarian for sample collection and submittal or taken to the nearest ODFW office or biologist within 24 hours of death or discovery in a fresh or cooled (on ice) condition. Complete heads with hide attached will be delivered in a large plastic bag or similar leak-proof container. Submitted heads with cape and skull caps removed (as prepared for taxidermy), will include permanent mark and ear tag plus hair or tissue from the deceased animal. Heads may also be collected at the producer's facility by regulatory staff (ODA, USDA or ODFW biologists) or Wildlife Health Lab personnel following proper notification to the department of death by the producer. Collection of tissues for submission and testing will be conducted at the ODFW Wildlife Health Lab at the expense of ODFW.

When the cervid is not found immediately or the accredited veterinarian is not available, the head will be frozen and submitted as a frozen specimen within five days of discovery. Brain tissue that is submitted in a putrefied condition may not be acceptable for normal testing. In a decomposed carcass, brain tissue may not be able to be found and testing may not be possible. If brain tissue is damaged, the sample collector may not be able to find the appropriate brain tissue to test. Where brain tissue cannot be identified, the sample is not considered to have been tested.

Slaughter facility cervid heads can be collected by ODFW personnel at the time of death or within 24 hours of death following notification by Type 1 cervid permit holders of the cervid's death. The permanent mark and ear tag will accompany the head. The head will be placed in a leak-proof bag and cooled prior to tissue sample collection. Removal of tissues for submission and testing will be conducted at the ODFW Wildlife Health Lab at the expense of ODFW. To facilitate coordination of tissue examinations, it is recommended that Type 1 cervid licensees contact their local ODFW biologist at least one week prior to planned slaughter.

Loss of sample. Collected samples lost in shipping and through unavoidable circumstances will be reviewed by the Wildlife Division Administrator or his designee on a case by case basis. These may include but are not limited to:

1. Animal lost due to fire. Notification to the Wildlife Division Administrator must include a letter of documentation or electronic mail from an appropriate fire official.

2. Loss of head to a predator. The predation must be verified by an ODFW biologist or OSP officer or USDA wildlife services employee with a letter or electronic mail from the verifying staff sent to the Wildlife Division Administrator.
3. Theft. A report from an enforcement officer investigating the case must be sent to the Wildlife Administrator.
4. Loss or destruction of the sample when in the possession of the veterinarian, regulatory staff, or laboratory. A letter or electronic mail from the responsible party (Veterinarian, Lab) will be sent to the Wildlife Division Administrator explaining the circumstances for the loss or discrepancy.
5. Sample damaged or destroyed during slaughter at a USDA certified slaughter facility during the culling process or removal of the head. A letter or electronic mail from the USDA facility inspector will be sent to the Wildlife Division Administrator describing the loss of the sample and animal identification.
6. Any other reason related to why the owner could not be reasonably held responsible for the loss or destruction of the animal (flood, tornado, earthquake, etc.). A letter or electronic mail by a third party detailing the events that lead to the non-submission of a sample must be sent to the Wildlife Division Administrator.

CWD monitored herd status determination. There are 5 levels in the state monitored herd program. A minimum of 5 years of surveillance is necessary for an enrolled herd to reach the highest level. A Level V herd requires that all captive deer and elk dying of any cause be tested for CWD and that testing at a USDA certified lab reveals no positive cases during the 5 year period. **A herd's level is determined and granted by the Wildlife Division Administrator for herds enrolled in the State CWD Monitored Herd Program.** During the surveillance period, animals dying of any cause and not tested will require the herd to be reduced by one level unless determined otherwise (see conditions listed above under **Loss of Sample**) by the Wildlife Division Administrator. A herd will retain its monitored status indefinitely if it meets the requirements of the State CWD Monitored Herd Program.

Captive cervid herds will be assigned a State Monitored herd status by the department at the conclusion of each year of mandatory CWD surveillance as follows:

"CWD monitored, status unknown" is the status of a herd prior to completion of the initial year of surveillance or the status of a herd that fails to meet the mandatory surveillance requirements.

"CWD monitored, status pending" is the status of a herd that has been identified as a CWD affected, exposed, or trace herd.

"CWD Positive Herd" is a herd with at least one documented case of CWD as determined by the National Veterinary Services Lab, Ames, Iowa.

The "CWD monitored herd status," levels I through V correspond with the number of years of completed surveillance with no confirmation of CWD in the herd under the State

Monitored Herd Program. Facilities enrolling in the program begin their monitored status following a written request for enrollment to the Wildlife Division Administrator and immediately following a completed herd inventory by the department. Producers acquiring animals from other Oregon licensed producers acquire the level of the lowest status animal entering the facility if the added animal is at a level lower than the producers herd.

Level I is the status of a herd after completion of one year of required surveillance.

Level II is the status of a herd after completion of two years of required surveillance.

Level III is the status of a herd after completion of three years of required surveillance.

Level IV is the status of a herd after completion of four years of required surveillance.

Level V is the status of a herd after completion of five or more years of required surveillance.

Level advancement and reduction. Herds will advance to the next level if all eligible cervids 6 months of age or older that die of any cause are tested under the provisions of this rule. Additionally, all animals entering the herd in the period between the last and current inventory are accounted for in the reconciliation of the herd inventory and inspection. Herds in levels I through IV that do not meet these requirements will not advance to the next level. Herds at level V that do not meet testing requirements will drop to level IV and require a year of surveillance to re-attain level V status. Producers placed on CWD monitored, status unknown due to non-compliance will have the herd and operation inspected by an ODFW biologist to correct non-compliance measures and deficiencies. If the Wildlife Division Administrator determines the producer has not complied with the requirements of the program due to negligence, membership in the enrolled program will be revoked. The producer can appeal the decision through the process of a contested case hearing.

Changes in Herd Status Following Cervid Additions to a Licensed Type 1 Facility:

The Herd status level may be lowered or lost if changes occur including:

- Undocumented animals are found in possession of producer;
- Sample collected by a non-accredited vet;
- Samples submitted do not match deceased animal;
- Animals leave the state and are returned;
- Documented cases of ingress of wild cervids or egress of undocumented captive cervids due to negligence by the producer;
- Added cervid is from a herd with a CWD monitored herd status/level less than the recipient herd, the CWD monitored herd status/level of the recipient herd will be reduced to the status of the lowest status cervid added;
- A newly assembled herd, on premises where CWD has never been diagnosed, retains the CWD monitored herd status/level of the cervids purchased. If cervids

are from different CWD monitored status/level herds, the newly assembled herd has the CWD monitored herd status level of the lowest status animal.

Failure to comply with the requirements of this rule may result in the following:

- (a) The monitored status of the herd may be reduced to "monitored, status unknown."
- (b) The cervid herd may be placed under a hold order. Hold order means a restriction placed on an identified population of animals prohibiting their movement from the premise, a portion of the premise or contact with other animals on the premise.
- (c) The department may consider failure to comply with this rule as a violation of State Wildlife Laws under ORS 496.992(1)
- (d) Enrollment in the State CWD Monitored Herd Program may be automatically suspended by the Wildlife Division Administrator.

Any Type 1 facility owner having knowledge that a Type 1 cervid facility has been diagnosed as affected with CWD or exposed to CWD or other CDSL disease must report that knowledge to the department and ODA State Veterinarian.

Reporting to receiving states and provinces. Producers electing to follow the provisions of and enrolling in the State CWD Monitored Herd Program will be recorded as to their level of monitored status. The CWD monitored herd status will be provided to requesting states for export of captive cervids from Oregon. This information will be provided to the ODA State Veterinarian's office to accompany other transport requirements.