

DIVISION 049

PRIVATE HOLDING OR PROPAGATING OF CERVID SPECIES

635-049-0025

Import or Export

(1) It is unlawful to import live cervids. However, live reindeer that leave Oregon temporarily for educational or display purposes may return to Oregon upon obtaining any necessary Department of Agriculture permits, provided:

- (a) The reindeer have had no contact with other cervids while outside Oregon; and
- (b) The Department of Fish and Wildlife is notified each time before the reindeer re-enter Oregon.

(2) Cervid gametes or embryos may be imported into Oregon only under the following conditions:

- (a) The person proposing to import provides the Department with documentation of the pedigree of the parents;
- (b) The gametes or embryos are of the species or subspecies for which the recipient is licensed to hold; and

(c) The Department approves the import proposal in advance as posing no threat to native wildlife, **based upon the results of disease testing and genetic requirements provided in**

OAR 635-049-0073.

(3) Live cervids, gametes and embryos may be exported from Oregon, and cervid gametes and embryos may be imported into Oregon, only by a holder of an Oregon license valid for that species or subspecies, and provided that the licensee complies with all requirements of the

Oregon Department of Agriculture governing transport, import and export in addition to provisions of OAR chapter 635 division 049.

(4) To the extent import or export of cervids, gametes or embryos is allowed by the above, any person proposing such import or export must obtain a permit from the Department of Fish and Wildlife in advance.

(5) Note the requirements of OAR 635-049-0265 governing transport of cervids.

(6) Effective January 1, 2009, it is unlawful for any person to export any bull elk that the person knows or should know will be used in a shooter bull operation. A “shooter bull operation” means a privately owned entity offering the hunting of bull elk for a fee or other remuneration within a fenced enclosure designed to prevent the elk’s escape into the wild.

~~{635-049-0055~~

~~Disease Testing~~

~~After consultation between the Department and the Department of Agriculture, the Commission will adopt a cervid disease surveillance list by rule and update it when necessary. The list shall include 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 will also address disease testing requirements and prohibitions for gamete or embryo transfer and importation. Any person holding cervids must comply with the requirements of the cervid disease surveillance list.]~~

635-049-0065

Disease Testing; Cervid Disease Surveillance List

(1) Any person holding cervids must, after discovery of the death of any captive cervid in their custody:

(a) Report the death to a Department veterinarian by telephone, electronic mail or fax within 24 hours, providing animal ID number, date, and cause of death; and

(b) Test the cervid per the requirements of the Cervid Disease Surveillance List (CDSL).

Table 1 summarizes the current requirements of the CDSL. Paragraph (2) below addresses those requirements in detail.

Cervid Disease Surveillance List (CDSL)

Table1. CDSL Diseases

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

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

(2) The following apply to any tests required by the CDSL:

(a) Where, in consultation with the Oregon Department of Agriculture's State Veterinarian, the Department determines that a captive cervid's clinical signs or death suggests a high risk of disease, the Department may (in addition to any testing required by the CDSL) also subject the carcass to a necropsy by a state or federal veterinarian or veterinary pathologist or accredited veterinarian as directed by the Department at the Department's expense.

(b) The CDSL testing requirements apply to any captive cervid dying of any cause at the age of six months or older. The holder is responsible for having the required tests performed, as per one of the following three options:

(A) The holder may choose to have the Department collect the samples;

(B) The holder may choose to have an accredited veterinarian collect the samples (so long as the veterinarian is not the holder or a member of the holder's immediate family); or

(C) The holder may choose to make other arrangements to collect and submit samples for required testing. The holder is responsible for ensuring that the test results are immediately and directly reported to the Department's veterinarian. If the holder chooses this option, the holder must submit all required tissues (obex, tonsillar, and medial retropharyngeal lymph nodes) to a testing facility accredited by the U.S. Department of Agriculture. The producer bears all collection and submission costs.

(c) The Department may waive the testing requirements of paragraph (1)(b) if the Department finds that the person was unable to complete testing due to one of the following circumstances:

(A) The animal was destroyed by fire (as verified in writing by a fire official with jurisdiction over the area where the fire occurred);

(B) The head was destroyed by a predator (as verified in writing by a Department biologist, an Oregon State Police Fish and Wildlife Division trooper or an employee of U.S. Department of Agriculture, Wildlife Services);

(C) The animal was stolen (as verified in writing by a law enforcement officer with jurisdiction over the area where the animal was stolen);

(D) The test sample was lost or destroyed while in the custody of a veterinarian, laboratory, the Department, Oregon Department of Agriculture or U.S. Department of Agriculture (as verified in writing by the responsible party);

(E) The test sample was damaged or destroyed during slaughter at a USDA certified facility during the culling process or removal of the head (as verified by a USDA inspector); or

(F) Any other circumstance where the Department determines that loss of the animal or sample was due to a circumstance that was reasonably outside the control of the person.

(3) An “unauthorized cervid” is one which was required to be listed in the holder’s annual report for the previous year but was not so listed, or is one of a species or subspecies (or a hybrid of a species) which is not authorized by the holder’s license. Upon a finding that an unauthorized cervid poses a risk to other captive cervids in a facility, the Department may also require testing of all cervids within the facility.

(4) If the Department determines that a captive cervid herd has been exposed to a disease on the Cervid Disease Surveillance List and that the exposure poses an imminent threat to wildlife, livestock or public health, the Department may take any action it determines necessary, including but not limited to confinement, testing or destruction of the affected captive cervids.

(5) If the Department determines that a licensed cervid holder has failed to comply with the testing requirements of this rule, and that such failure puts captive cervids or native wildlife

at risk of disease or genetic harm, the Department may issue a hold order for any of the holder's captive cervids. A hold order may prohibit captive cervids from being moved outside the facility, from entering designated portions of the facility, or from contact with other captive animals.

635-049-0067

Voluntary Chronic Wasting Disease Monitored Herd Program

(1) Any licensed Type I cervid holder may enroll their herd in the CWD monitored herd program if the holder chooses to comply with the testing requirements of OAR 635-049-0065(1)-(2) by having the samples taken by a federally accredited veterinarian (other than the holder or a member of the holder's immediate family). A federally accredited veterinarian is a veterinarian approved by the U.S. Department of Agriculture pursuant to 9 Code of Federal Regulations Part 161 (Jan. 1, 2007).

(2) New facilities enrolling in the program begin monitored status when the herd inventory is completed by either the Department or Oregon State Police. Once a herd is enrolled, the Department will, each year by the anniversary of the herd's enrollment, assess the status of that herd's CWD testing data for the previous year.

(a) If the herd has not yet completed its first year of the certification program, or otherwise fails to meet the testing requirements in OAR 635-049-0065(2)(b)(A), the Department will designate that herd as "CWD monitored, status unknown."

(b) If the herd has been identified as CWD-affected, -exposed or -traced, the Department will designate that herd as "CWD monitored, status pending". "Traced" means that a records check has traced a member of the herd to another herd which was affected by CWD.

(c) If the herd has at least one documented case of CWD as determined by the National Veterinary Services Lab at Ames, Iowa, the Department will designate that herd as “CWD positive.”

(d) If the herd has completed its first full year of the program, and its testing data has met all requirements of these rules and shows no CWD affect, exposure or tracing, the Department will designate that herd as “CWD monitored, no evidence of CWD”.

(3) Based upon the annual status assessment and designation, each year by the herd’s annual enrollment anniversary the Department will also assign a program completion level to each enrolled herd, based upon the number of years (I through V) the herd has been designated “CWD monitored, no evidence of CWD”. If the herd is designated “CWD positive” during any year, the herd’s program completion level reverts to year zero. A herd’s program completion level reverts one step for each year that:

(a) The herd is designated “CWD monitored, status unknown” due to failure to meet testing requirements or “CWD monitored, status pending,” or

(b) The Department determines that:

(A) An undocumented cervid was found in the holder’s facility;

(B) One of the holder’s test samples was collected by a non-accredited veterinarian;

(C) The holder submitted a test sample that did not match the deceased animal from which it was said to come; or

(D) Captive cervids escape from the facility or wild cervids enter the facility due to the holder’s intentional act or negligence.

(4) If , pursuant to these rules, a herd fails to advance to the next status level for two consecutive years, the Department will designate it as “status unknown”.

(5) When a holder enrolled in the program adds a cervid to the holder’s herd, and the added cervid comes from a herd with a program completion level lower than the holder’s herd, the Department will reduce the program completion level of the holder’s herd to that

of the source herd of the added cervid. When a holder assembles a new herd on premises where CWD has never been detected and all cervids come from enrolled herds, the new herd enters the program at the lowest program completion level of the cervids acquired.

(6) When a herd reaches program completion level V, the Department will list the herd as having completed the program. That listing remains valid so long as the herd continues to comply with the requirements of this rule and unless and until downgraded as per paragraphs (3) through (5). Once downgraded, a herd must successfully complete one year of monitoring at level IV before the holder can be relisted as having completed the program.

635-049-0069

Recaptured cervids

Where a captive cervid has escaped from a licensed facility and been recaptured, the Department may, where the Department determines it necessary to guard against disease, require that the cervid be subjected to disease testing.

635-049-0071

Obligation to report disease incidents

Any cervid license holder with knowledge that a cervid in a licensed Type 1 facility has any of the diseases on the Cervid Disease Surveillance List (or has been exposed to any of those diseases) must promptly report that fact to the Department and the State Veterinarian:

635-049-0073

Disease Testing and Genetic Requirements for Importation of Cervid Gametes and Embryos

(1) Before importing any cervid gamete or embryo into Oregon, a cervid holding licensee must submit for the Department's review and approval a list of test results and genetic

information from the donor cervid. To qualify for approval, the test results and genetic information must prove to the Department's satisfaction that:

(a) No more than 30 days prior to submission, the donor cervid tested negative for brucellosis;

(b) No more than 90 days prior to submission, the donor cervid tested negative for bovine tuberculosis;

(c) The donor cervid has not been present in an area of CWD risk; and

(d) The donor cervid is a species which the licensee is licensed to hold in Oregon.

(2) Notwithstanding paragraph (1) (a), a gamete or embryo qualifies for import if the cervid licensee proves to the Department's satisfaction that the donor cervid:

(a) Originated in a herd classified by the U.S. Department of Agriculture (USDA) as Certified Brucellosis-Free; or

(b) Originated in a herd classified by USDA as Brucellosis Monitored, plus tested negative for brucellosis no more than 90 days prior to entry into Oregon.

(3) Notwithstanding paragraph (1) (b), a gamete or embryo qualifies for import if the cervid licensee proves to the Department's satisfaction that the donor cervid:

(a) Originated in a herd classified by USDA as Bovine Tuberculosis Accredited; or

(b) Originated in a herd classified by USDA as Bovine Tuberculosis Qualified or Monitored, plus tested negative for tuberculosis no more than 90 days prior to entry into Oregon.

(4) "Has not been present in an area of CWD risk" means that the donor cervid has never:

(a) Been in a herd or facility that tested positive for CWD;

(b) Come in contact with a cervid that tested positive for CWD or a cervid that came from a herd or facility that tested positive for CWD; or

(c) Been in a state, Canadian province or foreign country with a history of CWD.

{635-049-0090

~~Requirements Upon the Death of Any Cervids Held~~

~~(1) 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 nondisease-related causes.~~

~~(2) The report 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.~~

~~(3) All annual reports submitted to the department with the required annual renewal must include the date and cause of death for any animals dying on the facility, including the name of the veterinarian who may have performed a necropsy.~~

~~(4) Animals subject to routine slaughter are exempt from this requirement.~~

~~(5) This section will be replaced by a new OAR 635-049-0065 when the Commission adopts a Cervid Disease Surveillance List.]~~