



May 29, 2018

U.S. Department of Agriculture
Cervid Health Program Staff
Veterinary Services/ SPRS/SGCE
USDA/APHIS
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Honorable Secretary Perdue, USDA Administrators, and Cervid Health Program Staff:

We are writing to provide formal comment on the revised version of the Chronic Wasting Disease Herd Certification Program Standards, Docket No. APHIS-2018-0011. The Texas Deer Association represents more than 8,000 hard working families across the country and an industry that contributes more than \$1.6 billion dollars to the economy each year.

Our Association's leadership would like to recognize and thank the USDA, APHIS, Veterinary Services, and Cervid Health Program staff for the countless hours spent preparing the revised Chronic Wasting Disease Herd Certification Program Standards. We would also like to extend our gratitude to staff for their time, effort, and constant communication throughout the development of these revised program standards. Our Association was allotted ample opportunity to provide input during the development of these revised standards.

The revised Chronic Wasting Disease Herd Certification Program Standards offer positive changes that will improve business continuity to many herd owners across the country. These positive revisions included in the new program standards include the following:

- The approved use of ante-mortem or “live testing” in white-tailed deer. The proposed revisions include naming the immunohistochemistry (IHC) test, medial retropharyngeal lymph node (MRPLN) and rectoanal-associated mucosa-associated lymphoid tissue (RAMALT) as official tests in specified situations. This language in the program standards provides a very large step in the right direction for herds connected to a positive animal. We would like to applaud the USDA, APHIS, Veterinary Services, and Cervid Health Program staff for utilizing the best available science to enhance business continuity for producers that may find themselves connected to a positive facility.
- The clarification through diagram to avoid “spider web trace outs” contained in Appendix VI. Our Association appreciates the illustration to assist state agencies from exceeding the trace out windows for exposed animals.
- The clarification and guidance stating that animals from a CWD positive facility may be moved to hunting facilities for depopulation. Specifically, allowing state agencies to modify a quarantine to permit cervid movement onto a CWD positive quarantined premises, such as a hunting facility, where all cervids harvested must be tested for CWD. Depopulation may include hunter harvesting and/or slaughter with movements under permit.

- The deletion of several references relating to fencing requirements and references relating to secondary barriers.
- The removal of ten-foot fencing references as a standard barrier.
- The removal of notifying each state in which deer or elk travel through during transportation.
- The removal of sanitary precautions for vehicles.

Again, the Texas Deer Association would like to thank staff for their efforts to improve business continuity and enhance disease management for producers across the country by implementing the above changes to the Chronic Wasting Disease Herd Certification Program Standards.

While the above changes represent a large improvement in the Chronic Wasting Disease Herd Certification Program Standards, there are areas within the revisions that need additional clarification. Further language to clarify the intent of the revised Standards is needed within the following scenarios to ensure implementation is uniform, well-defined, and properly managed:

- **Mandatory Hunter Harvest Surveillance on Property Not Enrolled in the Herd Certification Program (HCP):** Current release sites in Texas are not permitted facilities and are not enrolled in the HCP. Texas release sites are simply registered facilities through the Texas Parks and Wildlife Department (TPWD). The revised Chronic Wasting Disease Herd Certification Program Standards are very unclear as to whether or not mandatory hunter harvest surveillance testing will extend to registered release sites where USDA-enrolled deer are released. Under the revised program standards, the Texas Deer Association strongly opposes jurisdiction be granted to the USDA or the TAHC to non-permitted, registered sites for animal mortality surveillance. Should the USDA wish to extend mandatory hunter harvest testing to registered release sites in Texas, our Association feels strongly that this action should require a formal opening of the Federal Rule. Such a dramatic change in policy to require mandatory testing through mandatory hunter harvest surveillance on landowner properties that are not enrolled in the HCP program currently is not proper through simple changes in the standards.
- **Definition of Same-Owned Release Sites:** Further refinement of the definition of “same-owned” is needed to help provide guidance to state agencies implementing the revised standards. Ownership of a legal entity has many different forms including but not limited to an LLC, Corporation, LLP, Partnership, and more. In many cases, an individual's permitted deer breeding facility (which is enrolled in the USDA program through the TAHC) might be permitted under the individual's name, but the release site where the deer are transferred is actually owned by a business (LLC, Corporation, LLP, Partnership, etc). We would request further clarification and a formal definition of “same-owned” when referring to mandatory hunter harvest requirements proposed in the revised Chronic Wasting Disease Herd Certification Program Standards.

- **Specific Testing Requirements within Same-Owned Release Sites:** When referring to “Same-Owned” properties, more clarification is needed regarding which specific deer are required to be tested upon harvest. Is it only deer that are registered under the USDA program, identified by an 840 series RFID tag or 15-digit unique number; or is it all susceptible species that are harvested on a “same-owned” property? As an example, what if deer from a non-enrolled herd are released/co-mingled with deer enrolled in the program on a “same-owned” release site. In this scenario, which deer are required to be tested through the new, proposed mandatory hunter-harvest surveillance in the revised Chronic Wasting Disease Herd Certification Program Standards?
- **Definition on "Annual Removal" Needs to be Clarified so Herd Owners are Not Responsible for Testing All Animals that Leave Herd Inventories:** New language regarding missing samples has created a definition of "annual removals" that includes any animal removed from inventory. This definition needs additional clarity to ensure this excludes animals moved by change of ownership. The Texas Deer Association requests staff amend this definition accordingly to exclude animals that are no longer under the ownership of that specific premise.

Further clarification of the above references would greatly improve our ability to understand and evaluate the proposed Chronic Wasting Disease Herd Certification Program Standards.

Lastly, the Texas Deer Association must oppose specific portions of the revised Chronic Wasting Disease Herd Certification Program Standards. The following references within the revised Chronic Wasting Disease Herd Certification Program Standards represent changes in policy that we feel will adversely impact our industry:

- **The Reference to Double Fencing:** We feel the reference to double fencing is unnecessary. States can always implement policies that go above the USDA Federal Rule. The inclusion of this language referencing double fencing is not in the best interest of our cervid agriculture industry and has no tangible value in the revised standards. Furthermore, as a matter of real-world implication, it is our belief that the inclusion of this language in the revised standards for comment prompted the State of Wisconsin to consider implementing policy that includes verbatim language in the current program standards regarding double fencing. This is a real example of how the inclusion of language regarding double fencing in the existing program standards can adversely damage our industry. We feel it is not necessary to include double fencing language in the proposed changes to the Chronic Wasting Disease Herd Certification Program Standards.
- **Ante-Mortem Testing Should Extend to the Elk Industry as well as Whitetail Industry:** The Texas Deer Association requests that language be added to the Chronic Wasting Disease Herd Certification Program Standards that would allow for the use of ante-mortem testing in CWD-connected elk herds. We feel strongly there is enough science to justify use of the 132 codon in elk to allow for ante-mortem testing.

- **Reminder to States Agencies to Add More Strict Requirements:** The Texas Deer Association requests the removal of language on page 4 that says, "States may also have additional or stricter requirements that exceed the minimum requirements described in the CWD regulations." We feel this language adds no real value to the program standards.
- **The Definition of CWD-Susceptible Cervid Species Authorizing APHIS to Regulate Not Only Species Infected by Natural Infection but also by Experimental Inoculation:** The Texas Deer Association requests the entire section "CWD-Susceptible Cervid Species" on page 7 be removed. The Herd Certification program should be focused on animals that have known, natural infection. There is no known "lethal dose" for Chronic Wasting Disease in deer. Therefore, experimental inoculation via "natural routes" of high concentrated dosage that would never naturally occur is supernatural. Experimental inoculation of monkeys and other cervids only spreads more fear and falsehoods across the country regarding this disease. We feel our efforts as an industry and as regulators ought to be spent on naturally occurring infected species.
- **Unlawful Taking of Property:** The proposed document recommends mandatory surrender of animals, regardless if indemnity is available. The statement is a "taking" of property without compensation. The Texas Deer Association requests immediate changes that state depopulation is only mandatory with consent of owner with indemnity funds available.

Again, the Texas Deer Association would like to thank the USDA, APHIS, Veterinary Services, and Cervid Health Program staff for the countless hours spent preparing the revised Chronic Wasting Disease Herd Certification Program Standards. Should you have any questions regarding these comments, please do not hesitate to contact me. We look forward to working with staff to develop further revisions to the Chronic Wasting Disease Herd Certification Program Standards. Thank you for your consideration of these comments.

Sincerely,



Patrick Tarlton
Executive Director
Texas Deer Association