



December 2, 2019

Sunset Advisory Commission
Attention: TPWD
P.O. Box 130666
Austin, Texas 78711

Via Email: sunset@sunset.texas.gov

Sunset Advisory Commission:

Please let this letter serve as public input on behalf of the Texas Deer Association (TDA) regarding the Commission's evaluation of the Texas Parks and Wildlife Department (TPWD). The Texas Deer Association strongly believes there are many improvements that can be made to the agency's operations and services that would increase TPWD's efficiency and lead to a reduction of duplicative efforts between itself and other regulatory authorities.

First and foremost, TDA believes that disease management of captive cervids should be under the oversight of the Texas Animal Health Commission (TAHC). TAHC more appropriately and efficiently manages disease surveillance in white-tailed deer held in a captive breeding facility and is the more suitable regulatory authority to respond to diseases that impact these animals. The duplication of these efforts between both agencies is not cost effective nor based on science. Disease management should be overseen by veterinarians and epidemiologists, both of which are not TPWD's expertise.

TAHC should be the sole the regulatory authority involving animal diseases. Direct quotes from TAHC's August 2019 Self Evaluation Report:

- "TAHC is the agency directly in charge of many program activities such as tuberculosis and brucellosis eradication, equine infectious anemia, TSEs (CWD, BSE, scrapie), pseudorabies and various poultry diseases."
- "Because CWD has been found in native cervids in Texas, and because CWD threatens the health of susceptible exotic livestock, management of CWD in native cervids falls under the statutory authority of TAHC."
- "TAHC has veterinarians and veterinary epidemiologists and the knowledge and experience to customize herd plans that effectively mitigate disease. Disease management best fits the mission and expertise of the TAHC."

TAHC is uniquely equipped to manage, surveil, and respond to all diseases that affect captive white-tailed deer, not just CWD - including fever tick, anthrax, tuberculosis, brucellosis, etc. It is our belief that the Texas Animal Health Commission should have exclusive jurisdiction over disease management in deer breeding facilities in Texas.

Additionally, TDA commits to the Sunset Commission that several other issues exist at TPWD and should be resolved before the Legislature moves forward with continuing the existence of this agency.

The comments henceforth are arranged in the following sections:

Part I – Wildlife Division and Big Game Program Inability to Handle Disease Management

Part II – Deer Breeder Program Administration Costs

Part III – Data Sharing Constraints

Part IV – Take of Game Animals for Disease Surveillance

Part V – Conclusion

PART I – Wildlife Division and Big Game Program Inability to Handle Disease Management in Captive Whitetail Deer Facilities

Currently, TAHC and TPWD **both regulate** disease management in captive white-tailed deer. At the Texas Parks and Wildlife Department, the Wildlife Division and Big Game Program are in charge of oversight of disease management and response in captive deer in Texas.

The Wildlife Division today only has **one** veterinarian within the Department, who has primary responsibility to provide guidance in protection of the state's fish and wildlife resources, including disease management efforts. As outlined in the agency's 2019 Self Evaluation Report, the activities of the veterinarian currently include:

- Interacts with the other programs within the Wildlife Division to aid response to wildlife disease questions and disease issues that might impact the overall health and management of the species under that program.
- Coordinates disease monitoring of big game species to collect baseline data and to assess overall health.
- Serves as primary contact to the Texas Animal Health Commission, USDA, Texas A&M Agri-life Extension, and other agencies on wildlife disease-related issues.
- Provides guidance for issues relating to chronic wasting disease in Texas. This includes outreach to stakeholders, rulemaking, staff training, and surveillance.
- Provides information and guidance to other divisions within the agency as needed on wildlife disease issues, particularly those having public health or zoonotic implications.
- Serves as the division representative on the wildlife health committees for Association of Fish and Wildlife Agencies (AFWA) and Western Association of Fish and Wildlife Agencies (WAFWA) to keep abreast of emerging disease threats and exchanges information with other wildlife health programs.

Additionally, as stated in the agency's 2019 Self Evaluation Report, "The Wildlife Division has an MOU with TAHC to identify collaborative resources and disease management efforts with cervid species across the state." The Texas Deer Association strongly believes that an MOU is insufficient when propounding rules governing disease management efforts across Texas. It is the opinion of the Texas Deer Association that the Texas Parks and Wildlife Department simply lacks the proper epidemiological specialists and animal health professionals to appropriately handle disease management and response in a growing captive white-tailed deer industry in Texas.

Conversely, the Texas Animal Health Commission is uniquely equipped to manage, surveil, and respond to all diseases that affect captive white-tailed deer, not just Chronic Wasting Disease - including fever tick, anthrax, tuberculosis, brucellosis, etc. It is our belief that the Texas Animal Health Commission should have exclusive jurisdiction over disease management in deer breeding facilities in Texas.

PART II - Deer Breeder Program Administration Costs

As stated in the agency's August 2019 Self Evaluation Report, TPWD would like to, "Increase the annual deer breeder permit application fee to \$425 per year and seek appropriation authority." The Texas Deer Association wholly opposes this increase in permit application fees based on the existing duplicative functions of TAHC and TPWD concerning captive white-tailed deer. It is our belief that a fee increase is unnecessary with the elimination of duplicative efforts between the two agencies, and instead, a cost-savings could be achieved through delineating roles between them.

As described in the agency's Self Evaluation Report, much of the need for the increase in permit fees is associated with wildlife division staff and law enforcement's role in managing Chronic Wasting Disease in captive deer breeding facilities. Additionally, the department is seeking to hire an additional FTE; "a new position, a deer breeder program leader, solely dedicated to overseeing the deer breeding program in Texas. This position is necessary in order to ensure that other positions within the Wildlife Division can focus attention back on other critical programs that have suffered due to the recent redirection of resources. This position will be critical to providing enhanced training, communication, education, and outreach to the deer breeding community with the goal of improving permitting and disease monitoring compliance. The addition of this new position will increase program costs by approximately \$100,000 (including fringe benefits), bringing future estimated program administration costs to approximately \$460,000 per year."

It is the opinion of the Texas Deer Association that TPWD is not the agency that should be charged with managing diseases impacting captive white-tailed deer. The agency should not have "redirected significant resources to address the threats associated with the potential spread of CWD through the highly interconnected network of deer breeding facilities," when TAHC led the efforts to manage and respond to this very disease. Rather than raising fees on permitted deer breeders and adding additional personnel, the agency should allow disease management responsibility and rulemaking to reside at the Texas Animal Health

Commission, which already serves as the veterinary and disease specialists in Texas. TAHC is better suited to handle all diseases impacting captive cervids. Therefore, an increase in permit fees and a new hire at TPWD are not necessary.

PART III – Data Sharing Constraints

One issue discussed in the Texas Parks and Wildlife Department Self Evaluation Report was constraints associated with information shared between agencies, namely the Texas Animal Health Commission. Pertaining to captive white-tailed deer, the Texas Wildlife Information Management Services (TWIMS) serves as the gold standard for traceability of animal movement in the United States. This online system was developed by TPWD to store herd inventory data and track individual deer movement permits for the approximately 1300 enrolled breeder deer operations and additional release sites.

The Texas Deer Association agrees that TPWD should be allowed to enter into data sharing agreements with other Texas agencies in order to identify, track, and manage requirements of captive white-tailed deer in breeding facilities.

PART IV – Take of Game Animals for Disease Surveillance

Under current law, only Department staff and holders of scientific research permits have the express authority to harvest game animals outside of a hunting season. It is a defense to prosecution for a violation of the Parks and Wildlife Code for a person to humanely dispatch an animal that behaves in a diseased manner; however, with many wildlife diseases, animals can be infected and contagious and not display any visible symptoms until the disease has progressed. Current law prevents the Department from authorizing others to take protected game species outside of a hunting season for these disease management purposes.

The Texas Deer Association agrees with a statutory change allowing the Department to authorize specific landowners and other individuals to take a defined number of game animals outside of the respective animal's hunting season.

PART V - Conclusion

The issue of captive deer management has been heavily politicized for many years. Science should be the determining factor in this discussion, not politics. Currently, the Texas Animal Health Commission and the Texas Parks and Wildlife Department both regulate disease management in captive white-tailed deer. Chronic Wasting Disease impacts all cervids in the exact same manner; therefore, different authorities should not govern the different susceptible species of cervids.

The Texas Deer Association believes that TPWD is simply not as well suited to handle disease management in captive white-tailed deer as TAHC. Current staffing at TPWD only includes

one veterinarian. In the agency's own Self Evaluation Report, they describe CWD as causing the agency to, "redirect resources from other programs, affecting the Department's ability to meet other mission critical needs." Rather than hiring new staff at multiple agencies, we believe staff resources at TAHC can be more efficiently utilized.

The Texas Deer Association strongly urges the Sunset Commission to recommend that the Texas Animal Health Commission have exclusive jurisdiction over disease management in deer breeding facilities in Texas. TAHC is uniquely equipped to manage, surveil, and respond to all diseases that affect captive white-tailed deer, not just CWD - including fever tick, anthrax, tuberculosis, brucellosis, etc. It is our belief that the Texas Animal Health Commission should have exclusive rulemaking authority over disease management in deer breeding facilities in Texas.

Correspondingly, the Texas Deer Association opposes any increase in permit application fees based on the existing duplicative functions of TAHC and TPWD concerning captive white-tailed deer. By eliminating duplicative agency responsibilities, the State of Texas could save FTE's and decrease program dollars overall pertaining to disease management in captive white-tailed deer.

Additionally, as outlined above, the Texas Deer Association agrees that TPWD should be allowed to enter into data sharing agreements with other Texas agencies in order to identify, track, and manage requirements of captive white-tailed deer in breeding facilities.

Finally, the Texas Deer Association agrees with a statutory change allowing the Department to authorize specific landowners and other individuals to take a defined number of game animals outside of the respective animal's hunting season.

Respectfully,

A handwritten signature in cursive script that reads "Patrick Tarlton". The signature is written in black ink and is positioned above the printed name and title.

Patrick Tarlton
Executive Director, Texas Deer Association