

On June 22, 2021, TPWD enacted emergency CWD Rules aimed at destroying the Deer Breeding Industry in Texas. This represents a significant overreach of a governmental agency and violates the due process clauses of the 5th and 14th amendments to the United States Constitution.

- Enacted 90 days after CWD positive in breeding facility (where is the emergency?)
- Rules enacted by TPWD on March 14, 2021, already mitigate this issue (less than 100 days from effective date) – the 14-day test rule. This rule will prevent an outbreak of this nature in the future. There was no need for emergency rules.
- **The emergency rule requires live animal testing for all breeder deer prior to release** – even facilities with no epidemiological connection. This represents a logistical impossibility for industry as supplies, veterinarians, and laboratory services limitations will prevent operators from complying with these rules in time for fall release of breeder deer. This rule is designed to force operators out of business from a loss of revenue along with additional costs of compliance.
 - Requires testing all mortalities and submission to lab within 1 business day (reasonableness?)
- TPWD already has rules in place mitigating disease risks.
 - release facilities are required to be high fenced to prevent breeder deer from being comingled with free range deer
 - releases only on high fenced pastures that are permitted and movement qualified
- The CWD testing rules are performing better than TPWD expected. CWD has only been detected in .003 percent of Texas' 5.7 million deer population
- The focus of CWD testing is unreasonably slanted at breeders. Emphasis should be placed on free range testing of hunter harvested deer. CWD will only be located where it is looked for intensely. **MLPD permit holders should be required to test hunter harvested deer for CWD.**
- All hunters and hunting opportunities are important to Texas. The TPWD Commission is actively engaged in hunter recruitment and understands we are losing hunters as Texas urbanizes. As Texas population booms, land fragmentation will continue to occur. Smaller properties need all the tools available for intensive deer management, including deer breeding and the release of breeder deer.
- **The economic impact of the deer breeding industry to the Texas economy is**
 - **\$1.6 billion annually, and**
- **supports 16,892 jobs, most of which are in rural areas of the state.** The deer breeding industry is a growing and important segment of the Texas economy, contributing to the vitality of rural areas of the state.
- TPWD recently depopulated a facility containing 221 deer – 100 percent not detected results were received. They sacrificed an entire herd and found no positive animals while a live test was available.