FILED
AUG 06 2020
LEGAL BUREAU
Idaho State Department of Agriculture

BEFORE THE IDAHO STATE DEPARTMENT OF AGRICULTURE

IN THE MATTER OF:	)	
	)	
	)	**ADMINISTRATIVE ORDER**
IMPORTATION OF	)	**RESTRICTING IMPORTS OF**
DOMESTIC CERVIDAE	)	**DOMESTIC CERVIDAE**
	)	
	)	

The Idaho State Department of Agriculture ("ISDA"), by and through Administrator and State Veterinarian, Dr. Bill Barton, and in accordance with Idaho Code § 22-210 and IDAPA 02.04.21, Rules Governing the Importation of Animals, hereby issues this Administrative Order prohibiting the importation of domestic cervids originating from a location within a Chronic Wasting Disease ("CWD") endemic area or within a 25-mile radius of a confirmed positive case of CWD in any wild cervid within the previous sixty (60) months.

AUTHORITY

1. The Administrator of the Division of Animal Industries within the ISDA is granted broad disease control authority in Idaho Code § 25-210, which states: "In order to prevent the introduction or dissemination of disease among the animals of this state, the administrator of the division shall be authorized and directed to: prohibit or restrict entry of animals into the state that may be exposed to, infected with or may otherwise harbor or be contaminated with any contagious, infectious or communicable disease or agent; . . ." Idaho Code § 25-210(b) (emphasis added).
2. The Rules Governing Importation of Animals, IDAPA 02.04.21 provide that: "The administrator may impose additional or more restrictive import requirements than the

requirements in this chapter by issuing a written order stating the additional requirements and the reasons for the requirements." IDAPA 02.04.21.111.

FINDINGS

1. CWD is an infectious, degenerative disease of animals in the family cervidae (elk, deer, and moose, etc.) that causes brain cells to die, ultimately leading to the death of the affected animal.[1]
2. CWD is caused by abnormal proteins known as prions that spread when animals come in direct contact with infected body fluids such as feces, saliva, blood, or urine, or indirectly through environmental contamination of soil, food or water.[2]
3. Current research indicates infected animals can shed prions during the incubation period of the disease, prior to showing symptoms.[3] Infectious prions do not readily degrade in the environment and persistence in the environment can lead to robust levels of infectivity in areas where the disease is prevalent, known as endemic areas.[4]
4. Endemic areas vary based upon a number of factors such as prevalence (percentage of cases in current population), incidence (percentage of new cases each year) and force of infection (likelihood a healthy animal will become infected in a certain period of time).[5]
5. There is no CWD test available for disease surveillance in live elk. The disease can only be detected via post-mortem tissue analysis of the brainstem and lymph nodes.[6]

---

[1] USDA APHIS VS. Cervids: Chronic Wasting Disease Factsheet.
[2] Centers for Disease Control and Prevention, National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Division of High-Consequence Pathogens and Pathology (DHCPP).
[3] USDA APHIS VS. Cervids: Chronic Wasting Disease Factsheet.
[4] Centers for Disease Control and Prevention, National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Division of High-Consequence Pathogens and Pathology (DHCPP).
[5] Western Association of Fish and Wildlife Agencies. 2017. Recommendations for Adaptive Management of Chronic Wasting Disease in the West. WAFWA Wildlife Health Committee and Mule Deer Working Group. Edmonton, Alberta, Canada and Fort Collins, Colorado, USA.
[6] USDA APHIS VS. Cervids: Chronic Wasting Disease Factsheet.

6. Scientists believe CWD prions, once introduced into an area or farm, are contagious within deer and elk populations and can spread quickly.[7]
7. CWD prions can remain in the environment for a long time, so other animals can contract CWD from the environment even after an infected deer or elk has died.[8]
8. To date, most attempts to manage CWD have focused on reducing population densities and eliminating areas of CWD foci through a combination of hunter harvest and agency culling.[9]
9. Management to reduce or eliminate repeated visitation to these foci should reduce localized environmental contamination and transmission.[10]
10. The goal of a CWD management strategy should be to identify these areas of foci where cervids aggregate and work with producers, landowners, land managers, and Departments of Agriculture to mitigate point-sources (food, water, minerals) and reduce the density of deer/elk at these locations.[11]
11. Removing deer/elk around locations of known CWD-infected animals has been shown to remove proportionally higher CWD-infected animals than through hunter-harvest.[12]
12. The highest likelihood for healthy animals to acquire CWD is when they congregate and come in direct contact with infected animals.
13. Gaining as much separation as possible from animals infected with CWD is the best preventative measure for mitigating the spread of the disease.

---

[7] Centers for Disease Control and Prevention , National Center for Emerging and Zoonotic Infectious Diseases (NCEZID) , Division of High-Consequence Pathogens and Pathology (DHCPP).
[8] *Id.*
[9] Western Association of Fish and Wildlife Agencies. 2017. Recommendations for Adaptive Management of Chronic Wasting Disease in the West. WAFWA Wildlife Health Committee and Mule Deer Working Group. Edmonton, Alberta, Canada and Fort Collins, Colorado, USA.
[10] *Id.*
[11] *Id.*
[12] *Id.*

14. Many states impose domestic cervidae importation restrictions. Those states include California, Illinois, Iowa, Kentucky, Michigan, Minnesota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, and Utah.

15. Import restrictions are widely variable and include, but are not limited to, prohibiting domestic cervid imports from CWD positive states; prohibiting domestic cervid imports from within CWD endemic areas (any county and surrounding county where CWD has been diagnosed within the last 5 years); prohibiting domestic cervid imports located within a 30-mile radius of any CWD endemic area; prohibiting domestic cervid imports from counties and provinces where CWD has been identified in free-ranging cervid populations; prohibiting domestic cervids imports from facilities located within a 15-mile radius of a confirmed CWD positive in the last sixty (60) months; and other similar restrictions.

16. Due to the absence of an approved testing method that could confirm CWD infection in a live animal[13], along with the fact that the best available scientific research has shown that CWD infected animals can shed the virus and be contagious to other animals prior to exhibiting clinical symptoms or any visible signs of infection[14], the only option available to prevent the spread of the disease in Idaho is to prohibit imports from locations where the prevalence of known CWD infections are elevated and the risk of transmission from infected animals to domestic cervidae is unacceptably high.

17. In order to prevent the introduction and dissemination of CWD into the State of Idaho, prohibiting the importation of domestic Cervidae that originate from a location within a

[13] USDA APHIS VS. Cervids: Chronic Wasting Disease Factsheet.
[14] Id.

CWD endemic area or within a 25-mile radius of a confirmed positive case of CWD in any wild cervid within the past sixty (60) months is necessary.

18. ISDA has concluded that this domestic Cervidae import restriction is necessary to prevent or mitigate the dissemination of CWD in Idaho after reviewing the available scientific literature, carefully considering other state's import restrictions and is based on the administrator's training and expertise as a veterinarian.

THEREFORE, it is hereby ORDERED that:

Effective immediately, ISDA will prohibit the importation of domestic cervids into Idaho from locations within a CWD endemic area or within a 25-mile radius of a confirmed positive case of CWD in any wild cervid within the previous sixty (60) months.

This Administrative Order will be in effect until rescinded in writing by the Administrator.

ORDERED this 6th day of August, 2020

Bill Barton, DVM
Administrator and State Veterinarian
Division of Animal Industries
Idaho State Department of Agriculture