

Domestic Cervidae Rulemaking Meeting April 21, 2021

Attendees:

Scott Barnes (ISDA)	Paul Kline (IDFG)	Jonathan Oppenheimer (ICL)
Dallas Burkhalter (ISDA)	Lloyd Knight (ISDA)	Billy Rasmussen
Katy DeVries (ISDA)	Debra Lawrence, DVM (ISDA)	Jeff Siddoway
Tricia Hebdon (IDFG)	Scott Leibsle, DVM (ISDA)	Brad Smith (ICL)
Chase Jones	Jeff Lerwill	Chanel Tewalt (ISDA)
Rulon Jones	Kami Marriott	Joshua Uriarte (OSC)
Miranda Juker (ISDA)	David Miller	Garret Visser
Pamm Juker (ISDA)	Mike Miller	Kyle Wilmot (ISDA)

Everyone was welcomed and the meeting was introduced by Lloyd Knight. He explained that the goal of the rulemaking in general was to remove unnecessary and redundant language, as opposed to being in response to a petition for changes. He encouraged everyone to comment as they needed. He then turned the meeting over to Dr. Scott Leibsle as the main presenter.

After welcoming all the attendees, Dr. Leibsle explained the areas of review – IDAPA 02.04.19 “Rules Governing Domestic Cervidae” and Sections 600-699 of IDAPA 02.04.21 “Rules Governing the Importation of Animals”. He began by reviewing the Rulemaking Summary sheet and sharing a current budget summary for the Cervidae Program at ISDA. While discussing the budget, he explained they were hoping to begin work on a Cervidae program database in 2021, which would be an extra expense for the FY 2022 budget.

For section 004 – Incorporation by Reference, it’s standard operating procedure to update these references to the current versions. The changes, including one to 9 CFR Part 55 - Chronic Wasting Disease (CWD) should not affect Idaho producers, unless they are participating in the USDA CWD Certification Program – then they must meet the requirements set forth by USDA.

For section 010 – Definitions and section 011 – Redundant abbreviations were removed such as those included in the documents incorporated by reference. A definition for “Endemic Area” was added and updated the definition of “Source Herd” was updated to reflect actual usage. The abbreviation “CWDP” was removed and “HCP” was added to accurately reflect the programs actually in place. No questions/comments were noted.

Section 013 was removed as AZA facilities are not governed by the rule. This change would primarily affect zoos. Section 014 was removed as redundant language. The removal in the beginning of section 020 was for the same reason in Section 13 – AZA facilities do not fall under this rule. Section 020.02 was removed to reflect the 2021 statutory amendment. Section 020.05 was added to regulate temporary exhibition of reindeer, which is currently not allowed. At this point, Brad Smith (ICL) had a question regarding the removal of 020.02, specifically in relation to the Endangered Species Act applying to Mountain Caribou in the Selkirks. He stated there was the potential for reindeer to be reintroduced into the wild as part of the recovery plan and wanted to know what measures would be taken to limit wild reindeer from having contact with domestic reindeer. Dr. Leibsle explained that the fencing and

facility requirements that apply to domestic Cervidae facilities would continue to be in effect. That, however, is the limit of requirements in place to prevent fence line contact. He added they had no choice but to remove this section, due to the statutory change, but they could negotiate some aspects. He asked for suggestions to be sent by email to Rules Info, Lloyd Knight, Miranda Juker and/or himself. No questions/comments were noted.

Sections 021, 022 regarding official identification. Dr. Leibsle explained that most of these sections are mandated in statute and cannot be changed. The removal of 022.07 and 022.08 was because these types of identification are not currently believed to be in use and are not considered official by USDA. David Miller explained that he still uses Ranch-Specific Lamb tags, in addition to the metal USDA clips. Dr. Leibsle asked if that meant he would like them left in as an option. Mr. Miller was willing to re-tag if necessary, but felt that having that ranch-specific tag makes tracing an animal's point of origin easier and would prefer that to be left in as an identification option. Dr. Leibsle made note of this request.

Section 023 was removed for redundancy. Section 031 and its subsections, language was simplified. Section 031.01 was deleted as not feasible because producers usually handle re-identification themselves. Section 031.04 was removed because not many producers use tattoos anymore. No questions/comments were noted.

Section 050 – Genetics. This section had been previously designated as a topic of interest by Jeff Siddoway. Dr. Leibsle explained that there is not currently in-state testing for Red Deer Genetic Factor (RDGF), and the few testing options available have been problematic in the past. David Miller asked if there is no way to enforce this rule, is it was even necessary to have in the rule. Dr. Leibsle said it was also in the import rule, through which it would be easier to regulate. David Miller suggested removing this section as it is unenforceable and unneeded. After making a note, Dr. Leibsle asked if there were more comments. Brad Smith pointed out it would be nice to have the option if a test were to become available. Dr. Leibsle then explained some of the testing problems they experience including: the tests are hard to validate, there's no guidance as to an acceptable level of purity and the tests are not governed by any organization to determine accuracy.

Jeff Siddoway stated that he sent some samples to GenomNZ (New Zealand), which cost approximately \$100 and took 4 months each, but was concerned about the lack of a control sample from local captive and wild populations. Jeff Siddoway stated GenomNZ does not disclose where they get their baseline, and he felt that there should be statewide sample testing of approximately 1000 animals. He said that until there was a local baseline established, which would require testing of a thousand head of deer from every Fish and Game region, he had no interest in having this rule in the state. He added the RDGF was not as much of an issue as it was made to seem because producers want "typical" animals. He explained that there is a difference in the spread of antlers in elk and red deer – "U" shape versus "V" shape – and very few producers and/or hunters would want that gene expressed in their Cervidae. He felt it was best to get rid of the whole RDGF issue in the rules until there was an adequate baseline, reliable lab and/or a need within an industry where producers largely trust each other. Dr. Leibsle clarified a "baseline" as something to compare samples to for genetic purity. He said he didn't think New Zealand would be using a North American sample; that would have to be supplied by us. He asked if there were further comments, and no one had any.

Section 060.05 was removed as redundant language and Section 080 was removed because dead animal disposal is already governed by IDAPA 02.04.17 “Rules Governing Dead Animal Movement and Disposal”. Section 090 – Dr. Leibsle explained that the fees for elk are currently at the maximum of \$10/head. To simplify the rule, all due dates for all fees applied to the domestic cervidae program will be changed to December 31st. Section 100.02 and 100.03 were removed as necessary language. Section 101 – language was clarified that all facility requirements must be met before any Cervidae may be introduced into a facility. Brad Smith asked about quarantine facilities, and how it was determined if one was required. Dr. Leibsle explained that producers importing from areas with an endemic disease area would be the most likely to need quarantine facilities, and this would usually be to existing facilities as opposed to new ones. He added that he doesn’t think many producers really want that type of import. No questions/comments were noted.

Section 102 - no proposed changes, but it was asked if there any feedback as to whether there should be additional fencing requirements when a facility has had ingress of wild animals in the past. No comments were noted. Section 104 – this is more of an animal care issue and addressed in Idaho Code 25-3500. As he came to section 201, Dr. Leibsle said he was hopeful that they would be able to solve most inventory problems with a database in the future. In the meantime, it can be difficult reconciling with the various types of documents they receive. ISDA is requiring the summary report to be completed in addition to the standard annual inventory documents to assist in this process. He added that the time/labor spent reconciling inventories accounts for a lot of the program expenses.

Jeff Siddoway said that he was contacted by a southeastern Idaho rancher who requested that they stop requiring fees after an animal reaches a certain age, such as 12 years old. This would cap the animal’s life registration cost at \$120. He asked if there was any support for this and added that there could be a financial impact, depending on the age structure of the industry, but he didn’t know how much. Dr. Leibsle said that it would be time consuming to have inventory work done by the agency for age validation. He said that would increase the complexity of inventories, as well as confusion and conversations to clear things up. He said he was willing to put the idea out there, but the current system makes this logistically difficult. He asked if anyone else had comments on this and none were noted.

Section 204.04 was being removed because other agencies may be notified as a courtesy, but cervids are not a brand animal. Section 205 was a clarification, not a change. Miranda Juker explained when ISDA receives death certificates, they could be for animals that were too young to be included on an inventory. This can make it difficult to determine an animal’s identity, especially when the age is not recorded on the certificate. Dr. Leibsle added that if the animal has not been included on an inventory due to a young age, they do not need to report the death. However, if the animal has been included on the annual inventory – no matter how young – the death must be reported. In line with that, they want to develop an electronic/web-based form to make death reporting easier. Section 205.01 extends the timeline for reporting. The removal of section 207 was for redundancy; it’s already in statute and unnecessary in this rule.

Section 208 was amended to an extended timeframe as it’s difficult to enforce a 10-day timeframe. This also brings it in line with other reporting requirements as part of the annual inventory. The removal of 209.01 is because the voluntary ranch management plan has not been used since the CWD requirement was changed in 2015. He said the mandatory ranch management plans should remain

in place in Section 209.03, but asked if there were there any thoughts on revising the risk assessment criteria used in this section. No questions/comments were noted.

In Section 250 - Dr. Leibsle pointed out there is a difference between the federal interstate requirements and the intrastate requirements for Idaho, David Miller asked if the Tuberculosis (TB) program was federal, like the CWD program. Dr. Leibsle explained that is the case for *interstate* movement, however the rule here is discussing *intrastate* movement. Mr. Miller asked about the current state status regarding TB, which Dr. Leibsle said Idaho is accredited TB-free. Mr. Miller then explained he was concerned because he had to test his whole herd twice last year for movement within the state. He asked why Cervidae producers were required to have this testing when other livestock producers aren't. He proposed that they shouldn't have to maintain the federal accreditation status for movement within the state. Dr. Leibsle explained that producers are not required to be TB Accredited herds, but if they choose to do so they do have to meet the federal testing requirements for that accreditation. Mr. Miller stated that if they are a TB free state and only importing TB tested animals, they shouldn't need to test again when they are moving the animals within the state. Dr. Leibsle said the concern is not only the domestic Cervidae which are tested but there are, for example, wild cervids in Michigan that pose a disease risk to the domestic population. He asked Mr. Miller if he was proposing they remove the TB test requirement for movement of cervids within the state. Mr. Miller stated yes. Dr. Leibsle asked if there were further comments on this issue. Chase Jones said that he seconded that proposal – they should be able to move within the state without additional testing. Jeff Siddoway likewise concurred with the proposal. He added that a lot of in-state movements happen close to harvest and it can be dangerous, time consuming and the shaving for testing messes up the cape. Dr. Leibsle thanked them for their comments and asked if there were any more. No additional questions/comments were noted. Dr. Leibsle added that if TB were to become an issue, ISDA would still have the authority to require testing at that time.

Section 250.02 proposed a changed timeframe to match all other forms; while section 250.03 was redundant and unnecessary. Section 300 was removed because ISDA already has this authority in statute (25-218, Idaho Code) and there is no need to itemize the potential diseases. Sections 303 through 305 and 400 were identified as all redundant and in statute. No questions/comments were noted. Billy Rasmussen referred back to Mr. Siddoway previously talking about the \$10/head fee for annual inventory. He suggested that they could increase the fee for first-time additions but lower it later in life for older animals. For example, he has a 20-year-old cow that he doesn't feel he needs to pay a fee for every year. He acknowledged it would be extra work for the agency, and pointed out that the average age for bulls is 2-5 years. He said that increasing the initial fee could lower the overall costs and ease the burden on producers. Dr. Leibsle explained that the \$10 maximum for the fee is in statute and would require a legislative change to adjust that. He added that ISDA would need to do a fiscal analysis to determine how a change in fees would impact revenue. He requested that Mr. Rasmussen submit that specific request in writing. Mr. Rasmussen said it was just a thought and Dr. Leibsle could continue with the meeting.

Dr. Leibsle continued with section 450 regarding TB testing being required for change of ownership versus movement as discussed earlier. David Miller said he would like the see the test requirement removed here, as well. No additional questions/comments were noted. Section 500, proposed to clarify which species are identified as susceptible to CWD. The proposed change would make it so the requirement falls on elk and reindeer, not fallow deer - the only other species farmed in

the state. He asked for comments regarding CWD. Jonathan Oppenheimer said he was just joining the meeting. He said that the level of testing for CWD should be a key consideration and he was looking for a way to increase testing of animals dying for reasons for other than slaughter or harvest. Dr. Leibsle said that the testing requirement is already 100% for deaths outside of slaughter and harvest. Mr. Oppenheimer pointed out that there are issues that could prevent testing – they need to determine how many animals die from natural causes without being tested because, for example, they are found too late for sample collection. To his understanding there are some animals that are not tracked or tested because they decompose and wanted to know if there was a way to track the untested animals. He also asked about slaughter being only 10%. Dr. Leibsle said this issue will come up later and they could circle back to the issue at that point. No additional questions/comments were noted.

Section 501.01 through 501.04. These sections were being stricken due to lack of state and/or federal personnel and redundancy. He explained that ISDA will continue to educate on the proper way to collect CWD samples. For valid tests, samples must be submitted to the lab in whichever format required by the lab. Miranda Juker confirmed Idaho's elk producers have a pretty good success rate with CWD sample submission. David Miller then asked about live-animal testing and how soon that would be available. Dr. Leibsle said that there is a live-animal test for white-tailed deer only, but it is not approved by USDA. A rectal biopsy is currently only allowed if the white-tailed deer are already quarantined for CWD exposure, then multiple rectal biopsy tests can be performed to enable the animals to be released from quarantine. There has been some testing of mule deer through an ear punch, but they were getting a lot of false positives. Dr. Leibsle explained that CWD moves differently through elk and deer; the disease takes longer to migrate from the brain to lymph tissue in the rectum of an elk. The reason for this is unknown, as is the actual duration in which CWD migrates to rectal tissue in an elk. Dr. Leibsle said that all the regulatory agencies are waiting for a live CWD test to be made available, but they won't approve a test until after USDA has confirmed the test to be accurate and validated.

Section 502.01a – clarifies current available CWD tests. The most common tests used are the ELISA and the Immunohistochemistry. Section 503 discusses the CWD Herd Certification program, which any Idaho producer can participate in, if they choose. This is a federal program with standards set by USDA and does not need to be included in this rule. Currently, no Idaho producers participate in this program. Section 506 was removed due to redundancy, as this authority exists elsewhere.

Having reached the end of the rule, Dr. Leibsle opened the floor to questions and comments. Billy Rasmussen began by asking about CWD. He wanted to know if there were any numbers showing what the state tested last year from hunter samples, as he never saw samples being dropped off. Tricia Hebdon of the Idaho Department of Fish and Game (IDFG) said they had about 1100 samples tested so far this year. They have mandatory annual testing required in the Idaho panhandle near Libby, Montana and eastern Idaho. They rotate through other areas of the state and this year included the Salmon, Idaho area. Mr. Rasmussen asked what percentage of animals this would be testing. Ms. Hebdon indicated she would look into that. Dr. Leibsle said if that information were sent to him, he would make sure it got posted online.

After a 10-minute break, Dr. Leibsle said he had received a question from Tricia Hebdon regarding sampling for CWD testing including the brain and the medial lymph nodes. Ms. Hebdon elaborated that this was a question for discussion – it could be easier to get lymph nodes for testing as opposed to the traditional obex sample. Dr. Leibsle said that Idaho only requires the obex for testing and

it could be difficult asking for both, although it could help when the obex is missed during collection. He said this would require additional training on how to collect samples. David Miller offered that he has taken elk to slaughter in Nampa, Idaho and they have told him that even the lymph nodes can be difficult. Dr. Leibsle clarified they were just talking about a secondary testing option as insurance if the obex sample was improperly collected and rendered untestable. David Miller said that ISDA used to provide a certificate after training on sample collection. He added that once you have been trained and know what to do the collection isn't that hard. Dr. Leibsle asked for further comments. Jeff Siddoway asked if they could make it an option – either obex or lymph nodes – so they wouldn't have to also submit the lymph nodes if they were confident in their ability to remove the obex. Dr. Leibsle said he would have to talk to the lab, and whether it was possible a lymph node sample would be viable for a longer period of time than the obex– especially in animals that have been dead longer. He added that the lymph node provides the most reliable test in white-tailed deer, but that is not the case in elk.

Dr. Leibsle asked if there were any further comments on the Cervidae rules. David Miller asked about the proposed added definition for “Endemic Area” and what would set the boundaries for this. Dr. Leibsle said this would be covered in the import rules and moved the discussion on the IDAPA 02.04.21 “Rules Governing the Importation of Animals” sections 600-649, adding that the official negotiated rulemaking meeting for this rule would be conducted in full on April 22, 2021, however given the relevance of Section 600 of this rule to the cervidae industry, the comments from the current meeting would be included in the rulemaking record as well. In section 600.1 the language was simplified, and 600.2 was removed since testing is discussed in section 601. ISDA had received comments from Jeff Siddoway, submitted prior to this meeting, regarding 600.4 “Deworming Requirement”. Mr. Siddoway said that in the past, to be allowed to get animals east of the 100th meridian, they had to agree to this requirement. He pointed out that any facility with good husbandry practices wouldn't have a problem. He said that it could be difficult to get a veterinarian to his facility at times and asked if it would be sufficient to allow owners to handle the deworming treatment and add an affidavit to the CVI. Dr. Leibsle explained that this requirement was on the veterinarian issuing the CVI in the state of origin. Mr. Siddoway said he understood, but still felt the requirement was cumbersome. Dr. Leibsle asked him what exactly his proposed change would be. Mr. Siddoway said they should accept a producer-signed affidavit regarding liver fluke treatment as opposed to requiring veterinary certification.

Dr. Leibsle explained that this section was specifically addressing meningeal worm and it doesn't specifically state that a veterinarian must be the one to treat. The attending veterinarian is only required to record a statement on the CVI that the animals have been treated with a dewormer. ISDA has never required the veterinarian be the person to apply the treatment (Ivermectin). He asked Mr. Siddoway to clarify what he was asking, as it appeared his request was permitted by the rule. Mr. Siddoway said that section in the copy of the rules he had, 600.02 said “treated with a parasite that's efficacious against giant liver flukes by an accredited veterinarian no less than 30 days or no more than 60 days prior to importation...” and he assumed the language was the same for meningeal worm. Dr. Leibsle said he was looking at an outdated version of the rules, since the current rule did not have that. Mr. Siddoway asked to clarify that a veterinarian does not have to administer the deworming treatment. Dr. Leibsle said that was correct, there just needed to be a statement that treatment had occurred. Mr. Siddoway acknowledged the clarification. Billy Rasmussen asked about the safety of meat being given for public consumption when they have had recently been treated with Ivermectin. Dr. Leibsle explained that Ivermectin is the accepted treatment for meningeal worms, although it is off-label use when being

administered to Cervidae. Dr. Leibsle stated the estimated meat withdrawal time for elk being treated with Ivermectin was approximately 30 days. He clarified, asking if Mr. Rasmussen was concerned about residual product in the meat when it was harvested. Mr. Rasmussen affirmed. Dr. Leibsle asked for his specific request. Mr. Rasmussen said that he didn't have an exact wording yet but, for example, a producer in Canada wouldn't test animals within 60 days before shipping because it could damage the horns. He said that unless they push the Ivermectin treatment out to 6 months or so, he didn't see how they could avoid the drug residue entering into the food chain. David Miller asked if they could change the de-worming requirement so it applies only to animals from an endemic area, as opposed to all animals. Dr. Leibsle said they could suggest an amendment for the rule to say something like "east of the 100th meridian." Mr. Miller pointed out that most animals would be dying within 60 days of import anyway. Dr. Leibsle said he was open to suggestions and this was best done in writing. Mr. Miller asked the group what their thoughts were.

Tricia Hebdon said the meat withdrawal period was actually 60 days and pushing the requirement to 60 days would mean the animals still had protection in place against the meningeal worm. Billy Rasmussen didn't feel that treating 60 days before would be an option due to the bulls being in velvet. Dr. Leibsle said that it would allow for more time to complete the requirement – including if the producer still wanted to keep within 30 days. Mr. Rasmussen asked how dangerous meat with Ivermectin was. Dr. Leibsle referred him to FSIS for information on the health impact of drug residues. Jeff Lerwill suggested changing the requirement to 6 months to allow more leeway and time for the ivermectin to wear off. Dr. Leibsle said all suggestions were on the table. He added that he understands certain times are preferred for working animals. To recap he said there were currently 2 proposals to amend this requirement - 60 days advance treatment and 6 months advance treatment. David Miller reiterated that he would like to see it amended to apply only to animals entering from east of the 100th meridian. After noting the suggestions, Dr. Leibsle asked if there were any other comments. He added that this part of the rule was originally negotiated to prevent introduction of *P. tenuis* into the wild population. Jeff Siddoway asked if anyone knew how long treatment lasted until there was a chance of re-infection. Dr. Leibsle referred to Ms. Hebdon who said that from what she's read re-infection becomes a concern after 3 months. She indicated she would send the literature she had on the subject.

After Dr. Leibsle asked about further questions, Brad Smith requested help to understand the difference in risk east of the 100th meridian. Dr. Leibsle explained that USDA has conducted surveillance that indicated *P. tenuis* occurs primarily east of the 100th meridian; they have not discovered it to a significant degree to the west. He said he would look for literature on this topic. No additional questions/comments were noted. Section 600.05 - it was suggested to remove the import statement since a veterinarian is already responsible for making sure animals on a CVI are not showing symptoms of *any* disease. In discussing section 601, Dr. Leibsle pointed out that 601.01 was just amended in 2020. He said that only animals from a designated surveillance area or high-risk area require brucellosis testing and the only surveillance area in the country was the area around Yellowstone Park in Idaho, Montana and Wyoming. He asked Miranda Juker if there were any farmed cervids within the Montana Designated Surveillance Area (DSA). Ms. Juker did not believe so and said if they are there, they aren't being sent into Idaho.

Section 601.02 - Jeff Siddoway elaborated on his previous comments regarding Red Deer Genetic Factor (RDGF). Mr. Siddoway said that it had kind of been covered previously but, because there is no lab and no base sample, he felt this requirement should be removed. He added that he didn't think

he could find an elk producer in the state who would want to use red deer. No additional questions/comments were noted. Mr. Siddoway also had a comment regarding TB and asked if that had been covered enough previously. Mr. Siddoway said that it was covered earlier – he didn't think there was a need for intrastate testing as it was just burdensome. Dr. Leibsle clarified that the TB issue discussed in the previous rule applied to intrastate movement only and the import rule currently being discussed was for movement from other states into Idaho. Movements across state lines are required to perform TB testing unless coming from an accredited TB free herd. Mr. Siddoway understood, and David Miller asked if they could use a blood test to meet the requirement for import testing. Miranda Juker confirmed that either the tuberculin or the blood test was acceptable for movement. Mr. Miller said he had received elk as imports last year and they thought they still had to shave and re-check for TB testing, which meant more handling of animals and greater risk of injury. Dr. Leibsle explained that, in the past, the Bovigam test gave a lot of false positive test results. Since then, he believes the issue had been fixed, but he didn't know if a Bovigam test was permitted to maintain a TB accredited free status. Mr. Miller said that so far, it has been accepted. No additional questions/comments were noted.

Sections 605 through 607 were removed as unnecessary language because it is responsibility of the accredited veterinarian issuing a CVI is to ensure the animals are healthy. 606 was removed due to relevancy and redundancy. Section 607 was identified by both Jeff Siddoway and David Miller for additional discussion on CWD import requirements. Dr. Leibsle stated that the August 2020 administrative order is still in effect, which limits importation of cervidae from within a CWD endemic area or within 25 miles of CWD-positive wild cervidae. Dr. Leibsle stated that CWD was an ongoing problem that was continuing to spread across many regions of North America, specifically Canada. The reason for the administrative order was that ISDA did not feel the level of CWD surveillance in wild cervidae and the method in which Canadian animal health officials were using to identify and expand their CWD endemic areas were providing sufficient protection to prevent importing CWD into Idaho.

Jeff Siddoway said that in 2020 quite a few outfits with harvest/hunting facilities had deals to purchase Canadian elk including down payments paid and hunts pre-sold. Without warning they received the administrative order which slammed the door on these deals. While he recognizes the authority given to the administrator and director, he felt that an allowance for herds with 5-year CWD-free status should have still been able to import. He said that the radius of 25 miles, as opposed to 20 miles, made all the difference in this situation, adding that it cost him \$100,000 in net income. He felt the CWD-free herd was at odds with the administrator. He asked if the radius could be reduced from 25 miles, since 25 of the 50 states in the US, including Wyoming, are known to have CWD. He added that he was 99% sure CWD is present in wild elk in Idaho. While he didn't have a solution, he did know that the order at that time hurt Idaho Cervidae producers.

David Miller said he wanted to know how they chose 25 miles as their radius because Utah put theirs at 20 miles and wondered what was consistent with other states. Dr. Leibsle displayed a table showing the CWD import requirements from other cervid farming states. The table indicated different states have taken entirely different approaches - some far more restrictive than Idaho, some far less restrictive. In making the decision back in August 2020, Dr. Leibsle indicated a scientific study developed by the University of Minnesota was also taken into consideration. The study investigated the risk factors that could predispose a domestic cervidae facility to become infected with CWD. The study identified that any domestic cervidae facility located within a 50-mile radius of a CWD positive in a wild cervidae was one of the primary risk factors for domestic cervidae ranches becoming infected with

CWD. Dr. Leibsle explained they tried to take a balanced approach by requiring a large enough distance to establish safeguards against inadvertently importing a CWD positive animal, without being so restrictive that the requirement would completely eliminate all cervid markets. Idaho is not the most restrictive in this regard and they are not the least restrictive; the regulation falls in the middle of what most farmed cervid states require. He added that a lot is still unknown about CWD, which is spreading rapidly – especially in Alberta, Canada.

Dr. Leibsle said that, while the administrative order is still in effect, the preferred location for this requirement is the import rule, and if stakeholders could come to a reasonable agreement on the CWD safe distance issue, it would be best to incorporate that into the Import Rule. Dr. Leibsle clarified that the states that do not have any kind of CWD proximity requirement, such as Colorado, already have CWD. Chanel Tewalt reiterated that the administrative order stands regardless of rulemaking decisions, adding that they want to have additional discussions with producers and stakeholders about adding it to the rule. Jeff Lerwill said that he has spoken with Canadian producers who feel they are personally being attacked. He said there is no proof of where a harvested animal actually came from – it could have been shot further away. He did admit that some have had CWD-positive animals within that 25-mile radius, but they can still ship to Colorado. He felt there is ambiguity because no one is verifying where animals are actually originating. Mr. Lerwill said there could be issues where someone doesn't like a neighbor, so they say animals are from somewhere closer to damage them. Mr. Lerwill then asked what IDFG felt the difference in health was between Idaho and Montana, and when CWD test results for samples pulled by butchers and taxidermists would be released. Dr. Leibsle said if there are problems with accurately locating where a CWD animal is harvested in another state or province, there isn't anything that can be done about that. Dr. Leibsle displayed a map showing the 2020 CWD cases identified in Alberta. He explained that ISDA is greatly concerned because while many of the CWD positive cases identified on the map (stars on the map) are in Alberta's endemic area (shaded on the map) – many are also located outside of their endemic area.

Tricia Hebdon said Idaho does not currently have CWD in the wild and IDFG is doing everything they can to get exact harvest locations to help define a CWD area in the state if/when they have a positive. She said that taxidermists and wild game processors are not required to submit samples, but some do anyway. Rulon Jones said that the number of confirmed cases in Alberta were a result of the number of hunters and tests submitted. He said that CWD wasn't necessarily spreading, there is just an increase in testing which appears to lead to an increase in the number of cases as existing cases are exposed. Rulon Jones then asked why ISDA doesn't continue to rely on the rule in place regarding CWD-free herds, which can't control the animals outside their facility. He said that if a producer could show they don't have CWD inside their fence, that should be sufficient. Dr. Leibsle explained that their intent wasn't to claim elk producers aren't doing their job, but rather to address the potential for exposure from wild elk which is out of their control. Billy Rasmussen pointed out that the testing rate in Alberta, Canada is over 50%, while Idaho only tested 1100 wild elk, primarily in areas without any Cervidae facilities. Mr. Rasmussen asked what would be done if CWD was found near a captive herd in Idaho – would it be shut down? Mr. Rasmussen said the state should be responsible for testing more wild elk instead of over-regulating domestic producers. Dr. Leibsle said that if CWD was found in wild cervidae in Idaho, ISDA would not shut down a domestic elk facility because of its proximity to that wild case – that would only happen if CWD was found inside their fence. Dr. Leibsle pulled up another map of CWD testing in Alberta to compare 2019 and 2020. He said the 2020 map indicates an apparent decrease in

CWD cases from 2019, however that is because Alberta chose to limit the areas in which they were conducting CWD surveillance in 2020. He added that this is a complicated issue and asked for further comments.

Kami Marriott said that she agrees with that has been said about CWD so far, and she was glad Rulon Jones spoke up. She added that she knows this is a big issue and hopes there can be a remedy. She then said that RDGF feels redundant to worry about when animals are ultimately going to be harvested and they aren't breeding animals. She also agreed that the intrastate TB testing requirement should be removed. Brad Smith said that he understood the 25-mile radius was a hardship, but they need to do what they can to protect both wild and domestic herds. He said he appreciated all that ISDA was doing with the limited information available. David Miller asked for clarification on the executive order staying in place and adding it to the import rules. Dr. Leibsle reiterated ISDA's desire is to discuss the issue further. The administrative order is not being rescinded at this time; they want to see where producers are on the issue. Mr. Miller asked if they were wanting a proposal for the rule instead of the administrative order, which would nullify the order. Dr. Leibsle confirmed that ISDA is requesting alternate proposals from stakeholders. Jeff Lerwill asked about a CWD blood test. Dr. Leibsle said they are willing to accept any validated test for any disease, but currently there is no blood test available or validated to detect CWD. He added that there are several experimental tests currently in development, but nothing is approved. Jeff Siddoway asked for a recap of the brucellosis testing requirements - the two tests and the timeframe, as 30 days is sometimes hard to meet. Dr. Leibsle explained that brucellosis testing is only required for animals from a high-risk or surveillance area, which currently would be the Montana or Wyoming DSA. He added that USDA requires brucellosis testing when crossing international borders. Mr. Siddoway asked if the two tests was a USDA requirement. Dr. Leibsle clarified that one blood sample may be split up for two tests, one of which must be Fluorescence Polarization Assay (FPA) and the other can be Buffered Acidified Plate Assay (BAPA) or Buffered Antigen Plate-Agglutination Test (BPAT). Mr. Siddoway said that the second test had hung them up in the past and asked if the testing timeframe could be extended from 30 to 45 days. Dr. Leibsle pointed out the current rule has a 60-day test requirement. He then clarified import requirements.

Imported cervidae need a 5-year CWD herd history, which can be an issue with Canada. Because of the way they operate, it can be difficult to get source herd information, as required in section 607.01 of the import rule. He said they could call the provinces to see if it's something Canada can even provide, adding that he would try to get more information. Section 607.02 was to be removed because the Administrator does not want to be put in a position to grant exceptions to some and not others. He said that if there are other ideas for how to prevent the introduction of CWD into Idaho, if they could grant more flexibility while maintaining the health status of the state, he was open to them and encouraged stakeholders to submit their ideas and proposals. Dr. Leibsle concluded the presentation and stated that comments may be submitted to the rulemaking records for the next 2 months.

Lloyd Knight said that if anyone wanted to join the meeting the next day looking at the entire import rule, they could email a request to him for a link. Mike Miller then spoke up asking if he should submit his question regarding reindeer in north Idaho in writing. Dr. Leibsle said that it was addressed at the beginning of the meeting. He said that IDAPA 02.04.19 section 20.02 was removing the limitation on ownership, but they were proposing notification when there was a request to exhibit, which would be otherwise prohibited. He said the only other change regarding reindeer was the CWD testing requirement from the addition of "susceptible to CWD" in sections 500.01 and 500.02. Mr. Miller said he understood,

and the current comments were ok with him. Dr. Leibsle asked one final time for comments, before Lloyd Knight closed out the meeting. Mr. Knight said everyone should have the link for the next meeting already, and they would try to get amended rules, meeting minutes and other documents onto the ISDA website in a couple weeks. He said he would try to send an email once everything was posted. Lloyd Knight then adjourned the meeting.