

## Importation of Animals Rulemaking Meeting April 22, 2021

### Attendees:

Chanel Tewalt, ISDA	Debra Lawrence, DVM, ISDA	Pamm Juker, ISDA
Scott Leibsle, DVM, ISDA	Tricia Hebdon, IDFG	Scott Barnes, DVM, ISDA
Lloyd Knight, ISDA	Katy DeVries, ISDA	Courtney Ferguson
Miranda Juker, ISDA	Brad Smith, ICL	Alex McCoy
Dallas Burkhalter, ISDA	Michael Ferguson	

Everyone was welcomed and the meeting was introduced by Lloyd Knight. He explained that there were no petitions for changes to IDAPA 02.04.21 “Rules Governing the Importation of Animals,” the rule being considered. He encouraged any in attendance to comment before turning to meeting over the Dr. Scott Leibsle.

After welcoming the attendees, Dr. Leibsle explained that the goal of the meeting was to remove unnecessary language as well as clarify the language. He said that some areas had suggested changes already, but anyone could request other changes. The only caveat was that they were unable to change areas that are mandated in statute. Though he would typically have a budget presentation on program costs, Dr. Leibsle explained that the import rule covers all species and therefore doesn’t have a single revenue source. This makes a fiscal report difficult. The rule is funded by both general and dedicated funds, including a portion of brand fees. He then moved on to a review of the rule.

Section 004 – Incorporation by Reference, the standard is to use the most current version of any documents. There were not many changes to the Code of Federal Regulations (CFR) from 2016 to 2021, other than the United States Department of Agriculture (USDA) Chronic Wasting Disease (CWD) herd certification requiring lymph nodes instead of obex for testing. If USDA follows their current plan, the brucellosis and tuberculosis (TB) rules will be updated and adopted into this rule as well. No questions or comments were noted regarding this.

Section 10 - definition updates. 10.5 “Approved Feedlots” clarifies TB and trichomoniasis testing exemptions. 10.19 “Fur Bearing Animals” is a new definition coming from the statute. These are cited in the rule but have never been defined here. For animals to be considered intended for “use in the fur industry” they must be actively pelting or breeding animals for pelting. 10.28 “Poultry” removes pigeons since they are not considered poultry. 10.31 “Slaughter Animals” was changed to eliminate an issue where slaughter animals have exemptions, but they must be slaughtered within 72 hours. This is consistent with the USDA Animal Disease Traceability (ADT) regulations. 10.34 “Waterfowl” was removed because there was no reason to define waterfowl since they are already included in the poultry definition. Section 11 has several frequently used abbreviations added. There were no questions or comments to this point.

Remove section 050 - the CFR is already listed in the Incorporation by Reference section making this a duplication.

Section 100 - 100.4 was changed to allow for electronic Certificates of Veterinary Inspection (CVIs), not only requiring paper copies. 100.5 had the first significant change. To encourage the use of electronic CVIs, the proposal is to remove the permit requirement for veterinarians using approved electronic CVIs.

Part of the reason for permits in the past was difficulty in obtaining all the required information from a paper CVI as well as reading poor handwriting. The permits provided a back up of the required information. The exemption can be proposed because approved electronic CVIs require the critical data and should be legible. Once this change goes into effect, ISDA will post a list of approved electronic CVIs. No questions/comments to this point.

Section 101 - use the current language. 101.08 was changed to allow for submission of electronic CVIs. Section 102 was developed initially for horses being used in rodeos and shows which were travelling back and forth across borders for several months. GlobalVetLink has had Electronic Equine Certificates of Veterinary Inspection (EECVIs) for about 3 years, but there needs to be the ability to approve any new certificates from other companies. The change to 102.2 is a clarification, and 102.4 was redundant with the change to requiring electronic forms.

Section 104.1 was removed as redundant. 104.2 – historically, permits have only been allowed within 72 hours of shipment because of concerns regarding load changes. The move to extend this request timeframe is in line with the Governor’s request to loosen requirements where possible. Mike Ferguson asked how the permit timeframe would affect USDA-approved facilities, as he has often had permits denied. Dr. Leibsle explained that permits are not typically denied unless animals in the shipment have not met import requirements (typically disease testing), or the request is more than 72 hours in advance. Mr. Ferguson said that he has had permits for moose, with complete testing, denied by Mark Drew. Dr. Leibsle explained that permits for moose are not under ISDA, and Mark Drew was an employee of the Idaho Department of Fish and Game (IDFG). He recommended Mr. Ferguson discuss his concerns with IDFG. Mr. Ferguson thanked Dr. Leibsle and added that it can be difficult to know who to turn to, especially when he is dealing with people working for both IDFG and USDA. Dr. Leibsle clarified that ISDA is responsible for CVIs but, even though they have authority over some special species, IDFG is not. He recommended to Mr. Ferguson that, if IDFG was looking at their applicable rules, he might have an opportunity to discuss potential modifications to the IDFG rules. Mr. Ferguson asked if there could be an exemption put in for USDA-licensed facilities that aren’t governed by ISDA. Dr. Leibsle said he was looking at the rules and it appears they need to meet both ISDA and IDFG requirements. Mr. Ferguson said they have a IDFG permit and a USDA exhibitor permit, but IDFG doesn’t know how to administer everything for their facility, then asked who they would go through, since most zoos don’t need import permits. Dr. Leibsle said zoos do need entry permits and they will likely have to continue to work with all three agencies – the CVI requirement will always be under ISDA. He asked Dr. Scott Barnes if he had any input. Dr. Barnes agreed that the CVI will always be required by ISDA, and Mr. Ferguson would always be regulated by several agencies. He said that they would go through ISDA for entry permits, but any IDFG permit denial is their own decision and outside of the health issues regulated by ISDA. Dr. Leibsle added that ISDA verifies animal health through the veterinarian issuing the CVI. Dr. Barnes added that a permit may be approved by one agency and denied by another.

Tricia Hebdon (IDFG) commented that everyone receiving wildlife permits from IDFG still must have the CVI and permit required by ISDA. She did not know about the moose case, specifically, but said that IDFG has general restrictions on the importation of cervids because of Chronic Wasting Disease (CWD). Dr. Leibsle made a note on this section. Mr. Ferguson then asked about the requirement regarding the 100<sup>th</sup> meridian and meningeal worm for Cervidae imports. Dr. Leibsle said that would come up later in the Cervidae section of the rule. He then asked if there were any further questions on permits. Dr. Debra Lawrence added that ISDA does issue import permits for zoos and animals from AZA facilities as well as

facilities such as the bear rehab facility. Dr. Leibsle said that he would discuss the situation more with Mr. Ferguson, as well as during then next meeting regarding these rules.

Section 108 – is just a clarification. If an animal moves without a CVI it's considered an illegal movement and concerning because a veterinarian hasn't verified the health of the animal(s). If a movement occurs with a CVI but without a permit, it's not necessary to quarantine them. The changes to section 109 are to simplify/remove extra language. The Vesicular Stomatitis (VS) statement will still need to be present in some form, but there's no need to regulate the wording in the rules. The rule also does not need to specify that a permit number must be listed on the CVI – if the vet fails to list it, the ISDA system will still have that information. The proposed removal of section 110 is because it is unenforceable due to lack of infrastructure.

Section 200 was changed to remove redundant language. Mike Ferguson asked if they could go back to the Cervidae rule and Dr. Leibsle clarified whether he meant Cervidae or VS. Mr. Ferguson realized there hadn't been Cervidae covered yet and Dr. Leibsle said it would be in section 600. Alex McCoy asked if ratites could be added into the definition of cattle and treated the same way. Dr. Leibsle said that ratites would be covered in section 700. Section 200.1 is changed because permits are not required for animals going to slaughter. 202 is being amended to add a permit exemption for certificates issued on a NASAHO-approved electronic CVI. 202.3 b and c were simplified. There were no questions or comments at this point. Section 203 changes are all in line with the federal ADT rules. Idaho has an ongoing risk of brucellosis, so section 210 needs to be maintained. The only changes are an addition to clarify the permit requirement for calves not at their mother's side and exempt all types of exhibition, not just shows. No comments on this section.

Section 211 is a change to match USDA language. Section 212 is being changed to simplify the rule. Section 220 deals with grazing herds. The addition of 220.2 is to clarify requirements, and 220.4 allows diversion with prior notification. Section 230 is remaining in place as-is. Section 240 was changed to make a confusing section easier to understand; the original language was copied from the CFR. There are changes to the TB testing requirements, just shortened language that is easier to understand. No questions at this point.

Section 260 - the standard for testing has historically been culture tests, but there is a newer more widely accepted testing format – PCR. The PCR tests are more expensive to run, so the allowance of pooled samples reduces the cost. In-state bulls are still allowed to use culture tests for their annual testing, however, when involving imports, most states don't like the culture tests because the PCR test is better able to identify trich. Although it's not specified on incoming CVIs, most states are switching to PCR tests, so this likely won't have much impact. Section 260.2.f – an exemption for bison testing is being added because bison don't typically have trich. Dr. Leibsle explained that their physical structure makes their bodies naturally less hospitable to the disease and bison are considered somewhat resistant. There is also a safety issue involved for veterinarians who perform sample collection, so the proposal is to exempt bison from this testing requirement. Dr. Leibsle added that this will likely be appreciated by bison producers. No comments on this section.

Section 300.1.a is a clarification because the question comes up regularly about pending EIA tests. Section 300.3 discusses approved equine feedlots. These are facilities only house horses intended for slaughter. There are no horse slaughter facilities in the United States, so these horses are shipped to Canada or Mexico. The facilities in Idaho operating in this way are only inspected once a year, and there

isn't a lot of ability to track these horses, so the proposed addition of 300.3.e is a permit requirement for animals going into these facilities. No questions or comments on this.

Section 400 changes include the removal of a permit requirement. The proposal to strike that requirement is because there are not disease concerns regarding swine at this point. If there ever became a disease issue it would be possible to implement a permit requirement, if necessary. Section 400.4 is a clarification, not a change. 401 is changing to allow different test types, if/when the tests available for use change over time.

Section 500 has no changes, just simplified language.

Section 600 - Dr. Leibsle explained that this section had been discussed as part of the Cervidae rulemaking meeting on April 21, 2021. [The notes from that discussion are amended to these minutes.] Section 600 was going to be discussed again including a summary of the prior discussion. There was a lot of discussion regarding *p. tenuis* requirements. In the past it was expanded to allow imports of animals east of the 100<sup>th</sup> meridian, with an added deworming requirement for all Cervidae. Now there are concerns among producers about there being drug residue in meat from recently treated animals. At the previous meeting, different options for treatment were discussed with treatment timeframes ranging from 60 days to 6 months, and a change to only require treatment of animals originating east of the 100<sup>th</sup> meridian. The reason that line is drawn is because USDA has found *p. tenuis* east of the 100<sup>th</sup> meridian but not west of it. Mike Ferguson asked about the National CWD Herd Certification Program and how a producer would know if they were under that. He said that he has five moose to send to other states and the veterinarian needs to say they're certified. Dr. Leibsle explained that the CWD certification standards are set by USDA. The requirements include 100% testing of dead cervids (obex and lymph nodes) for the past five years, as well as five years of testing records for source herds. Miranda Juker added that the USDA certification program requires testing 12 months and older, in contrast to the Idaho state requirement of 16 months and older. The USDA certification requires annual inspections as opposed to the state requirement of once every five years, and they require an audit every three years while the state has no audit requirement. She offered to send the program documents to Mr. Ferguson, who said he would appreciate that. He added that they are inspected annually by USDA and it can be confusing when they meet the USDA requirements but have issues getting certification from Mark Drew. He asked if that could be addressed in the rules currently being discussed.

Dr. Leibsle explained that most Cervidae facilities are completely under the authority of ISDA, but Mr. Ferguson has a unique situation. He said that Idaho doesn't have any National CWD certified producers because Idaho producers do not export their animals. Mr. Ferguson said they used to have annual inspections but that had been discontinued. Dr. Leibsle said they hadn't been discontinued; the Idaho legislature just changed the requirement to every five years, which does not meet the USDA CWD Herd Certification requirements. He added that they could request more frequent inspections if they were wanting to meet the USDA requirements. Ms. Juker clarified that the herd certification required an inventory verification every three years – someone would have to be on-site at the facility to do this.

Section 600.5 is being removed as redundant because the veterinarian is already certifying an animal as healthy by issuing the CVI. Mike Ferguson asked about animals from Alaska being denied entry in the past because they were moose. He said that he didn't understand why the movement would be denied, but maybe his facility needed to be designated by USDA because ISDA doesn't govern moose and IDFG refers requirements to ISDA. Dr. Leibsle clarified that the only domestic Cervidae species governed by

ISDA are elk, fallow deer and reindeer. He added that other species would need an entry permit from ISDA but permitting requirements through IDFG are outside the control of ISDA and Mr. Ferguson should talk to them. Mr. Ferguson asked if there was a specific person to talk to, such as Dr. Mark Drew. Tricia Hebdon explained that Dr. Drew was retired, but the new wildlife veterinarian is Dr. Nicole Walreth who is currently out on leave. She said that he could send requests to the wildlife health lab. She said that IDFG does have restrictions on animals when there is a threat of genetic contamination and that may be why the import from Alaska was denied. Mr. Ferguson asked her to send him those rules as well. Ms. Hebdon said she would send them.

Section 601 – Brucellosis testing is required for animals from the DSA within the United States, and USDA requires testing for animals imported from Canada. Section 601.2 was proposed to be removed by cervidae stakeholders. Brad Smith asked if this requirement could be negotiated to add back in when there was an effective, valid test with available comparison samples. Dr. Leibsle said that was possible. Section 606 was being proposed to strike because ISDA doesn't have governing authority over AZA/USDA facilities. Mike Ferguson asked if it was all being struck. Dr. Leibsle explained that there would be no actual change to the rules, it was just removing language ISDA has no control over. Mr. Ferguson asked how they would know they don't have control if it isn't specified here – they added it to the rule several years ago to make that exemption obvious. Dr. Leibsle explained that ISDA doesn't govern AZA/USDA facilities; there is no reason to have this section in the rule here. He added that part of the earlier discussion had included a suggestion to remove the TB testing requirement for all movement between domestic Cervidae facilities in the state, but AZA/USDA already didn't require this testing.

Dr. Leibsle said that the earlier discussion on the Cervidae rules included the Administrative Order from August 2020 which limited imports within 25 miles of CWD in wild animals. He added that this is primarily an issue in Alberta which is experiencing significant and rapid spread of CWD. ISDA implemented a minimum safe distance in place to protect from the disease being imported into Idaho. The admin order remains in place and is an ongoing point of discussion. Dr. Debra Lawrence commented on brucellosis testing - USDA does not require FPA for secondary testing, just the BAPA test. He said that USDA requirement was ultimately out of the control of ISDA. There were no further questions/comments.

Section 650 – 670 – no changes.

Section 701 simplifies the required testing to match what the National Poultry Improvement Plan (NPIP) requires. 701.3 is added and specific to Avian Influenza (AI) and prohibiting imports from these areas. No comments on poultry. Section 702, Dr. Leibsle discussed the simplifications being made to the rules, then acknowledged that Alex McCoy had comments on this section and asked him to discuss his proposal. Mr. McCoy said he liked the changes to poultry and the only disease known to affect ostriches was Avian Influenza. He explained that what he was hoping for was a rule that was similar to that of cattle approved feedlots, allowing ratites to be imported for slaughter and exempt from testing requirements. He pointed out that the earlier swine section said testing was not necessary unless there was a known disease in the area – this would be good for ostriches. Dr. Leibsle said language could be developed and clarified the ideas – develop language that exempts ostriches from testing, although they still need CVIs, when moving to ostrich approved feedlots for slaughter only. He asked if he was understanding correctly. Mr. McCoy said there were two parts – first a permit from a veterinarian saying

there are no infectious diseases. Dr. Leibsle explained he was talking about a CVI, which would remain a requirement. Mr. McCoy said the second part was having the ability to import to an ISDA approved feedlot. Dr. Leibsle explained that approved feedlots do have an entry permit and annual inspection requirement, so these may apply to these new facilities. Alex McCoy also said they should add language under ratites regarding an AI endemic area. There were no further questions/comments.

Section 705 - remove. Historically, there has been a risk of psittacine birds being able to transmit chlamydia to humans and that is why this was put into place. However, these birds are commercially exchanged all over the United States with no testing requirements and ownership of any animal comes with some risk. Section 720 was discussed, noting that all CVI requirements are under ISDA, regardless of the species. Mike Ferguson was asked if what he suggested earlier was to remove the ISDA permit requirement here. Mr. Ferguson started off asking if permit requirements were only under IDFG or if some were under ISDA. Dr. Leibsle explained that for an animal to get into the state they need a CVI, which is under ISDA control. Other than that, ISDA doesn't have control of the animals. ISDA has an entry permit requirement in place to ensure they are notified when the animals are coming in. Mike Ferguson said that once they get the IDFG rules, their questions may be answered. Lloyd Knight said those had already been sent to ISDA and they could make them available on the website.

Section 800 – remove 800.2 and 800.3 because ISDA doesn't deal with shipping and labeling of biologics at all. As long as a biologic license is approved, the remaining sections are not necessary. No further comments were noted by the group. Dr. Leibsle said that any questions could be emailed and submitted for the next three months while the discussions of the rule were ongoing. He showed how to navigate the ISDA website to the current year rulemaking information and said that all documents would be added there. Lloyd Knight thanked everyone for their participation and adjourned the meeting.