

IDAHO DEPARTMENT OF AGRICULTURE
2270 Old Penitentiary Road
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02.04.19 RULES GOVERNING DOMESTIC CERVIDAE
Minutes of June 16, 2021 Meeting

HOSTS/FACILITATORS: Lloyd Knight, ISDA
Dr. Scott Leibsle, ISDA
Chanel Tewalt, ISDA

STAKEHOLDERS PRESENT: Tricia Hebdon, Idaho Fish & Game
Ed Bernhardt
Jennifer
William David Miller
Rulon Jones
Brad Smith, ICL
Chase Jones
Garret Visser
Travis Lowe
Kami Marriott

DEPARTMENT STAFF: Katy Devries, Office of Attorney General – ISDA
Mitch Vermeer, ISDA
Jeni Marple, ISDA
Dr. Scott Barnes, ISDA
Miranda Juker, ISDA
Dicsie Gullick, ISDA

Lloyd Knight called the meeting to order at 8:34 AM MDT. He explained that the comment period was open until June 20th and then the rules would be posted in the July Bulletin. There would be a 21-day open comment period following the bulletin posting. He then turned the meeting over to Dr. Scott Leibsle to present the strawman.

Dr. Leibsle stated that the rules look different because there are no track changes, but the strike and score that DFM requires. He showed how to find the draft on the web and proceeded to outline the following changes:

- The documents incorporated by reference were updated to the most current edition.
- Some definitions were removed that were no longer necessary and the definition for endemic area was added.
- Rules 13 and 14 were struck because they were no longer necessary or redundant.

- Some language in rule 20 was also struck because it was no longer necessary, including the removal of the rule prohibiting reindeer north of the salmon river. Section 5 was added to rule 20 regarding the temporary exhibition of reindeer.
- Rule 22.07 was struck because freeze brands are no longer used.
- Rule 23 was struck because it is redundant to federal program requirements.
- Sections of rule 31 were simplified and clarified so that all deadlines for records and inventory are December 31st.
- Rule 50 was struck because there is not a current genetic test available.
- Rule 060.05 was struck due to legislative mandate.
- Rule 080 was struck because it was redundant
- Rule 090.01 was changed due to legislative amendment.
- Unnecessary language from removed from Rule 100.
- Rule 101 states that you cannot populate facilities until they are approved.
- The fencing requirement in rule 102 was changed to 8 feet for reindeer. There are two facilities in the state that are grandfathered in at 6 feet, but all future fencing must be 8 feet.
- Rule 104 was struck because it is redundant.
- Unnecessary language was removed from Rule 202 and 203.
- Rule 205 was simplified and all death certificates are due in December and a form will be provided on the ISDA website.
- Rules 206 and 209 were removed because they were covered in other rules.
- Rule 208 was changed so that intrastate movement certificates are due December 31st in the year the movement occurred.
- The requirement for a TB test in rule 250 for intrastate movement was removed and the movement certificate will be due December 31st in the year the movement occurred.
- Rules 300, 303, 304, 305 and 306 were struck because disease control and quarantine are covered in other rules.
- Rule 450 was struck because TB testing is no longer required for changes in ownership.
- Rule 500 regarding surveillance for CWD was changed to propose different testing requirements for different types of facilities, those that import and those that do not import. Reindeer were added to the rule so they are no longer exempt. Section 03 was added for ranches who import domestic Cervidae and require testing for 100% testing of all domestic elk and reindeer over 16 months of age that die for any reason for 60 months following the latest import.
- Rule 501 dealing with collection of samples was simplified and rule 502 was updated because there has been a change in tests available.
- Rule 503 was simplified so that CWD status is validated pursuant to the Federal CWD Herd Certification program standards. All separate requirements were struck.
- Rule 506 was struck because disposal is addressed in other rules.

Dr. Leibsle called for any questions not dealing with CWD.

Brad Smith from the Idaho Conservation League expressed support for the increase in fence height for reindeer, bringing it in line with all other fencing requirements. He also asked what

would happen if there was a death in a facility and the carcass sits for too long and it becomes untestable. Specifically, what would the farmer need to do and would there be ISDA follow up?

Dr. Leibsle stated that typically when an animal goes untested it is because it died and was not discovered in time. There is nothing else that ISDA can do because it does not happen very often. There is a reporting requirement and ISDA usually has a conversation with the farmer about why it happened and works to figure out how to keep it from happening again. ISDA just wants it reported.

Brad Smith proposed that reporting happen sooner. If an animal dies in January and is not reported until December 31st, that is a long time for ISDA to be unaware. There may need to be some awareness about the death.

David Miller asked in the definition of endemic area if it should reference provincial animal health officials in addition to state health officials.

Dr. Leibsle stated that he did not think it was needed, but that it could be added for clarity.

Travis Law from the American Operators Association thanked ISDA for their common-sense approach and balance to the changes previously discussed.

Dr. Leibsle then opened the discussion to movement and CWD testing with summarizing the most recent comment from a syndicate or group of Elk Producers, which had not yet been posted to the website. The group submitting the comment was Kami Marriot, Rulon Jones, David Miller, Billy Rasmussen, Jeff Lerwell, Michelle Powell, Roy Sterns, Ken Walters and Travis Lowe. In summary, the comment was supportive of the changes regarding gene testing and fencing height, but had concerns regarding the CWD testing and import requirements. They have made several other suggestions, which is summarized here. They understood the rule was a trade and replacement for eliminating the 25-mile safe distance from a wild CWD case, however they feel that it is unreasonable and overly burdensome. They think the approach of increased testing to 100% should only be required when cervids are imported from within 25 miles or designated endemic areas and should not apply to cervids that are imported from an area that does not have a history of CWD. This would ensure that animals from these areas will have a post-mortem test result, but to require it for any animal importation would trigger enormous testing costs that would realistically discourage commerce.

The second suggestion the group had is only the imported animals should be required to be tested, not every animal on the facility if you have not imported from within the 25-mile radius they feel the existing testing requirements of 10% harvested and 100% non-harvest deaths is sufficient. Additionally, they said that after testing 100 % of those animals if there is no indication of CWD then there would no chance that those animals could contaminate the other animals on the facility.

Finally, they suggest that it would be fair to require that if importation of animals from suspected CWD area is allowed then the animal would not be allowed to be transferred to any other facility

which may require the animal's death and testing if it has not been harvested or a death by December 31st of that year.

Dr. Leibsle said that there were a few more comments in the letter, but he wanted to address each of the suggestions from a feasibility standpoint and then we can open up the discussion. First, the reason the Department went away from the 25-mile radius is it was pointed out on previous calls is that the distance is somewhat arbitrary. There is no unified, agreed upon safe distance. The point is to address the issue of risk. Because there is not an accepted distance that would guarantee or provide significantly greater protection, the real issue is that we do not want to be importing animals that have CWD. When you import animals from one of those areas, regardless of where it is, those animals in the current version of the rule are not all being tested if they are being harvested, it's 1 out of 10. The problem that we run into is tracking an individual animal through the course of its life from a record keeping standpoint is extremely problematic. For the Department to be responsible for doing that would be almost unfeasible because identities of an animal, reconciling inventory is extremely complicated and time consuming. There are still producers that ISDA is waiting for additional information for their current year inventories that were due this past December 31st. This would add an additional layer of complexity to have to follow an individual animal throughout the course of its life to make sure that individual animal was tested. Rather, it would be more feasible for when you import to a facility, that entire facility is now subject to the lowest common denominator. It is more of a generalized approach to how disease surveillance is done in the livestock world. For instance, if you import an animal that may have been exposed to TB, now you have to test the whole herd to guarantee it, and that is why the particular proposed language was put forth in that manner.

Dr. Leibsle went on to add that this is important because there is so much intra-state commerce. For instance, Alberta has a lot of CWD and are having difficulty mitigating the spread of the disease. If those animals are imported from Alberta to Missouri and then we import from Missouri (and Missouri's status may be much different from Alberta), but having to trace that animal back and try to determine if that animal was the one purchased from Alberta or is a different animal is extremely complicated, time consuming and may not even be feasible. To improve surveillance picking and choosing which animals on a facility are subject to the increased testing requirement is not as feasible as requiring increased testing for the entire facility that imports animals whether it comes directly from an area that has CWD or not eliminates the need to track animals through the course of their life. The Department did consider several different variations of the suggestions made through these comments. Taking the 25-mile radius out of the equation and just improving disease surveillance across the Board was a reasonable exchange because ISDA just wants to make sure that we are not bring CWD into the state.

Dr. Leibsle opened the discussion by asking for questions or comments.

Rulon Jones asserted that the risk of importation is no different from when the legislative approval was given for lower numbers of testing. He did not know why the rule needed to be changed. For example, if we are importing from an endemic area or within the 25-mile radius, then there is an increased risk, but if someone chooses not to import from those high risk areas why is there a change?

Dr. Leibsle disagreed with the initial statement that the risk is not any different from when the statute changed. In 2015 the state of Chronic Wasting Disease in the country and in Alberta was greatly different and it has spread considerably in Alberta and many states. Some states have completely eliminated imports from some states like Colorado, Wisconsin, Wyoming and Alberta. Since Idaho has yet to identify a case of CWD, Dr. Leibsle thinks the risk to Idaho producers that have a static herd within Idaho that are not bringing animals in from outside may not be any different than before, but for those producers importing animals, they are at increased risk. CWD is continuing to spread, dramatically in some areas of the country and Alberta. The fact is we are still wanting to participate in interstate commerce and we need that to maintain a thriving industry, but the risk of CWD has grown significantly. The frequency of movement, when animals are moved from facility to facility does present a problem. There was a comment that the domestic Cervidae producers are being penalized for a lot of things that are largely out of their control. To a certain extent that is true. Wild cervids have CWD and producers and ISDA cannot do anything about that, but the surveillance of animals that come into our facilities we can do something about. The reason ISDA implemented the administrative order of the 25-mile radius and the reason we are proposing to increase our surveillance is because CWD has grown and the risk has increased in many areas.

Rulon stated that it sounded like the proposed rule had nothing to do with the 25-mile radius whether we choose to import from there or not. It sounds like ISDA is wanting to change this rule for importation no matter what. He asked if that was correct.

Dr. Leibsle said that it was not necessarily true. It has nothing to do with the 25-mile radius, but what it has to do with is confidence and disease surveillance and there are many different ways to accomplish that. The administrative order was put into place, largely due to Alberta because it is such a prominent partner in our interstate commerce. Their lapse or reduction in surveillance strategy caused great concern. ISDA wanted to put some sort of mechanism in place to have additional confidence that we are not importing CWD exposed animals. ISDA is trying to get a strategy to instill confidence. One way to do it was the 25-mile radius. Another way to do it was to make sure that every animal that comes in and those facilities that receive those animals get tested at 100%. The 25 miles was not set in stone and from comments at previous meetings, the 25-mile radius was closing off markets and damaging commerce, so the Department took a different approach.

Rulon asked that if they do not import from within the 25-mile radius would they need to test 100%.

Dr. Leibsle explained that from previous discussions the 25-mile parameter was prohibiting commerce and closing off markets. Nothing is set in stone, because that is what negotiated rulemaking is all about. However, if the rules pass as they are written, the 25-mile administrative order would come off the books because we are improving our disease surveillance.

Rulon stated that it seemed very easy to him to track. If he has a ranch and it imports from within the 25-mile radius then he would need to test 100%, but if another ranch does not import from

within the 25-mile radius they also need to test 100%. That is why it doesn't make sense. If we say that nobody can import from within the 25-mile radius then we maintain the status that we have. He thinks that ranches who import from within the 25-mile radius and those that do not should be at different standards.

Dr. Leibsle pointed out that the problem comes from intra-state commerce. For example, if you were to purchase a bull from within the 25-miles from Alberta you would be subject to increased surveillance. But rather than harvesting that animal from your facility you were to sell it to a fellow producer in Idaho. They did not import an animal from within the 25 miles, but you did. Having to track where that animal moves throughout the course of its life until it dies or is harvested is a problem, which is why the approach was all or nothing. Either you are importing or transferring animals or you are not.

Rulon stated that he was not following why it had to be either or. In the past, if he imported from within the 25-mile radius then his ranch doesn't qualify. Then if anyone takes any animal from him, they would get his status.

Dr. Leibsle stated that you have two population groups, those that come from within the 25-mile radius and those that do not. Ultimately the fact that you have to track the identity of a single animal throughout the course of their life is the problem. The feasibility of doing that is why ISDA has taken this all or nothing approach.

Rulon asked about tracking ranches. For example, if he imports from the 25-mile radius then he needs to test 100%. If he sells any animal, then the ranch that bought the animal would have their status would go down, so you are not tracking individual animals. Importing the animal lowers my status, and anyone who buys any animals from me. It seems like that would be much less complicated than trying to follow an animal.

Dr. Leibsle stated that he understands the idea of a downgraded status, but ultimately, coming up with the distance is another problem. He mentioned a few other people waiting to comment and would like to see what others had to say on the issue.

Billy Rasmussen commented on imports. He felt more responsibility should be put on the producer. For example, if he brings in 10 bulls from Canada and 9 of the bulls are shot, they would go into a death certificate and would not be on the year end inventory. If something happened to the number 10 bull and he couldn't be harvested, why couldn't he let Miranda know that there is one import left at the year-end inventory. She wouldn't have to track the animal. There could be a separate page for all imports that way we can keep track of the imports and not make it more difficult. If that import goes from my place to Rulon's then there would be movement on it and at the end of the year we can make note of where that import ended up. He believes the producers can keep track of the animals. His second comment, to continue with the example, if he brings in those 10 bulls and 1 is left over at the end of the year he is now 100% testing on animals that have never been in contact with the ten bulls. They have never been close to each other but I still have to test 100% on them even though the herd has never been mixed. He understood what was trying to be accomplished and had no problem testing 100% of imports,

but he does not think he should have to test 100% of animals that have never been in contact with the imported animals.

Dr. Leibslle answered that identifying single animals, is problematic for ISDA and for producers, especially those with larger facilities. It is hard to keep track of single animals. In regards to the status of your facility, this is an approach that is taken with all disease surveillance. When disease exposure happens, there is never consideration given by a state health official or effective disease management to the fact that animals are kept in separate pens. They never say, "We don't have to test those animals because they were kept in a separate pen."

Billy Rasmussen pointed out that testing is taking place. With every death they are testing 1 out of every 10 animals. If a death happens because of CWD it is going to show up rather quickly.

Dr. Leibslle commented that 1 out of 10 surveillance in a disease exposure is not an acceptable threshold when you are doing a trace out. You have to conduct it at 100%. While we are not dealing with a trace out, we are dealing with surveillance. We are trying to walk a fine line to keep imports available but have adequate surveillance.

David Miller stated that no herd can remain static for more than a year or two because if you are static, then you are out of business. As an example, if he were to import an animal from Canada that is outside an endemic zone, and that producer has done everything to maintain his export status for five years and he's done everything according to our rules, he thinks he should not have to go to 100% testing on an animal from a lower risk area. He then asked Dr. Leibslle for his thoughts.

Dr. Leibslle stated that this was covered in a previous comment. For instance, inside 25 miles is high risk and outside 25 miles is low risk. It does put record keeping and timely, accurate submission of documents at a premium. When you are having to identify a facility as Rulon suggested, if you import from a high-risk area than you have to test at 100%, but those who import from a low risk area then you test at 10%, eventually there will be intrastate movement and we are going to have to sort out which animals went where. Monitoring the movement of animals in and amongst facilities can be very complicated. I am trying to sort out how we can manage it and still offer opportunities for the industry.

David Miller stated that we have been managing it by the executive order that put in the 25-mile zone. He would like testing for 100% of the animals that come from that 25-mile zone.

Dr. Leibslle stated that the feedback he received from the last two meetings was that the 25-mile zone was problematic and was closing off markets. Rather than rely upon an arbitrary distance, that almost everyone who commented was critical of and there is not an accepted standard so ISDA proposed language was trying to come up with an alternative. But he added that if that is something that stakeholders would want to keep in place, it was still on the table.

Kami Marriot asked if this is a compromise, to take away the 25 miles but test 100%. She feels that this is going a bit beyond middle ground and is not a compromise. Once you import you have to test 100% whether or not it comes from an endemic or high-risk area. The other

suggestion she had was make it so that animals from high risk areas cannot be transferred to another facility. If it is transferred to another facility then that facility should be required to test 100%. She also added that in the explanation below the rule change that came in the email it said that all facilities owned by the same ranch would require 100 % testing. She does not feel that they should have to test all facilities if there has never been any transfer of animals between the facilities.

Dr. Leibsle explained that the reason for that is because producers are not required to submit a movement transfer document if they are moving animals between different locations of which they all own. There are several producers that own multiple facilities and you can move animals back and forth across those facilities without having to notify the Department. Ultimately, there is no way to track whether an animal has been to a facility or not and what's moving back and forth. A transfer of ownership does need to be reported, if you are moving between your own facilities, the Department does not need to know. There is no way for us to know if animals are being moved back and forth between all the areas that you have. That is why it was stated that way.

Kami Marriott asked if the transfer forms that they fill out are not applicable if you are transferring between your own facilities, it's only if you are transferring with facilities owned by different producers or ranchers.

Dr. Leibsle answered that is correct.

Kami Marriott, asked if an animal is being allowed into the state from outside the 25-mile radius, why would that group of animals need to be tested. She could understand if the animals were coming from two locations and one was within the 25 miles and one was not, and that would tag the whole herd for needing to test 100%. But if an animal or group of animals are coming from an area that has never been identified as being high risk that the 10% testing rule should apply until there is another reason to assume there is possibly some contamination.

Dr. Leibsle stated that Miranda had clarified his statement and he misspoke. He pointed to Rule 208 that states that movement of Cervidae from one premises to another, even those owned, operated or controlled by the owner must submit a movement certificate. His explanation on the email he sent out would not be correct. If we were to move forward with language in this state, then his explanation on the email that he sent out would not be correct. If you are required to report movements to the Department, even if they are between your own facilities, you would not have to test all your facilities, just the ones you would be importing to.

Kami Marriott asked, if there was CWD positive in the wild if it be assumed that the positive CWD came from a domestic herd?

Dr. Leibsle answered absolutely not. He did not think that if there was a case of CWD in the wild that there would be any reason to assume that it came from a domestic herd. It would absolutely justifiable to assume it came from another wild cervid that came across our state lines.

Kami Marriott stated she feels domestic Cervidae are in a controlled environment and the wild Cervidae are not in a controlled environment. Producers are being asked to go above and beyond what the wild is doing. She understands their situation is a lot different.

Dr. Leibsle stated that she hit it right on the nose about what the problem is. We are doing all we can to keep our facilities clean and nobody wants CWD on their facility, but we do have to deal with the fact that it is also present in the wild. We do not have it in Idaho yet, but one day we will.

Travis Lowe stated that he would remiss he did not echo a couple of comments that have been made by industry and maybe make a couple more. The CWD program across the nation is by and large a voluntary program and what we have found is that the burden is on the exporting herds that engage in interstate commerce. There are a couple states out there that make it mandatory, but for the states that have a voluntary program. Producers opt in the program and go through an enormous expense testing because most states do not reimburse for that. They opt in so they can move interstate, or export. We do not have a requirement for herds to be monitored to import, but we do have that requirement for them to export. It is a requirement for the importing herds to receive animals that have that status in order to move, which leaves the burden on the exporting herd. These rules put a hefty burden on the importing herd, because now they have to go through a more rigorous program. If they opt not to import than even intrastate they can maintain their status quo, at least as I understand it.

Travis continued stating that some states do require imports from out of state be tested, but imports from within the state are not required to be tested. That way it is easy to manage those trace outs because we now have post mortem data on the interstate movement which is a lot easier because we are dealing with two different departments and APHIS as well. Whereas if it is intrastate it is the rodeo of that one state. That would probably be an easier remedy, at least for producers. I appreciate the thought, because I know it is aimed to be a middle ground to address the comments that the folks cannot import from certain areas and their markets have been cut in half, or to some degree, which makes it harder for them to engage in commerce and run their businesses. But yet, if they now have all this extra expense with this extra testing to maintain the same type of commerce, my fear is that this may disincentivize commerce and at the end of the day, these businesses thrive on commerce.

David Miller asked if he bought a bull from another Idaho producer that was not an imported bull, breeds the bull for a year and then takes him back, he is hunted and the brain stem is supplied for testing. Under the rules that are proposed he would need to test 100% for the next five years, even though the animal came, left, has been killed and tested.

Dr. Leibsle acknowledged that David Miller had a good point, but the problem that he has is an accounting one. According to David's example, if you import an animal, it dies and tests negative the risk is minimal. However, there is a larger scope and with larger numbers of animals trying to keep track of individual animals becomes a paper chase.

David suggested writing the rules so that animals imported from a high-risk area could only be imported to one place and cannot be moved around. It could even be added that by the end of the year those animals must be dead and tested.

Dr. Leibsle stated that the second suggestion was not feasible. He gave an example of an imported bull that was purchased for a large sum of money. If for some reason it did not sell during the year, the rules should not state that the animal should be destroyed just for the sake of testing. An arbitrary kill date for animals is not fair or feasible. In regards to the first suggestion, it comes back to record keeping and trying to keep track of individual animals that poses a problem. Having to restrict the movements of animals is also a restriction of commerce. Dr. Leibsle feels that the \$40 for the CWD test is a cost of business.

Kami Marriott stated that testing 100% is virtually impossible because sometimes animals die and they are not discovered in time to test. She asked what the consequences will be in that situation.

Dr. Leibsle stated that getting rid of the CWD waivers happened because there were some ranchers that were sending in more waivers than death certificates and test results. If an animal dies and cannot be tested that information can be added to the death certificate along with an explanation. To answer her question regarding consequences, it would depend on whether it was feasible to achieve it or if it was due to mismanagement or malfeasance.

Kami stated that Utah requires 95% testing to account for the animals that cannot be tested. The goal is always 100%, but accepting 95% gives a little leeway for those animals that cannot be tested.

Brad Smith shared his support for the rules as written. In response to previous question regarding feasibility of 100% testing. His suggestion would be to keep testing at 100% and then have exceptions for times when testing is not feasible.

Travis Lowe was concerned about the rule and exceptions and how it could be interpreted and applied in the future by future state veterinarians.

Dr. Leibsle stated he would rather see things in rules instead of being left up to the discretion of administrators.

David Miller asked if the discussion regarding percent of testing is the same as the discussion that happened regarding testing red deer.

Dr. Leibsle stated that they were two different issues. One test had to do with the percent of purity. However, Kami's comment was that if you do not test one animal you are already out of compliance of the 100% requirement. If the percent of testing is set at 95% it allows for those instances where testing is not feasible.

Garret Visser from the Idaho Wildlife Federation stated that he appreciated the discussion of all stake holders and stated that he supported the rules as they were written.

Dr. Leibsle reviewed the changes made to the Rules Governing the Importation of Animals, specifically section 600 regarding Domestic Cervidae. Rule 600.02 states that all imported Cervidae must originate from a herd in good standing and participating in the National CWD Herd Certification Program. The Deworming requirement was also changed to only being required if you are importing from east of the 100th meridian and must be done 180 days prior to importation. Rule 601.02, regarding Red Deer Genetic Factor is being struck from the rules. Also rule 605 was changed to include reindeer being required to originate from herds enrolled in a CWD monitoring program. Lastly, the rule states that no elk or reindeer that have ever been located within a CWD endemic area shall be imported into Idaho.

Dr. Leibsle called for stakeholder input regarding the options available and conducted a straw poll within the meeting.

Billy Rasmussen stated that he would like 100% of imports to be tested with 10% for existing herd and 95% to 100% for incidental deaths.

Brad Smith stated that he would like no importation from any state or province that has CWD and 100% testing across the board for all facilities, but recognizes that industry would not support that and thinks the current proposal is a good middle ground and supports the rules as currently written.

Chase Jones was concerned for producers who are strictly breeding elk for export but would like to import a bull for breeding. He would like to see a way that they could import and still test at the 10% level.

Ed Benhardt stated the rules do not affect him because he is not an Idaho resident and did not want to comment.

Garrett Visser from the Idaho Wildlife Federation stated that he agreed with Brad Smith that the rules as proposed seemed to be a fair middle ground and he supported them.

Kami Marriott agreed with 100% testing of imports if they come from within a 25-mile radius of an endemic area. If the animals come from an area outside of a high-risk area then the 10% testing rule should apply and 10% testing should also apply to existing herds. She also brought up a rectal biopsy test and asked if it could also be used, especially with increased testing. It could even be used in conjunction with standard testing to compare results.

Dr. Leibsle stated that the rectal biopsy test is an unproven test and could not be put in rule. However, he thought that there could be a pilot project developed to establish a data set for the test. He went on to say that he contacted USDA and the rectal biopsy test is allowed in certain specific cases. It is allowed only with white tail deer and no sooner than two years after the exposure to a CWD animal. The USDA recommended not to use rectal biopsy any sooner than four years after exposure for elk.

Rulon supports the rule change if there could be a two-tier status, so that breeders in the state who decide not to import from within the 25-mile radius would only need to be required to do the 10% testing. A producer who imports from within the 25-mile radius would have his status downgraded and any producer who buys from him would have their status downgraded and would need to test 100%.

Travis Lowe is concerned about using the other state's definition of endemic area. He gave an example of a state veterinarian that claims there is a prion test for bones and found a bone that purportedly had prions and now the veterinarian wants there to be an 11-mile radius of double fencing. He also brought up rectal biopsy testing in other states and stated that USDA tends to be behind in regards to testing.

Trisha Hebdon, stated that Idaho Fish and Game supports the rule as written.

David Miller agreed with Rulon, Kami and Billy and would like imports defined as higher and lower risk and have 100% testing for those within 25 or 50 miles of an endemic area, but for those importing from lower risk areas having 10% testing.

Dr. Leibsle thanked everyone for their participation in negotiated rulemaking. Additional comments are due no later than June 20th. The final version of the strawman will be posted on the website, which will be the version submitted to DFM and sent to the 2022 legislature. Once the proposed rule is published, there will be an ability to comment, but only to request a public hearing. Dr. Leibsle called for additional questions and comments and upon hearing none, turned the meeting over to Lloyd Knight.

Lloyd stated that comments could be submitted to rulesinfo@isda.idaho.gov by June 20th.

David Miller asked what the final date for submission of rules to DFM. Lloyd stated that he could not send them in until after the comment period, so they would probably be sent to DFM the middle of next week.

David then asked if he also needed to send in a written comment, or if the poll taken during the meeting was sufficient. Lloyd stated that they welcome written comments because they become part of the record, but the comments made at the meeting will be part of the minutes and written record.

Kami asked if the strawman would be posted before the rules are sent downtown. Lloyd stated that they would only post another version if there were a lot of changes.

Lloyd adjourned the meeting at 10:30 AM MDT.