



North American Elk Breeders Association

DEVELOPING & PROMOTING THE NORTH AMERICAN ELK INDUSTRY

Date: June 16, 2022
To: Idaho State Department of Agriculture
From: Travis Lowe
Executive Director, North American Elk Breeders Association
Re: Opposition to Proposed Rules- IDAPA 02.04.19

The North American Elk Breeders Association appreciates the opportunity to submit written remarks to the Idaho State Department of Agriculture related to proposed rules governing domestic cervidae.

Since 1990, the North American Elk Breeders Association (NAEBA) serves as the trade association for elk ranches in the United States, Canada and Mexico. NAEBA is deeply involved in animal health policy and has held a seat on the United States Animal Health Association Board of Directors for over 25 years. In addition to serving as Executive Director of NAEBA, I serve as an industry representative on the Chronic Wasting Disease Working Groups for USDA APHIS.

On behalf of our members residing in Idaho, with due respect to the Department and petitioners, NAEBA stands in opposition to the proposed changes. NAEBA supports a partnership approach with agencies and stakeholders to prevent Chronic Wasting Disease but in a way that does not create precedents of new regulation, along with unfunded mandates. Our testimony illustrates our concern in greater detail.

Unprecedented Proposal. NAEBA is not aware of a state where domestic elk or other cervid producers are required to test their herd mortalities at a different rate because of Chronic Wasting Disease discovery in free-ranging deer population in proximity to their ranch. NAEBA believes deeply in having consistent rules from state to state as much as possible. This is a major reason why the industry sees value in the Federal Chronic Wasting Disease Rule located in Federal Code of Regulations. Regretfully, each time a state agency increases a threshold or creates a new requirement, it makes rules more inconsistent from state to state and harder for producers to understand how to stay in compliance.

Lack of Science- 25 Miles is Arbitrary. NAEBA is not aware of any peer-reviewed science that supports a specific 25 mile zone requirement, as proposed by the petitioners, and especially applicable to elk. NAEBA believes all rules governing Chronic Wasting Disease should be based off science and not chosen with random numbers that cannot be defended.

Low Infection Rates for Positive Farmed Elk Herds Contradicts Random Proximity Risk. In the rare circumstance a farmed elk herd becomes positive for Chronic Wasting Disease, investigations in 2020 and 2021 have shown a very low, if any at all, infection rate after depopulation. Examples seen in several states show farmed elk herds, large and small, ranging in herd size from 23 to 317 animals to have infection rates of 0%, 0.004% and 0.006%. This means animals residing within an infected herd that are literally sharing feed and water sources and in daily physical contact have very little spread. This makes it unlikely that a free-ranging discovery 24 or 25 miles has infected the farmed elk herd.

Candidly, if this proposal is adopted, it insinuates the free-ranging threat to farmed herds is very high. If this is the case, given free-ranging Chronic Wasting Disease exists in the majority of states and in ten more states than discovered in farmed herds, there should be a different conversation at play about the nature, spread and regulation of Chronic Wasting Disease.

Unfunded Mandate. The proposal requires a ranch pay for increased Chronic Wasting Disease testing out of pocket. NAEBA, in general, opposes all unfunded mandates. Today's economic climate sees skyrocketing costs to herd owners, from feed, supplies and animal health care costs. Our producers do not want to bear the cost of extra testing when they do not have a known problem in their herd. NAEBA is also concerned this proposal is being considered and may be advanced without an economic impact statement illustrating the cost to producers as implemented in present day and if other producers across the state become subject to its requirements.

Questionable Purpose. Petitioners contend this proposal aims to help monitor the Chronic Wasting Disease status of Idaho animals on both sides of the fence. However, this proposal means an Idaho ranch subject to this rule could import animals from a different state that are quickly harvested and then must be tested at the herd owner expense. What would testing out of state elk tell us about the evolving threat of free-ranging Chronic Wasting Disease in Idaho? Or even the Idaho ranch? No science exists to suggest elk imports can be infected and incubated to become positive that quickly.

Selected Science. Petitioners have submitted scientific studies for the record but these do not appear to be applicable to elk. As noted in the public meeting, it is well known in the animal health community that Chronic Wasting Disease is different in different cervid species, including susceptibility and incubation, certainly acknowledged by USDA APHIS. As an example, some cervid species raised across the country are known not to be susceptible to Chronic Wasting Disease and not regulated by USDA APHIS for that reason. NAEBA does not believe it is good policy to make broad assumptions using different species and that approach has been repeatedly rejected in reform efforts by the USDA. As previously noted, NAEBA requests rules be based off peer-reviewed science applicable to the elk industry.

The purpose of NAEBA's remarks is not to assign blame or ignore the threat of Chronic Wasting Disease. NAEBA, along with the local Idaho elk industry, desires a positive working relationship with the agency and broad stakeholders. NAEBA shares the concern of local Chronic Wasting Disease discovery. We just do not feel extra regulation, without science, is the answer, particularly with what has been learned about Chronic Wasting Disease over the last forty years. There may be a few studies based on modeling that insist Chronic Wasting Disease will destroy free-ranging herds but agencies reports in endemic states do not appear to agree. As an example, agency websites in Colorado, the first state known to have Chronic Wasting Disease, show the free-ranging elk population increased 11% from 2015 to 2021, free-ranging moose population up 28% over that same period with free-ranging whitetail holding along an average. There are many other known threats to free-ranging herds. Sadly in reality, collectively across the continent, state and federal agency rules have killed more farmed elk than Chronic Wasting Disease itself. We must recalibrate our thinking and find a better way.

We respectfully ask the Department to vote this proposal down. NAEBA is happy to participate in other discussions with stakeholders.

Respectfully submitted,

Travis Lowe
Executive Director
North American Elk Breeders Association