

October 22, 2019

To: Chair Hansen and Chair Ingebrigtsen

Re: Farmed cervid program and 2019 legislative changes

Once the 2019 legislative session closed and bills were passed into law, farmed cervid producers and their veterinarians were notified by the Board of Animal Health (Board) of the legislative changes to the farmed cervid program. All registered producers were notified by email and hard copy in early July 2019. A copy of this notice is included with this submission. Additionally, Board staff met with representatives of the Minnesota Deer Farmers Association and Minnesota Elk Breeders Association to discuss these changes and encourage them to relay information to their members. Animal health field staff were assigned the task of contacting all farmed cervid producers by phone or in person to discuss the legislative changes. Confirmation of those producer outreach conversations is documented in our database records for each herd.

All animal health field staff are fully updated on the legislative changes and are in routine contact with our office to sort out any questions that arise during field inspections. Field staff were initially briefed through conference calls held at the end of June and early July to discuss the information going out to producers and veterinarians. Updated guidance has been provided to field staff regarding changes to their inspections with the legislative changes. Field staff are familiar with the changes to the program and are the Board's direct contact with producers.

Lastly, the Board field staff and office staff are working with the Department of Natural Resources conservation officers. These relationships are especially evident when staff are working through escape issues.

Below is an outline of the Board's work in implementing the legislative changes to the program, to date.

**Sec. 3. Subd. 4. Fencing**

Field staff are familiar with the difference between high tensile wire and low carbon wire, so they are able to verify wiring used to repair fence deficiencies, as required in this subdivision, is high tensile wiring.

The Board outlined criteria (included in the producer notification letter) for redundant gating to prevent escape of animals through an open gate. Field staff are familiar with these criteria and have assisted producers with their questions or planning construction of redundant gates. Starting December 1, 2019, annual inspections will

include the inspection and approval of redundant gates for all entry areas. Fifty-six premises have been confirmed to have redundant gates in place. Many of these facilities had existing redundant gating.

Field staff will notify the Board office of fencing deficiencies and the producer will be invoiced for the re-inspection fee. No re-inspection fees have been assessed as of this date.

The Board has revoked registration of three facilities since the 2019 legislative session ended. We have found workable solutions for dissolution of one of the herds and are working toward finalizing outcomes for the other two herds.

#### **Sec. 4. Subd. 6. Identification**

All farmed cervids are required to be identified with official identification which is unique to the animal within the United States. Starting October 31, 2019, inspections must include verification that white-tailed deer fawns are identified.

There have been no requests by the Commissioner of Natural Resources for registration information.

#### **Sec. 5. Subd. 7. Inspection**

Guidelines to the annual inspection have been reinforced. Previously, our rules required an inspection every 12 months (MN Rule 1721.0380. Subp. 3.) An inspection "Activity" is assigned to each farmed cervid herd every calendar year in our database and the progress and completion of inspections by field staff can be monitored with this data entry point; 176 annual inspections have been completed this year. Our policy since the beginning of SFY18 requires viewing the entire perimeter of the fence. Updated guidelines include a physical inspection of the perimeter fencing.

#### **Sec. 6. Subd. 7a. Inspection fees**

In order to assess inspection fees, the Board had to gather information on the usage of each herd to determine whether they meet the criteria for managing the herd for profit, monetary gain, or engage in transactions of exchanges for consideration, or not. This information was not required to be collected for the Board's farmed cervid program prior to the law change. Field staff are contacting herd owners to collect this information which will be recorded in our database. To date, we have identified the herd usages for 312 of 349 herds and have assigned their fees accordingly. Of these 312 herds, 160 herds have indicated they meet criteria for paying \$500 a year for the inspection fee; 152 meet the criteria for paying the \$250 annual inspection fee.

#### **Sec. 7. Subd. 9. Contest case hearing**

In our registration cancellation documents sent to the herd owner, we now include the statement that a person must make a request for a contested case hearing within 30 days. No producer has requested a contested case hearing for a registration cancellation since this legislation was passed.

#### **Sec. 8. Subd. 10. Mandatory registration**

None of the producers with revoked registrations has requested registration for another cervid herd.

#### **Sec. 9. Mandatory surveillance for chronic wasting disease: depopulation**

All farmed cervids over 12 months of age are required to be tested for CWD. This requirement is in MN Rule 1721.0420. Subp. 1.D. and has been enforced since April 2013.

No farmed cervid herds have been identified as infected with CWD since this legislation went into effect.

Respectfully submitted,

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