

THE WILDLIFE SOCIETY

Leaders in Wildlife Science, Management and Conservation

30 May 2018

Docket No. APHIS-2018-0011
Regulatory Analysis and Development
PPD, APHIS, Station 3A-03.8
4700 River Road Unit 118
Riverdale, Maryland 20737-1238

Re: TWS Comments on Docket No. APHIS-2018-0011; CWD Herd Certification Program Standards

Thank you for the opportunity to submit comments on the Animal and Plant Health Inspection Service's revised CWD Herd Certification Program Standards. The Wildlife Society was founded in 1937 and is a non-profit professional society representing over 10,000 wildlife biologists and managers dedicated to excellence in wildlife stewardship through science and education. Our mission is to inspire, empower, and enable wildlife professionals to sustain wildlife populations and habitat through science-based management and conservation.

Since these program standards were last revised in 2014, chronic wasting disease (CWD) has continued to expand in North America and now has been detected in 23 states and 2 provinces. In FY 2018 alone, nine new CWD-positive herds have been discovered in captive facilities. In southern Wisconsin, for example, the number of free-ranging deer testing positive for CWD doubled from 2011-2016.

The management and control of this expanding wildlife disease is a significant concern to our members. The spread of CWD within and between captive and wild cervid populations has complicated the work of professional wildlife biologists and managers, impacting wild cervid population management across the country, including wildlife-associated recreational opportunities. Despite the fact that CWD has been detected in multiple HCP herds in the past five years, the proposed revisions do not work toward increased surveillance, prevention, or containment for the benefit of wild cervids and members of the public that interact with these resources. The Wildlife Society appreciates these efforts to update rules related to this wildlife health crisis.

As with the 2014 standards, our organization remains concerned with the lack of enforceability with this program. Much of the proposed language continues to center around suggestions provided to herd owners and regulators as opposed to requirements. These concerns extend to the vague penalty structures outlined in this document for violations of identification standards, fencing requirements, and cervid monitoring. We are also concerned with the continued use of program language that allows for discretion in moving CWD-Positive, CWD-Exposed, and CWD-Suspect animals out of origin facilities. The discretion provided at the local level for both

of these issues will continue to result in uneven enforcement of the program standards and opportunities for facilitating the spread of CWD.

The Wildlife Society questions the decision to leave other cervid species, such as *Rangifer tarandus*, off of the list of CWD-susceptible species. TWS requests clarification on the process for reviewing new research on cervid susceptibility to CWD for inclusion of species within the program standards. It seems especially prudent to include rule language that allows for additional species to be recognized for applicability of the rule, based on scientific evidence of CWD infection, without need for rule revision.

Further, TWS has concerns regarding the altered description of “Premises” in the Definitions section. By removing any examples of what constitutes animal-holding facilities and just providing that “premises” is a geographic specification may lead to facility descriptions that are inappropriately constrained to minimal coordinates. The new definition simply states “... a location where livestock or poultry are kept.”, an oversimplification stated in terms that are not otherwise defined in the proposed rule and are open to varied interpretation.

TWS also provides the section by section comments below compiled in coordination our Wildlife Diseases and Hunting, Trapping, and Conservation Working Groups:

1. **Prevention** is paramount to slowing the spread of CWD. The importance of adequate physical barriers that prevent the escape of captive cervids and other direct contact between captive and wild animals cannot be overstated. The standards as proposed fall short of the barriers needed to adequately prevent such mixing, specifically:
 - a. Part A, Section 4 “Fencing Requirements”
 - i. Eight feet is an insufficient height to prevent the ingress/egress of cervids. TWS suggests a higher mandatory minimum fence height of at least 10 feet for all HCP facilities regardless of date established.
 - b. Part A, Section 4; Appendix IV
 - i. While we are pleased to see use of electric fencing encouraged, a single barrier is insufficient for preventing the direct contact and potential spread of CWD between wild and captive animals. Double fencing should be mandated to prevent such occurrence.
2. **Inspection** and inventory are also critical for controlling the movement and escape of captive animals to prevent the transport of CWD-positive animals and products across state lines. We have a number of concerns with the language providing management practices for determining CWD herd status and monitoring herd inventory, specifically:
 - a. Part A, Section 3.2 “Animal Identification”
 - i. TWS recommends that all captive animals be marked with an external device that allows individual identification at a distance. The proposed rule recommends this but does not require it, which we think is a critical weakness. The ability to positively identify individual animals at a distance is important for routine inspection, response and management activities, and escape detection.

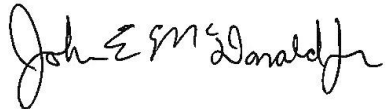
- ii. The recommendation that herds failing to meet APHIS identification standards bring their herds into compliance “no later than the next inventory” is inadequate. The proposed guidelines as currently written allow for up to three years to pass before the next inventory. We propose a shortened timeframe, of up to six months, in which new HCP herds must meet identification standards.
 - iii. TWS is also concerned about the removal of the requirement to list all captive species in the program in the National CWD Database or an accredited state database. Removing this requirement diminishes APHIS’ ability to regulate and monitor the interstate movement of captive species.
 - b. Part A, Section 3.3 “Owner Records – Herd Inventory”
 - i. Owners should be required to maintain a log documenting which animals escaped beyond the premise fencing in addition to the data they are currently required to maintain on each individual. All data logged by owners should be maintained within the National CWD Database.
 - c. Part A, Section 5.1 “CWD-Suspect Animals”
 - i. TWS is concerned by the wording in paragraph one suggesting that testing CWD-suspect animals is optional. Testing of clinical CWD-suspect animals should be mandatory for HCP participation.
 - d. Part A, Section 5.4 “Consequences of Poor Quality and Missing Samples”
 - i. The premise of testing cohorts in place of missing animals is epidemiologically insufficient. TWS suggests missing samples result in a required reduction or direct suspension in herd status.
 - ii. The current proposed framework for reductions in status starting at a minimum of 0.5 years does not provide a sufficient deterrent to protect against poor or missing samples. Most CWD testing takes place in the fall; therefore the restriction would likely be implemented when the least amount of captive cervid movement occurs (between January and September).
 - e. Part A, Section 5.5 “Exceptions”
 - i. TWS is concerned that the exceptions provided for CWD testing are not epidemiologically sound given the demonstrated random distribution of CWD positive animals within a herd. These exceptions should be eliminated as they do not serve to advance the revised program goals. At minimum, APHIS should require a laboratory cause of death in order to exclude animals from sampling.
- 3. A swift **response** must occur to contain the infected animals and implement protocols for managing the disease once a captive herd has tested positive. TWS is concerned that some of the standards proposed fail to ensure a response will occur in a timely or sufficiently thorough fashion, specifically:
 - a. Part B, Section 2 “Quarantine”
 - i. The continued allowance of cervids onto CWD-positive quarantined properties means the owner will have reduced incentive to take indemnity for depopulation. This language should be removed and the decision to depopulate or quarantine individuals should be made at the discretion of

federal officials regardless of the funds available for indemnification. The decision that most appropriately prevents the spread of CWD should not be impacted or delayed by the herd owner.

- b. Part b, Section 3.1 “CWD-Positive Herd”
 - i. Given the growing body of evidence that suggests the prolonged environmental stability of prions, herds should not be allowed to reenroll in HCP until several years after depopulation. Increasing the number of susceptible deer on a known CWD-positive site may lead to more infected animals which could contribute to further prion load on the premises, therefore adding to disease transmission potential.

The Wildlife Society requests that the program standards be revised to reflect these concerns and recommendations. Thank you for considering the input of wildlife professionals. We look forward to working with the Administration on this important issue.

Sincerely,

A handwritten signature in black ink that reads "John E. McDonald, Jr." in a cursive script.

Dr. John E. McDonald, Jr.
President, The Wildlife Society