

Importation of Deer and Chronic Wasting Disease (CWD)

Draft Rule
September 6, 2013

Florida Fish and Wildlife Conservation Commission
Division of Hunting and Game Management



Report date: August 22, 2013

Update (August 30, 2013): This document has been updated to correct information in the notes on slide #7 and make technical corrections to the rule language (slides 23 notes and 29).

Review of Staff Presentation in June

- CWD is an always-fatal, brain degeneration illness occurring only in cervids (deer family)
- There is no vaccine or live screening test for CWD
- CWD has not been detected in Florida, but importation of live cervids poses a significant risk
- CWD has spread into additional states despite transport regulations intended to prevent the spread of the disease



The Commission considered this issue at its June 2013 meeting. CWD is an always-fatal, brain degeneration illness occurring only in cervids (deer family). There is no vaccine or live screening test for CWD. The disease is spread by animal-to-animal contact, and once the environment is contaminated with the prions that cause the disease, deer can become infected from these prions that are in the soil or elsewhere. The disease remains viable in soil for long periods of time, and there are no proven feasible methods for removing it from the environment. The disease has spread even into states with a permit program controlling importation.

Review of Staff Presentation in June

- If introduced, CWD could result in significant harm to Florida's wild deer resources, deer hunting on public lands, and the captive deer industry
- There could be significant negative impacts on economic contributions derived from wild deer hunting and the captive deer industry
- To address CWD risk, staff recommended closure of the border to importation of live cervids



At the June Commission meeting, FWC staff reported that any outbreak of CWD could result in significant harm to Florida's wild deer resources, deer hunting on public lands, and the captive deer industry. There could be significant negative impacts on economic contributions derived from wild deer hunting and the captive deer industry. CWD has not been detected in Florida. For these reasons FWC staff recommended ceasing importation of live cervids as the best measure for preventing establishment of CWD in Florida.

Commission Direction in June

Commission deferred action on the proposed rule to prohibit importation and directed staff to:

- Continue and expand work with stakeholders
- Bring additional ideas and measures to the September Commission meeting



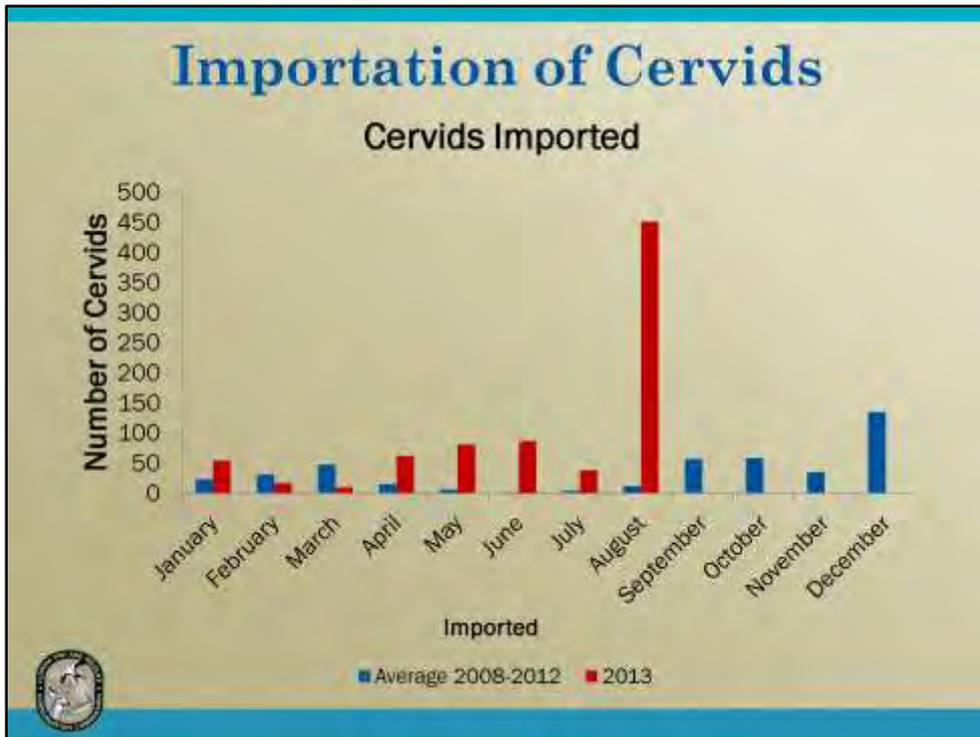
Deer Farming Industry

- 441 persons or entities currently permitted to possess cervids in Florida (approximately 300 game farms and 100 hunting preserves)
- Recent numbers of live cervids permitted to be imported into Florida:
 - 2013: 800 total cervids as of August 21
 - 272 came from CWD positive states
 - 2012: 295 total cervids
 - 2009: 722 total cervids
 - highest annual total on record prior to 2013



The majority of measures under consideration to address CWD prevention would necessarily involve Florida's captive cervid industry, particularly any prohibition on importation of cervids into Florida from out-of-state sources. This industry has been growing, mostly from new farms established to raise and sell animals commercially. Deer farms primarily sell to other deer farms or to licensed hunting preserves. There are approximately 300 deer/game farms permitted in Florida that possess cervids, and a number of these have established breeding programs. There are about 100 hunting preserves with cervids permitted in Florida, and many of these have game farms associated with them.

As of August 21, 800 cervids (272 from CWD-positive states and all white-tailed deer) had been permitted for importation so far in 2013. Last year (2012), Florida Department of Agriculture and Consumer Services (FDACS) issued 66 permits for importation of 295 total cervids (261 white-tailed deer), which was down from a record high of 722 in 2009.



This slide shows the average number of cervids permitted to be imported per month for period 2008 through 2012 (blue bars), and the number of cervids permitted to be imported per month for 2013 (red bars). The 2013 numbers are through August 21, 2013. Permits are issued by Department of Agriculture and Consumer Services.

Current Rules

FWC

- No whole carcasses from hunter harvested deer may be brought into Florida from CWD-positive states or provinces
- Boned out meat and clean skull plates are allowed

FDACS

- Permit required for importation of deer
- No live cervids may be imported into Florida unless they come from a captive facility with no CWD positive animals for 5 years
- Deer farmers primarily responsible for reporting any potential cases of CWD and providing samples for testing

USDA

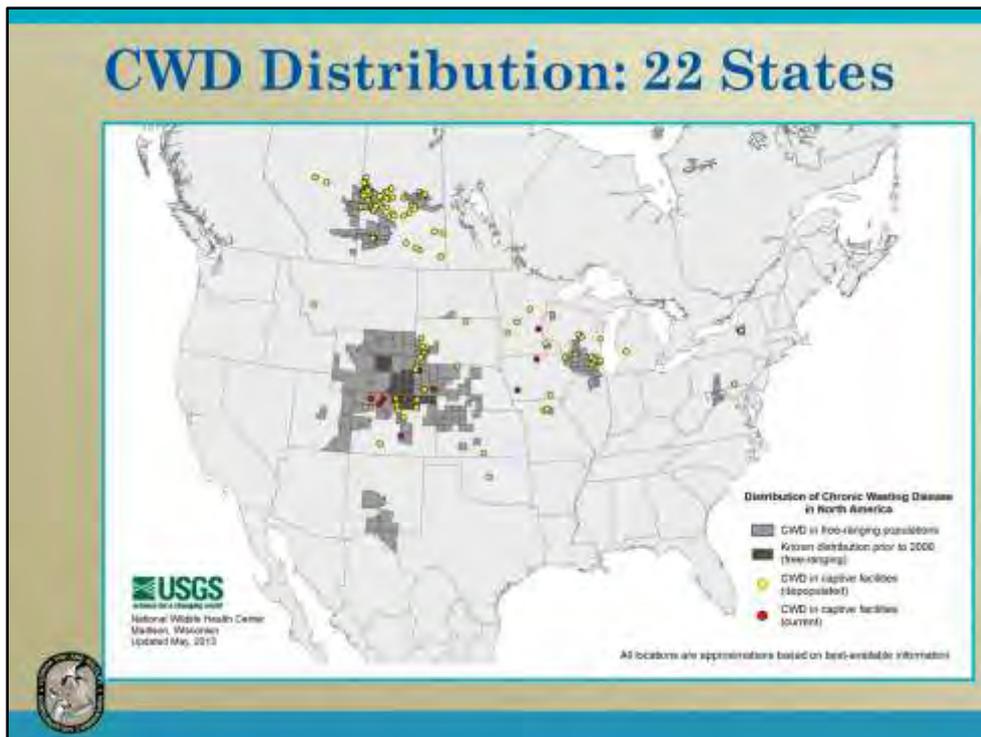
- Regulates, but still allows interstate movement
 - Required marking, herd inventory, CWD testing, reporting of escaped animals



Florida law prohibits bringing whole carcasses of any species of the family Cervidae (e.g. deer, elk and moose) into Florida from 22 CWD-positive states (Colorado, Illinois, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, New York, North Dakota, Oklahoma, Pennsylvania, South Dakota, Texas, Utah, Virginia, West Virginia, Wisconsin and Wyoming) and two Canadian provinces. Only de-boned meat, as well as finished taxidermy mounts, hides, skulls, antlers and teeth with all soft tissue removed may be brought into Florida from these areas. Whole, bone-in carcasses and parts may be brought into Florida if they were from animals harvested from states and provinces where CWD has not been detected.

Live cervids (e.g., mule deer, white-tailed deer and elk) may not be imported into Florida unless they come from a captive facility certified by the Florida Department of Agriculture and Consumer Services (FDACS) where no CWD-positive animals have been found for 5 years. They also may not be imported from a county or a county adjoining a county where CWD has been documented.

The United States Department of Agriculture (USDA) introduced new regulations regarding the movement of captive deer in 2012. These regulations still allows interstate movement of cervids through a herd certification program, which includes marking of animals, herd inventory, testing for CWD, and reporting of escaped animals. Visit the [United States Department of Agriculture's Web site](#) for more information and state-by-state CWD reports.



CWD is present in 22 states.

- Present in WY and CO since at least the 1960s.
- Detected in Saskatchewan in 1996.
- Detected in WI in 2002, then other states east of Mississippi River:
 - IL, MD, MI, NY, PA, VA, WV
- Detected in free-ranging deer in 18 states, 2 provinces
- Detected in captive deer in 13 states, 2 provinces
- Eight states have been added to the CWD-positive list since 2010: VA, MO, ND, MN, TX, MD, IA, PA.
- No CWD has been detected in southeastern states.

Documented Examples of CWD Spreading Among Captive Herds

Four examples demonstrating CWD risk from captive herds:

1. Saskatchewan elk herd
2. Iowa white-tailed deer herd
3. Pennsylvania white-tailed deer herd
4. Minnesota red deer herd

(Source: CFIA, SCWDS, Argue et al. 2007)



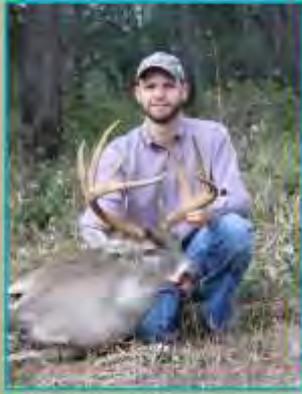
1. In the late 1980's, an elk farm in Saskatchewan received CWD-positive elk from South Dakota. The Saskatchewan farm was subsequently linked to infections in 38 other farms in Saskatchewan.

2. In a deer farm in Iowa, which had been monitored for more than 9 years and certified by USDA as low-risk, 13 CWD-positive animals were detected in 2012 in three separate herds. The farm had shipped CWD-positive animals elsewhere within Iowa. The resulting quarantine affected 500 deer.

3. CWD was detected for the first time in Pennsylvania in a deer farm in 2012. The farm had been monitored for more than 9 years and certified by USDA as low-risk. The follow-up resulted in the quarantine of 32 premises in Pennsylvania. Following the USDA certification, deer had been shipped from this CWD-positive herd to 7 other states.

4. CWD was detected in a captive red deer herd in Minnesota in 2012 after 12 years with no CWD detected. This farm shipped 'shooter' animals to 5 other states after receiving USDA certification as low-risk.

CWD Spread Among Free-ranging Herds



Wyoming mule deer

- Prevalence increased from 11% in 1997 to 36% in 2007

Wisconsin white-tailed deer

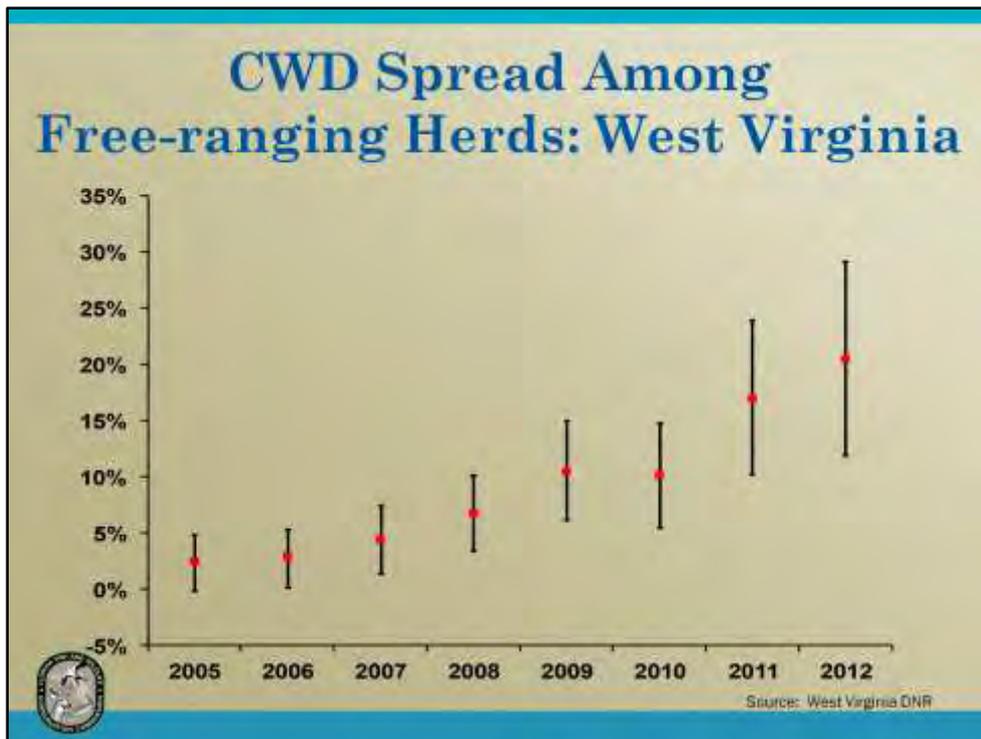
- Prevalence increased in adult males from 9-10% in 2002 to >20% in 2012



Transmission between captive and free-ranging deer (in both directions) is more difficult to document and can occur through nose-to-nose contact across fences and through escaped infected animals. In several areas where CWD has been documented in free-ranging deer herds, the spread of the disease has been measured. These examples demonstrate that the incidence does increase among wild herds and can expand over a relatively short time period, despite substantial management efforts to control the spread.

In Wyoming, the incidence of CWD occurring in mule deer in the area monitored increased from 11% in 1997 to 36% in 2007.

In Wisconsin, where CWD was first documented in white-tailed deer in 2002, the prevalence has increased in all sex and age classes. The prevalence for adult males has steadily increased from 9-10% in 2002 to more than 20% in 2012.



CWD was first detected in West Virginia in 2005. The graph depicts the percent of deer older than 1 year of age (N=1,258) found to be infected with CWD (N=102) from September 2005 through December 2012. The area sampled was a 39 square-mile area located in central Hampshire County, WV with an outer boundary one mile from locations of known CWD infected deer detected as of December 2010 (lines represent 95% confidence limits). Source: West Virginia DNR

What's at Risk from CWD?

- Health, size, and demographics of Florida's wild deer herd and its ecological value
- Deer hunting and viewing opportunity for future generations
- Public concern that venison would not be safe to consume
- Loss of economic benefits derived from deer hunting



What is at risk to Florida? As a part of our Public Trust responsibility, we consider the health and size of Florida's wild deer herd to represent a significant ecological value to current and future generations. The examples depicted in the previous slides show how the disease can spread through free-ranging deer herds. In these areas, deer populations do persist, but because CWD is always fatal and more prevalent in adult deer, the proportion of mature deer in the population would be predicted to decline. A lower proportion of adult deer and concerns about consumption of venison likely would impact hunter satisfaction and participation. Florida's deer populations, particularly in southern Florida, have lower reproductive rates than deer in more northern states. Combining the added mortality from CWD with the lower reproductive rates found in Florida would likely compound these effects on deer population size over time, compared to northern states.

Per FWC's CWD Response Plan, a CWD-positive deer would trigger significant management actions to determine the prevalence and to reduce the risk and speed of spreading the disease. These would likely include a quarantine of affected captive facilities (by Florida Department of Agriculture and Consumer Services), increased testing, purposeful reduction of the wild deer population in the vicinity, ceasing the feeding of deer, and other measures. In other states that have CWD positive herds, the public costs for managing these infected populations have been in the millions.

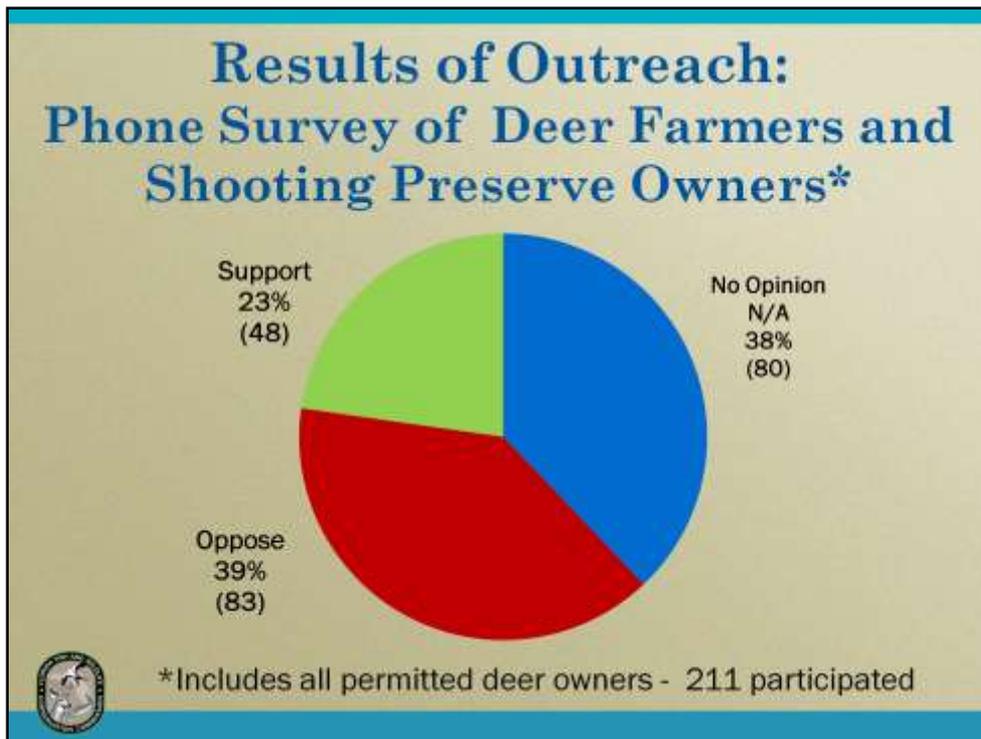
In 2007, a study conducted by Texas A&M University estimated the cervid farming industry had a direct economic impact of \$894 million nationwide. A study conducted by Southwick Associates estimated that in 2011, retail sales for deer hunting in the U.S. totaled \$18.1 billion with an overall economic output of \$39.9 billion. Although estimates of the economic impact of cervid farming in Florida are unavailable, based on the nationwide study, the number of farms in Florida and the historical numbers of cervids imported, prohibiting importation of cervids is unlikely to have a significant impact on the industry or the economy of Florida as a whole.

Outreach

- Dedicated web site with information and opportunity for comments/ideas
- Communication with stakeholders via meetings, phone calls, and emails
- Visits by staff to several game farms to learn more about industry
- Phone survey of persons permitted to possess cervids, including all licensed deer farms and hunting preserves
- August 8th public meeting



This slide summarizes staff's outreach efforts since the June Commission meeting.



Staff conducted a telephone survey, attempting to contact all persons who were permitted to possess deer in Florida, including game farms and preserves. We were able to survey 211 of the 441 permitted deer owners. We asked participants if they were familiar with CWD and familiar with the proposal to prohibit importation of deer. Most respondents were familiar with both, and we asked them about their opinion on the proposal.

Results of Outreach

- Approximately 80 members of public attended August 8th public meeting
- As of August 10th, 458 comments were submitted on website
- The question of prohibiting importation is controversial within the captive-cervid industry
- Outside of the industry, there is widespread and strong support for this prohibition
- Stakeholders provided numerous additional ideas for measures to reduce risk
- Commissioners and staff received numerous emails and letters on both sides of issue



At the August 8th public meeting, there were 15 speakers supportive of prohibiting cervid imports and six against. As of August 10th, we received 458 written comments on the website for this issue; 67% supported prohibiting importation and 33% were opposed.

Results of Outreach

Positions of groups/organizations on prohibiting importation of cervids:

- **Support** – National Rifle Association, Unified Sportsmen of Florida, Quality Deer Management Association, Florida Wildlife Federation, Florida Deer Association, Pope and Young Club, Florida Chapters of Safari Club International, Everglades Coordinating Council, Defenders of Wildlife, Humane Society of the U.S., Florida Veterinary Medical Association, Florida Forestry Association, The Wildlife Society, U.S. Fish and Wildlife Service, United Hunters of Florida, Collier Sportsmen and Conservation Club, Florida Bowhunters Council
- **Oppose** – Southeast Trophy Deer Association



This slide lists groups or organizations that have submitted written positions (letters, online comments, or emails) to the FWC on the issue of prohibiting importation of deer.

Stakeholder Ideas/Measures

- Close borders
- Close borders to deer from CWD-positive states (partial closure)
- Increase the CWD low-risk timeline from 5 to 7-10 years
- Require CWD testing on all deer that die on game farms
- Require CWD testing on all or a sample of deer harvested on hunting preserves
- Increase frequency of FWC inspections (quarterly)
- Develop a CWD working group
- Require tagging of all captive deer with non-removable tag, PIT tag, etc.
- Adopt USDA CWD-related regulations for Florida game farms and preserves
- Modify cervid regulations if/when approved USDA live-animal test is developed and made available



These are some of the ideas or measures that have been offered by stakeholders during the outreach effort. A complete summary of all suggested measures is included as a separate background document.

Shortcomings of Current Rules Identified by Stakeholders

USDA Certification

- Inability to positively identify imported deer—unique ID tags can be removed and reused
 - FDACS permits allow for 30-day travel window, multiple trips importing “same” deer
- USDA-approved state programs have different levels of regulation, accountability, and enforcement (but all must meet minimum USDA standards)
- Program based on testing and inventory of 12-month or older deer; younger deer are unaccounted for
- Certified facility could ship infected deer before discovering CWD exists in herd due to long incubation period



Deer farmers and hunt preserve owners identified the following concerns and weaknesses in our captive deer importation program related to the adequacy of existing regulations for sufficiently reducing risk (FWC staff agrees with these assessments):

Potential weakness related to USDA requirements allowing interstate movement

- Inability to positively identify imported deer—if a deer dies the tags can be removed and placed on another deer
 - FDACS permits allow for a 30-day window of travel, which provides opportunity for permits and tags to be reused within this time period
- Allows states to have different certification programs, including rules, accountability measures and enforcement effort
 - Reports of inconsistent or absence of herd inventories conducted by officials (federal and state)
 - With inconsistent enforcement of marking and inventory, deer mortality testing becomes essentially an honor system
- Program is based on testing and inventory of 12 month or older deer
 - Deer younger than 12 months are not considered to be in the system, unless they are moved interstate
 - Deer can be brought into a herd and mislabeled as juveniles under 12 months of age (“Natural additions to the herd”, thus maintaining the USDA status of CWD low risk for 5 years or more)
- Florida has multiple entry points making verification and enforcement of USDA importation requirements difficult
- Loss of USDA certification happens when test results identify CWD in a tested deceased animal. Symptoms and mortality do not show up for many months after infection. Therefore, a certified facility could ship apparently healthy deer during a long period of time before they discover that CWD exists in their herd.

Shortcomings of Current Rules Identified by Stakeholders

Florida Regulations

- No requirements for CWD testing or herd inventory
- Marking of animals not required (unless moving within state)
- Allow import from CWD-positive states
- Do not require a CWD herd health plan for intra-state shipment



We heard the following concerns and weaknesses in our captive deer importation program from the deer farmers and hunt preserve owners (FWC staff agrees with these assessments):

Potential weaknesses in Florida's regulations, which increase risk of spread within the state

- Deer can be moved intra-state without testing, insufficient tagging and marking systems, and inventory requirements
- Legal to import deer from CWD positive states (but not CWD+ counties, adjacent counties, or within 25 miles of CWD-positive county, according to FDACS rules/policies)
- Florida does not have an approved state CWD herd health plan
- Tags may be removed after arriving in Florida

Staff Conclusions – Since June

- Staff became even more cognizant of the serious risks and consequences associated with CWD after further evaluation and outreach.
- It is evident to staff that complete closure of the borders to importation of cervids would be the most effective measure to sufficiently address the most significant risk factors.
- Any measures short of complete closure would leave the door open to a significant level of risk to Florida's wild and captive deer herds.



Commissioners may hear feedback that a prohibition on importation would serve only to increase illegal importations, making oversight and monitoring of importation more difficult and thereby increasing risk of CWD rather than decreasing it. Conversely, staff believes that closing the borders would greatly reduce, if not eliminate the existing shortcomings or loopholes related to importing cervids under existing rules. Oversight would be simplified in that anyone (other than AZA-type facilities) found bringing deer across the state border would be in violation of state and federal regulations. Enforcement would be straightforward and simplified in that it would cease to hinge on understanding other agencies' rules, policies, and procedures and on coordinating across multiple state and federal jurisdictions. Closing the borders would eliminate the existing shortcomings previously identified, specifically falsifying documents, re-using tags, or wrongly assuming that the USDA low-risk certification is adequate. Violation of a prohibition on import is clear-cut and easier to understand, identify, and enforce.

Staff Conclusions – Since June (continued)

- In addition to reducing risk of CWD entering Florida through closing the borders, stronger proactive measures are needed for early detection and containment given the current level of risk associated with existing risk factors.
- Conservation organizations and hunters have expressed strong support for closing the borders as a responsible action to reduce the risk of introducing CWD.



Proposed Draft Rules

68A-4.0051 Importation of Deer, Elk and Other Wildlife Species in the Family Cervidae

- Prohibit importation of live cervids
- Make an exception allowing cervids (except white-tailed deer) for zoo facilities with a Captive Wildlife Permit and AZA accreditation requirements
- Allow temporary importation of reindeer (90 days maximum) with a permit



68A-4.0051 Importation of Deer, Elk and Other Wildlife Species in the Family of Cervidae.

In addition to other requirements of Chapter 379, F.S., and ~~Title Chapter~~ 68A, F.A.C., and in order to prevent the introduction of Chronic Wasting Disease (CWD) into the captive and wild deer of this state, no person shall receive, possess, transport, or carry into the state by any means any live deer, elk or other species of the family Cervidae originating from out-of-state unless permitted pursuant to Chapter 68A-6 and as provided herein.

(1) Zoos that meet or exceed all applicable Association of Zoos and Aquariums (AZA) accreditation standards (2013 Edition -- available at www.dos.state.fl.us), which are adopted and incorporated herein by reference, are authorized to receive cervids from out-of-state (except for white-tailed deer which shall not be received from out-of-state) from another facility that meets or exceeds all applicable AZA accreditation standards.

(2) Any person is authorized to receive Reindeer (*Rangifer tarandus*) temporarily, for no longer than 90 days, provided that the reindeer being received have not originated from or been possessed at a premises or facility located in a county or a county adjoining a county where CWD has been documented, and are not located at a premises or facility in Florida with other species of the family Cervidae.

Cervids being moved shall not be commingled with cervids from other sources during transfer. No person shall violate ~~Chapter~~ Department of Agriculture and Consumer Services Rule 5C-26, F.A.C.

Staff Recommendation

1. Approve the proposed draft rules prohibiting importation of live cervids
 - a. Approve the advertising of the proposed amendments to 68A-4.0051 and file for adoption as soon as possible
 - b. Revisit importation prohibition upon approval by USDA of live-animal test for CWD screening of cervids prior to import

If this recommendation is adopted, staff will publish a notice that the rule will become final with no further public hearing unless requested.



Staff is requesting Commission approval to advertise the proposed amendments and file for adoption as soon as possible.

The elements of the proposed rule amendment are as follows:

- **Prohibit importation of live Cervids**
- **Exception** to allow receipt of Cervids (except white-tailed deer) for **zoo facilities** which:
 - Have Captive Wildlife Permit and
 - Meet AZA accreditation requirements
- **Exception** to allow **temporary importation of reindeer** (90 days maximum), by permit, so long as the animals:
 - are not commingled with other cervids during the transfer
 - have not originated from or been possessed at a premises or facility located in a County or a County adjoining a County where CWD has been documented, and
 - are not located at a premises or facility in Florida with other cervids

Although reindeer are susceptible to CWD through experimental inoculation, no natural cases of CWD have been documented in reindeer.

If the rule amendments are approved for both advertisement and final adoption, Commission staff will file the rule for adoption as allowed by s. 120.54(3) Florida Statutes, without further public hearing.

Staff Recommendation (continued)

2. Develop rules over the next year for additional in-state measures for captive cervids for early detection and to reduce risk of spreading CWD, including:
 - a. Permanent marking, herd inventory and reporting escaped animals
 - b. Testing of all deceased animals in game farms and harvested animals from hunting preserves
 - c. Prevent contact between captive and wild deer through double-fencing of facilities or other feasible measures



Staff Recommendation (continued)

3. Improve communication and understanding among Florida hunters who hunt deer out-of-state, especially in CWD-positive states, regarding transport of carcasses, etc.
4. Establish CWD working group of stakeholders to assist with communication, prevention, and development of best practices, policies and rules
5. Increase FWC inspections and communication with captive cervid facilities
6. Evaluate and engage taxidermy industry and deer processors for measures needed to address associated risk factors



Staff Recommendation Summary

1. Approve proposed draft rule prohibiting importation of live cervids
2. Develop rules for additional measures to reduce risk of spreading CWD
3. Improve communication and understanding among hunters regarding carcass transport, etc.
4. Establish CWD working group
5. Increase inspections, communication with facilities
6. Work with taxidermy industry and deer processors



This slide summarizes the elements of the staff recommendation detailed in the previous 3 slides, including the proposed draft rule and the additional actions.

The following slides are presented as background material and are not intended to be presented at the Commission Meeting



Draft Rule Language

68A-4.0051 Importation of Deer, Elk and Other Wildlife Species in the Family of Cervidae.

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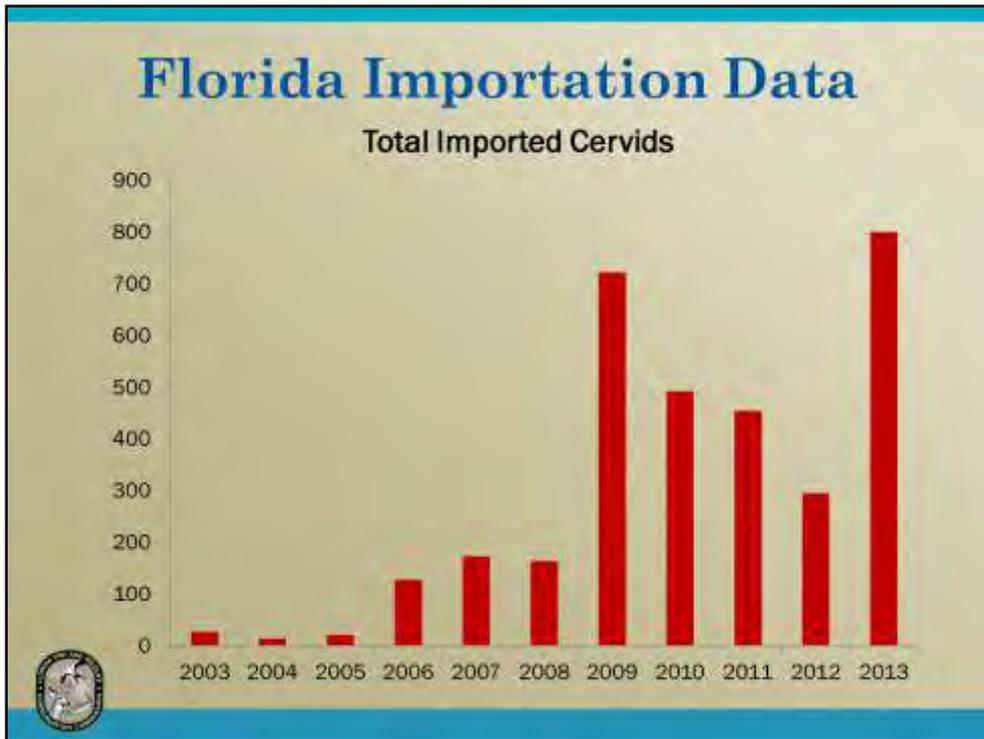
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Cervids being moved shall not be commingled with cervids from other sources during transfer. No person shall violate Chapter Department of Agriculture and Consumer Services Rule 5C-26, F.A.C.



Draft rule language (additions to existing rule are indicated by underlined text).



The Florida Department of Agriculture and Consumer Services issues movement permits to allow live cervids to be imported into Florida from out of state sources. The number of cervids imported increased in 2009 possibly in response to a stakeholder request to prohibit importation of cervids in 2009 that was eventually withdrawn from consideration by the stakeholder group that made the initial request. The 2013 numbers are numbers reported through August 21, 2013.

Targeted surveillance

- Collection and necropsy of sick or dead free-ranging deer
- Also surveying for other wildlife diseases - TB, Heartwater, EHD/BT
- ~ 30-100 deer/year



Active surveillance

- “Random” sampling of hunter- and road-killed deer
 - Private and public lands
 - Older, male deer
 - Primitive hunt
- ~500-900 deer/year
- Total surveillance in FL
 - 7,025 free-ranging WTD, no positives

