

1721.0420 CHRONIC WASTING DISEASE (CWD).**Subpart 1. CWD herd certification program.**

A. The owner of a farmed Cervidae herd must be enrolled in the CWD herd certification program and must comply with all the requirements of this part.

B. The owner of a farmed Cervidae herd must sign and submit to the board a CWD herd certification program agreement in which the owner agrees to comply with the requirements in this part.

C. When farmed Cervidae that are officially identified die or are slaughtered, the owner must report the age, sex, and official identification numbers of the animals to the board within 14 days.

D. Animals from farmed Cervidae herds that are 12 months of age and over that die or are slaughtered must be tested for CWD with an official CWD test. Samples to be tested for CWD must be submitted to a laboratory approved by the board within 14 days of sample collection. Other testing protocols may be used if they are approved by the board and are equally effective for the detection of CWD in farmed Cervidae herds. Testing must be completed at owner expense unless state or federal funds are available for this purpose.

E. The CWD surveillance period for a herd is the continuous length of time the herd has been enrolled in the program and the owner has met all the requirements of this part.

F. Herd status is divided into six levels based on the period of time the herd has been under continuous CWD surveillance without evidence of CWD or a determination that the herd has been exposed to CWD. Progression from one level to the next is based on successful program participation for a continuous period of time as follows:

- (1) level 1 is from time of enrollment to 12 months;
- (2) level 2 is from 12 months to 24 months;
- (3) level 3 is from 24 months to 36 months;
- (4) level 4 is from 36 months to 48 months;
- (5) level 5 is from 48 months to 60 months; and
- (6) level 6 (certified herd) is greater than 60 months.

G. If farmed Cervidae are brought into a herd from other herds, the owner must report the age, sex, and identification numbers of the animals and the name and address of the source herd to the board within 14 days on forms approved by the board. New animals may be introduced into the herd only from other herds enrolled in a CWD herd certification program. If animals are received from a herd with a lower herd status, the receiving herd reverts to the program status and enrollment date of the source herd.

H. A newly formed herd that is comprised solely of animals obtained from herds already enrolled in the CWD certification program must start at the lowest status of any herd that provided animals for the new herd.

I. Except as provided in item J, the CWD surveillance period for a herd must be shortened each time an animal over 12 months of age dies, is slaughtered, escapes, or is lost and is not tested for CWD. For each such animal that is not tested for CWD, the surveillance period will be shortened:

- (1) by the length of the surveillance period for herds in status level 1;
- (2) by 365 days for herds in status levels 2 to 3;
- (3) by 180 days for herds in status levels 4 to 5; or
- (4) by 90 days for herds in status level 6.

J. The board shall grant an exception to the requirements of item I if animals die from anthrax or from another disease where necropsy is contraindicated due to public health risks or if they are lost due to an act of vandalism or natural disaster such as a tornado or flood.

K. The failure of the owner to comply with the requirements in parts 1721.0370 to 1721.0420 shall constitute grounds for the board to cancel herd status. In accordance with Minnesota Statutes, section 35.155, subdivision 9, the board shall notify the herd owner of the right to request a contested case hearing regarding the board's determination under the Minnesota Administrative Procedure Act, Minnesota Statutes, chapter 14.

Subp. 2. **Quarantine procedures.** The board must immediately quarantine a farmed Cervidae herd that is determined to be infected with or exposed to CWD.

A. Unless a permit is obtained from the board, farmed Cervidae may not be moved into or out of a quarantined herd. The board may allow farmed Cervidae from quarantined herds to be moved under permit directly to a state or federally licensed slaughtering establishment, to an approved veterinary diagnostic laboratory, or to another location if that movement is determined by the board not to endanger the health of other animals in the state.

B. The owner of a herd determined to be infected with or exposed to CWD must, upon request, furnish to the board a list of sources of Cervidae during the preceding five years and a list of movements of Cervidae to other locations during the preceding five years.

C. Farmed Cervidae herds shall be released from quarantine by any of the following methods:

(1) Depopulation. To release a quarantine by depopulation, all Cervidae in the herd must be euthanized and tested with an official CWD test. If the premises has no environmental contamination and all CWD tests are negative, the quarantine shall be released immediately. If the premises has minimal environmental contamination, the quarantine shall be released one year after depopulation and cleaning and disinfection. If the premises has moderate to severe environmental contamination, the quarantine shall be released five years after depopulation and cleaning and disinfection;

(2) Test of exposed animals. If a premises has no environmental contamination and all CWD exposed animals on the premises are tested and are found to be CWD negative, the quarantine shall be released;

(3) Test for five years. If any animal that dies or is slaughtered from the herd is tested, regardless of age, with an official CWD test for a period of 60 months, and no positive animal is identified, the quarantine shall be released; or

(4) Other procedures. Quarantines may be released by procedures in addition to those in subitems (1) to (3) if they are approved by the board and are equally reliable and effective as the other methods in this item.

D. CWD contaminated premises must be cleaned and disinfected prior to quarantine release by a method approved by the board.

Subp. 3. **Determining boundaries of CWD endemic areas in the state.** If the board determines that CWD is endemic in the state, all locations within ten miles of a confirmed case of CWD in wild Cervidae in the state must be designated as part of the endemic area. The board shall designate larger geographic areas of the state as part of a CWD endemic area if necessary to prevent the spread of CWD. Individual farmed Cervidae herds where animals are kept on premises within a designated CWD endemic area shall be excluded from and not considered to be a part of a CWD endemic area if one of the following conditions is met:

A. the herd has been maintained in such a way that commingling of farmed Cervidae and wild Cervidae has been prevented for a continuous period of time that began no later than 180 days following the initial designation of the area as CWD endemic; or

B. the herd has been maintained in such a way that commingling of farmed Cervidae and wild Cervidae has been prevented for at least 36 consecutive months.

Statutory Authority: *MS s 35.03*

History: *37 SR 1396*

Published Electronically: *August 10, 2017*