

Kevin Shea, Administrator
USDA Animal and Plant Health Inspection Service.
Jamie L. Whitten Federal Building
1400 Independence Avenue, SW
Washington, DC 20250

November 13, 2023

Re: Docket No. APHIS-2023-0042

Administrator Shea:

The undersigned organizations representing millions of hunters, wildlife professionals, and conservationists write regarding your programmatic review of the cervid herd certification program (HCP). We consider CWD to be a major threat to wild cervid populations and deer hunting, which contributes \$15.7 billion annually to the U.S. economy.¹ Eight out of ten hunters pursue deer, elk, moose, or caribou annually. Hunters also contribute the bulk of funding all for wildlife conservation in the U.S., meaning that threats to hunting license sales and renewals – as is the case in areas heavily impacted by the spread of CWD – are threats to all wildlife populations.

Despite a history of conflicting views, we worked collaboratively with the captive cervid industry to pass the Chronic Wasting Disease Research & Management Act in 2022 which called for this review. We continue to work with the industry to ensure the HCP program effectively stems the spread of chronic wasting disease (CWD) in North American cervids.

The policy objective of this program is “to provide a consistent, national approach to control the incidence of CWD in farmed cervids and prevent the interstate spread of CWD.” This objective will not be met through a voluntary program. Participation should be required of all operations which move cervids across state lines. Without mandatory participation, other revisions to the program, as detailed further below, will be only minimally effective.

Currently, the HCP allows for the movement of live, CWD-Positive, CWD-Exposed and CWD-Suspect animals from an origin facility to a slaughter facility or to shooting facilities. Movement of known CWD-Positive individuals from one facility to another, even for the purpose of slaughter or harvest, presents a significant, unnecessary risk for spreading CWD. We recommend that the HCP be modified to require all CWD-Positive, CWD-Exposed and CWD-Suspect animals to remain on the origin facility until depopulation or until the herd meets other HCP requirements to regain movement status. Penalties and suspension of certification should apply for preventable risks to wild cervids including lapses in record keeping, fence failures, escapes, and failure to maintain unique animal identification. These penalties could include voiding indemnity eligibility. Data from the program should be shared with USGS for epidemiological monitoring and modeling.

We appreciate the opportunity to provide input on the future of the Herd Certification Program. We look forward to continuing to work together with USDA, conservation partners and industry representatives to find HCP solutions that control the incidence and spread of this terrible disease.

¹ https://www.fishwildlife.org/application/files/3815/3719/7536/Southwick_Assoc_-_NSSF_Hunting_Econ.pdf

Sincerely,
Association of Fish and Wildlife Agencies
Backcountry Hunters and Anglers
Boone and Crockett Club
Mule Deer Foundation
National Deer Association
National Wildlife Federation
Theodore Roosevelt Conservation Partnership

Detailed program suggestions:

Cover all Cervid Species: The HCP does not currently include all susceptible members of the Cervidae family. The distinction of 'susceptible' and 'non-susceptible' species presents an unnecessary risk. All cervids should be considered susceptible to CWD until definitively determined otherwise.

Prohibit High-Risk Movement: Currently, the HCP allows moving live CWD-Positive, CWD-Exposed and CWD-Suspect animals from an origin facility to slaughter or shooting facilities, and such movements are either not tracked or tracking information is not available to relevant authorities. These movements present exceptionally high risk to wild populations and should not be allowed.

Improve Monitoring: To achieve certification as "low risk" for CWD, HCP requires 5 years of test data with no positives. Ten years may be preferable, but the tests may be the first point of improvement. HCP recommends two antemortem tests for CWD known to produce false negatives. There may not be more reliable tests. We want testing to apply to all operations, not just HCP herds.

Ante-mortem Testing should be required for all animals. Regarding ante-mortem testing, it's unfortunate how poor the sensitivity/specificity of RAMALT tissues has been. We don't feel RAMALT testing should be used as a widespread tool until that number is improved to >90%.

USDA should not incorporate the use of predictive genetics or genetic testing as part of the assessment or implementation of indemnification until these approaches are scientifically proven as effective.

Require Double-Fencing: Requiring double-fencing for captive cervid facilities, as outlined by AFWA's 2018 technical report on the best management practices for CWD prevention, surveillance and management, would provide an extra layer of wild-captive contact and escapee protection. We also recommend reinserting the fencing appendix from the previous standards.

Identify Escaped Animals: The HCP should require at least one form of physical identification for individual animals that is readily visible and identifiable from a distance, such as an ear tag. This requirement will aid in inventories and escapee discoveries while enabling state agency staff, hunters, and the public to assist with escapee identification.

Increase Inventory Frequency: Physical inventories are currently required for HCP herds every three years. We recommend the HCP require a physical herd inventory every year. This would increase the opportunity to discover escapees, misreporting and/or clinical symptoms of disease. Capacity

constraints that may prevent annual inventories should be addressed, rather than used to justify inadequate inventory frequencies.

Immediately Depopulate Infected Facilities: CWD-infected captive herds should be immediately depopulated. Shooting preserves could be ranked higher in priority for indemnification funding because they are sometimes larger and include habitat features that make finding deer more difficult – and therefore may carry more infected deer for longer periods.

Our organizations continue to work with the captive cervid industry to ensure that adequate indemnification funding is appropriated by the Federal government, but indemnification should not be predicated on the availability of Federal funds. There is an opportunity for a funding system that is shared, such as a match requirement provided by facility owners through insurance or an industry association fund of assessments on sales of live cervids and cervid parts (e.g., semen and embryos). The most important factor is getting sick deer off the landscape quickly. Funding should be shared, as through a match requirement provided by farmers through insurance or an industry association fund of assessments on sales of live cervids and cervid parts (e.g., semen and embryos).

State HCPs: USDA should require state HCPs to mandate participation for all facilities that breed, transfer, or receive cervids, including hunting preserves. As the health of captive and wild cervids are inextricably linked, USDA should also require state HCPs to be reviewed by and have the concurrence of the applicable state wildlife agency. To ensure consistency, USDA should also require state HCPs to contain, at minimum, requisite standards for intrastate movement and penalties for noncompliance as those required for interstate movement under the national HCP.