

**Senate Committee on Agriculture, Financial Institutions
and Insurance**

Room 18 South State Capitol, PO Box 7882, Madison WI 53707-7882
(608) 266-0703

Senator Dale W. Schultz, Chairman
Committee Clerk, John O'Brien

Friday, February 07, 2003

Mr. Rod Nilsestuen, Secretary
WI Dept. of Agriculture, Trade
and Consumer Protection
2811 Agriculture Drive
Madison, WI 53708

Dear Secretary Nilsestuen,

On 01/10/03 Clearinghouse Rule #02-078, related to "Chronic Wasting Disease" was referred to the Senate Committee on Agriculture, Financial Institutions and Insurance.

The 30-day review period expiration date was 02/09/03.

I personally met with your staff, Dr.'s. Ehlenfeldt and Molina in my office on 02/05/03 to discuss Clearinghouse Rule #02-078 and they were informed on 02/06/03 that the Committee would hold a public hearing on this rule on Tuesday March 4th, in the State Capitol.

This letter is to inform you that the committee by this correspondence is extending it review period by 30 days.

A copy of the scheduled hearing notice is attached.

Thanks you

Dale W. Schultz

Senator Dale Schultz, Chairman

Cc.
Sen. Chief Clerk
D. Lovell, Leg. Council
Committee Members
Dr.'s Ehlenfeldt & Molina

Committee Meeting Attendance Sheet

Committee on Agriculture, Financial Institutions and Insurance

Date: March 4, 2003 Meeting Type: Public Meeting, CR 02-078 CWD

Location: Room 330 South West, State Capitol

<u>Committee Member</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Senator Dale Schultz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Ronald Brown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Judith Robson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator David Hansen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____



State of Wisconsin
Scott McCallum, Governor

Department of Agriculture, Trade and Consumer Protection
James E. Harsdorf, Secretary

DATE: January 2, 2003

TO: The Honorable Fred Risser
President, Wisconsin State Senate
Room 220 South, State Capitol
P.O. Box 7882
Madison 53707-7882

The Honorable Scott R. Jensen
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
P.O. Box 8952
Madison 53708-8952

FROM: James E. Harsdorf, Secretary *James E. Harsdorf*
Department of Agriculture, Trade and Consumer Protection

SUBJECT: **Chronic Wasting Disease; Final Draft Rule**
(Clearinghouse Rule # 02-078)

The Department of Agriculture, Trade and Consumer Protection is transmitting this rule for legislative committee review, as provided in s. 227.19(2) and (3), Stats. The department will publish a notice of this referral in the Wisconsin Administrative Register, as provided in s. 227.19(2), Stats.

Background

Chronic wasting disease is a contagious disease known to affect several species of the cervid family, including elk, white-tail deer, black-tailed deer, and mule deer. The disease affects the brains of infected animals, and is always fatal. At the present time, there is no scientific evidence to suggest that chronic wasting disease is transmitted to non-cervids or to humans. But there is limited scientific knowledge about the disease, and this lack of knowledge has contributed to public concerns.

Science does not understand how chronic wasting disease is spread. It is thought that infected cervids can transmit the disease to other cervids, either directly or by contaminating their environment. It appears that cervid-to-cervid contact facilitates the spread of the disease.

The Honorable Fred Risser
The Honorable Scott R. Jensen
January 2, 2003
Page 2

On September 18, 2002, the United States Department of Agriculture (USDA) National Veterinary Services Laboratory (NVSL) confirmed the first case of chronic wasting disease in a captive deer in Wisconsin -- a white-tail deer shot on a hunting preserve in Portage County. Since that time, NVSL has confirmed a second positive test result on a captive white-tail deer, from a herd located in Walworth County. This herd was identified for testing based on an epidemiological investigation of the Portage County deer herd.

The Department of Agriculture, Trade and Consumer Protection (DATCP) currently registers approximately 300 "farm-raised deer" herds. This includes captive deer and elk, other than captive white-tail deer. DNR currently registers approximately 600 captive white-tail herds. A new law will transfer registration of white-tail herds from DNR to DATCP, effective January 1, 2003. On that date, captive white-tails will be classified as "farm-raised deer."

Persons importing deer and elk (including white-tail deer) to Wisconsin are currently required to obtain an import permit from DATCP. Importers must identify the herd of origin and the herd of destination. A veterinarian must certify that the deer and elk appear to be in good health, and that they have been tested for tuberculosis and brucellosis. There is no chronic wasting disease testing requirement, because there is no way to test live deer and elk for the disease. This rule, like the emergency rule, will strengthen Wisconsin's import requirements related to chronic wasting disease.

This rule will regulate the keeping of "farm-raised deer" including captive white-tail deer. This rule, like the emergency rule, will strengthen current regulations related to chronic wasting disease. It will also regulate the movement of farm-raised deer between herds in Wisconsin. This rule prohibits the movement of live farm-raised deer, except from herds that are enrolled in a chronic wasting disease monitoring program.

For the most part, this rule does not apply to wild deer or elk regulated by DNR. However, this rule does apply to deer or elk that DNR keeps in a fenced area. This rule also regulates *imports* of wild deer and elk, just as it regulates imports of farm-raised deer. Under this rule, a person must report to DATCP whenever a farm-raised deer *or a wild deer or elk* tests positive for chronic wasting disease.

Rule Contents

Farm-Raised Deer; Herd Registration

Under current rules, no person may keep a herd of farm-raised deer in this state without an annual registration certificate from DATCP. This rule modifies current registration requirements. Under this rule:

- Captive white-tail deer herds are considered farm-raised deer herds, and must be registered with DATCP. This implements the recent captive wildlife legislation, which classifies captive white-tails as "farm-raised deer" effective January 1, 2003.
- A person may register herds kept at 2 locations as a single herd, *provided that* the person is enrolled in the chronic wasting disease monitoring program and every farm-raised deer is identified with an official individual identification before it is moved between the jointly-registered locations. The herd keeper need not comply with other intra-state movement requirements when moving farm-raised deer between jointly-registered locations. But if a disease is found at one location, *all* of the farm-raised deer at *all* of the jointly-registered locations will be treated as a single herd for disease control purposes.
- A person may register separate herds at the same location if there is "medically significant separation" of the herds. There must be adequate fencing and facilities to maintain the separation, and the herd owner must comply with intra-state movement regulations (see below) when moving farm-raised deer between the herds. A person might choose to register separate herds at the same location if, for example, the person maintains a breeding operation (from which live animals are shipped) and a separate hunting operation (from which no live animals are shipped) at that location.
- A person keeping separate herds at the same location must register each herd separately, and pay registration fees for each herd. Before DATCP registers separate herds at the same location, DATCP must inspect the premises to determine whether the facilities and fencing are adequate to maintain "medically significant separation" of the herds. The herd owner must pay, in addition to the normal registration fees, a \$150 inspection fee to cover the inspection cost. This rule does not change any other herd registration fees.
- Under current rules, DATCP must grant or deny registration within 30 days after DATCP receives a complete application. Under this rule, if DATCP must inspect to ensure that there is "medically significant separation" between herds kept at the same location, DATCP must grant or deny the registration within 60 days after receiving a complete application.

Duties of Herd Owners

A person keeping farm-raised deer must comply with this rule. The person must do all the following:

- Keep complete herd records, including records related to animals entering or leaving the herd.

- Refrain from adding any cervid to the herd unless the cervid is imported in compliance with this rule, or moved from another registered herd in compliance with this rule.
- Refrain from accepting into the herd, on a temporary or permanent basis, any cervid from a wild herd.
- Report any escapes of farm-raised deer to DATCP, within 48 hours after the escape.
- Notify a certified veterinarian within 24 hours if the person observes any signs or symptoms of chronic wasting disease in the herd.
- Officially identify every farm-raised deer or farm-raised deer carcass before it leaves the herd premises.

DATCP may deny, suspend or revoke a registration certificate for cause, including violations of this rule.

Deer and Elk Imports

Under this rule, no deer, elk or other cervid may be imported into Wisconsin unless an accredited veterinarian certifies one of the following:

- The cervid originates from a herd monitored for at least 5 years under a state-approved chronic wasting disease herd certification program that complies with federal uniform methods and rules.
- The cervid originates from a herd that meets all the following criteria:
 - Herd members have all been born in the herd or kept in the herd for at least one year.
 - Herd members have not been added from any outside source, or exposed to cervids from any outside source, in the past year.
 - There have been no clinical signs of chronic wasting disease in the herd for the past 5 years.
 - Animal health officials in the state of origin have access to herd records for the past 5 years, including records of cervid deaths and causes of death.
 - The herd of origin is enrolled in a state-approved chronic wasting disease monitoring program that complies with federal uniform methods and rules. The required length of enrollment will increase over time.

Moving Farm-Raised Deer in Wisconsin

Under this rule, no person may move a farm-raised deer from a herd in Wisconsin unless the herd is enrolled in the chronic wasting disease herd monitoring program (see below)

and the herd is an accredited tuberculosis free herd or a tuberculosis qualified herd. This does not apply to:

- An animal moved directly to slaughter if the animal is tested for chronic wasting disease.
- An animal moved between registered zoos.

Mandatory Testing in Wisconsin

This rule requires chronic wasting disease testing of farm-raised deer. There is no test available for live farm-raised deer. Tests must be conducted on brain tissue collected from dead animals. Tests are only effective on animals at least 16 months old. This rule requires herd owners to have all the following tested for chronic wasting disease:

- All farm-raised deer at least 16 months old that are shipped to slaughter.
- All farm-raised deer at least 16 months old that die or are killed on the herd premises.

Test Standards and Reports

This rule spells out standards for official chronic wasting disease tests needed to comply with this rule. Under this rule:

- Test samples must be collected by a DATCP-certified veterinarian, a DATCP employee, an employee of the animal and plant health inspection service (APHIS) United States department of agriculture, or another person approved by DATCP. The person must complete training approved by DATCP.
- Test samples must be collected according to standard veterinary procedure, and tested at a laboratory approved by DATCP or APHIS.

Persons must report to DATCP if test results are positive for chronic wasting disease. This reporting requirement applies to all chronic wasting disease tests, regardless of whether the tests are required under this rule.

Quarantine and Condemnation

Under this rule, if a farm-raised deer tests positive for chronic wasting disease, DATCP must quarantine the herd. DATCP may condemn animals exposed to the disease, and may direct the disposition of their carcasses. The herd owner may apply for statutory indemnity payments. If a herd owner is eligible, indemnities will normally cover 2/3 of the appraised value (less salvage value) of the condemned animals, but not more than \$1500 for each animal.

If DATCP condemns a herd because of exposure to or infection with chronic wasting disease, DATCP will provide information to the herd owner explaining actions the herd owner must take to clean and disinfect the premises. DATCP will also explain the conditions under which the herd owner may be allowed to establish a new herd on the premises where the infected or exposed animals were kept. This information will be provided at the time the herd is condemned and will reflect the latest scientific knowledge and understanding of the disease.

Herd Monitoring Program

This rule establishes a herd monitoring program for chronic wasting disease. No live farm-raised deer may be shipped from a herd (except to slaughter) unless the herd is enrolled in the monitoring program. A herd owner who wishes to enroll in the program must do all the following:

- Complete an application form.
- Provide a report of a herd census completed not more than 30 days before the application date.
- Provide a statement from the herd veterinarian. The veterinarian must certify that no farm-raised deer in the herd has shown any clinical signs of chronic wasting disease in the past 12 months.

DATCP must grant or deny the application within 30 days. A herd is enrolled in the program when DATCP accepts the herd owner's application. The herd owner must do all the following to remain in the program:

- Identify each farm-raised deer in the herd, with official individual identification, before the animal is one year old.
- Test every farm-raised deer that dies or is shipped to slaughter, if that animal is at least 16 months old. This testing requirement applies, regardless of whether the animal's carcass leaves the herd premises.
- Notify the herd veterinarian within 24 hours after the herd owner observes any signs or symptoms of chronic wasting disease.
- Provide an annual statement from the herd veterinarian. The herd veterinarian must certify that no animal in the herd has shown any clinical signs of chronic wasting disease since the last annual statement.
- File a report of an annual herd census. Among other things, the annual census report must indicate:

- The number, species and sex of farm-raised deer in the herd, and the official individual identification of each animal that is at least one year old.
- The number, species and sex of farm-raised deer added to the herd since the last reported herd census. The report must indicate whether these new animals were born into the herd or added from another source. If animals were added from another source, the report must identify the source from which they were obtained.
- The number of animals that died or left the herd since the last reported herd census. The report must explain how each animal left the herd, including all the following:
 - * Whether the animal died on the premises, was shipped to slaughter, or was shipped live other than to slaughter.
 - * If the animal was shipped live other than to slaughter, the name of the person to whom it was shipped and the place to which it was shipped.
 - * If the animal died on the premises, the animal's age and the disposition of its carcass. If the carcass left the premises, the report must identify the carcass destination or recipient. If the animal was at least 16 months old, the report must include a chronic wasting disease test report.
 - * If the animal was shipped to slaughter, the animal's age and the name and address of the slaughter establishment. If the animal was at least 16 months old, the report must include a chronic wasting disease test report.
- Refrain from adding farm-raised deer to the monitored herd, except from other monitored herds. Imported animals must originate from herds that are monitored under a state-recognized chronic wasting disease monitoring program that complies with federal uniform methods and rules.
- Notify DATCP within 14 days whenever the herd owner adds, to the monitored herd, a farm-raised deer originating from a herd that has been monitored for a shorter period than the receiving herd. The owner must provide the following information to DATCP:
 - The official individual identification of the farm-raised deer.
 - The date on which the farm-raised deer was added to the herd.
 - The keeper and location of the farm-raised deer's herd of origin, and the date on which that herd was enrolled in an approved herd monitoring program.
- Maintain all the following records for at least 5 years, and make those records available to DATCP for inspection and copying upon request:

- A record of each farm-raised deer added to the herd from another source, including:
 - * The species, age and sex of the animal.
 - * The name and address of the person from whom the animal was obtained.
 - * The address of the herd from which the animal was obtained.

- A record of each farm-raised deer leaving the herd, including all the following:
 - * Whether the animal died on the premises, was shipped to slaughter, or was shipped live other than to slaughter.
 - * If the animal was shipped live other than to slaughter, the name of the person to whom it was shipped and the place to which it was shipped.
 - * If the animal died on the premises, the apparent cause of death, the animal's age, and the disposition of the animal's carcass. If the carcass left the premises, the record must identify the carcass destination or recipient.
 - * If the animal was shipped to slaughter, the animal's age and the name and address of the slaughter establishment.

- A copy of all records received from the herd veterinarian related to veterinary services provided to the herd.

- A farm-raised deer herd is enrolled in the monitoring program when DATCP accepts the herd owner's enrollment application, except that:
 - If the owner of a monitored herd adds an animal from a source herd that has been monitored for a shorter length of time than the receiving herd, the monitoring enrollment date of the source herd becomes the monitoring enrollment date of the receiving herd.

If an owner assembles a new herd solely from herds that are already monitored, the latest monitoring enrollment date for any of the source herds becomes the monitoring enrollment date of the new herd if the herd owner of the new herd meets certain conditions specified in the rule.

Hearings

The department held four public hearings on this rule. The hearing were held in Fond Du Lac, Eau Claire, Madison, and Wausau on July 16, 18, 22, and 25, 2002 respectively. 174 people attended the hearings, 61 register or testified. The table below illustrates the responses.

Totals	Opposed	Supported	Neither	Total
Registered	16	7	10	33
Testified	15	9	4	28
Total	31	16	14	61
Attendees	174			

In addition 159 written comments were submitted including 136 signed copies of a form letter with comments circulated by a group called United Deer Farmers. A hearing summary is attached.

Rule Changes After Public Hearing

Based on hearing comments, DATCP made a number of changes in the final draft rule. Key changes may be summarized as follows:

Registering Farm-Raised Deer Herds

The hearing draft would have required a herd owner keeping farm-raised deer at 2 or more locations would to register each location as a separate herd. The final draft allows a herd owner to register 2 or more locations as a single herd, *provided* that the herd owner:

- Enrolls the entire herd in the chronic wasting disease monitoring program.
- Identifies every animal (regardless of age) with official individual identification before moving that animal between any of the jointly-registered herd locations.

This change will make it possible for herd owners to move animals between jointly-registered locations without a certificate of veterinary inspection. Under the final draft rule, *all* of the animals at *all* of the jointly-registered herd locations will be treated as a single herd for disease control purposes.

Herd Owner Reports

The final draft rule adds the following reporting requirements for herd owners:

- A herd owner must report to DATCP, within 48 hours, every escape of a farm-raised deer.
- A herd owner must report to a certified veterinarian, within 24 hours, any signs or symptoms of chronic wasting observed by the herd owner.

Moving Live Farm-Raised Deer from Herds in Wisconsin

Under the hearing draft rule, no farm-raised deer could be moved from a Wisconsin herd unless a Wisconsin certified veterinarian first certified that the farm-raised deer had tested negative on 2 tuberculosis tests conducted at least 90 days and no more than 150 days apart (there were some exceptions). The second test was to be conducted no more than 90 days prior to the animal movement.

The final draft rule changes this tuberculosis certification requirement, so that the requirement is consistent with federal requirements for interstate movement of farm-raised deer. Under the final draft rule, a Wisconsin certified veterinarian must certify one of the following:

- The farm-raised deer originates from a herd that qualifies as an “accredited tuberculosis free herd,” based on a herd test completed within 24 months prior to the animal movement.
- The farm-raised deer originates from a herd that qualifies as a “tuberculosis qualified herd” based on a herd test completed within 90 days prior to the animal movement.
- The farm-raised deer originates from a herd that qualifies as a “tuberculosis qualified herd” based on a herd test completed at least 91 days and not more than 365 days prior to the animal movement, and the farm-raised deer tested negative on a tuberculosis test conducted within 90 days prior to movement.

The hearing draft rule also required the veterinarian to certify that:

- No farm-raised deer in the herd of origin has shown clinical signs of chronic wasting disease in the last 12 months.
- The herd of origin has been enrolled in the chronic wasting disease monitoring program for a specified length of time. The required length of enrollment increases over time. Ultimately, starting in 2008, the herd must have been enrolled for at least 5 years before movement is permitted.

The final draft rule retains these pre-movement certification requirements. The final draft rule also provides that, if a new herd is assembled on premises where a prior herd was depopulated because of chronic wasting disease infection or exposure, no farm-raised deer may be moved from the new herd until the herd has been enrolled in the chronic wasting disease monitoring program for at least 5 years.

The hearing draft rule exempted, from intra-state movement requirements, farm-raised deer that are moved by DNR. The final draft rule eliminates this exemption.

Whitetails of Wisconsin

Senate Clearinghouse Rule 02-078
March 4, 2003

Dear Mr. Chairman and Committee Members:

Thank you once again for providing the industry this opportunity to comment on the proposed final permanent rule addressing CWD and its monitoring and control within the cervid farming industry.

I represent Whitetails of Wisconsin (WOW), the state association of whitetail deer breeders here in Wisconsin. Our group of 240 members shares your concern for CWD and has been instrumental in fighting this and other threats to our animals and our industry.

Barely one year ago, many of us were gathered here at the capitol to watch and participate in the late hour vote to pass the landmark captive wildlife bill. We worked long and hard to form the legislation, build support and ultimately pass this bill. Now with the new year, provisions of that bill have been enacted that help us deal with CWD and other animal health issues in a more efficient and effective manner.

WOW supported the emergency rules early on as the CWD story was unfolding, and has worked to develop and refine additional new regulations to address animal health issues. Today we are here again to voice support for a workable regulation that allows us to demonstrate our health status and deal with any problems in an effective manner. WOW supports this proposed rule with the following modifications:

1. A provision needs to be added to the rule that provides formal recognition for our shooting preserves that are testing their animals as part of a monitoring program. As the rule exists, these farmers do not get recognized for the testing they do and reportable participation rates are misrepresented.
2. The foundation of this rule establishes a monitoring/surveillance protocol that will ultimately lead to a 5 year full monitoring certification program. It stages monitoring and surveillance over the next 5 years, taking advantage of ongoing CWD testing and historical observation by herd veterinarians. We firmly support this oversight. We urge however, that the one year closed herd provision be deleted as this undercuts the intent of monitoring and effectively quarantines a herd any time a new animal is added. This prevents our industry from functioning and negates the incentive to participate in the program.
3. A protocol or provision must be added to allow for test and DNA verification for any positive test returned. Because of the devastating consequences a positive test result imposes upon an individual farm, it is reasonable to allow

that farmer to verify that in fact, the positive test result is accurate and traceable to his/her animal. The technology exists and can readily be applied to accomplish this and it spares all parties from any cloud of doubt or suspicion. We expect any costs for verification would be borne by the individual deer farmer.

4. WOW believes the newly added provision for whole herd TB testing is not feasible or desirable at this time. We agree that testing needs to be done to move animals within the state, but whole herd testing needs to be staged over a reasonable timeframe to be practical. Currently less than 10% of deer farmers are whole herd TB testing. Only animals that are moved between farms are tested prior to sale. Even at this level of testing, the state of Wisconsin, Dept. of Agriculture is warning they may not be able to keep up with testing workload, which could result in 90 day or more delays, which in turn jeopardizes sales, jeopardizes certification status, and jeopardizes significant facility investment to accomplish this testing.

If in fact the state of Wisconsin is attempting to anticipate USDA regulations for whole herd TB testing, we recommend at least a 2 year phase in period which allows farmers to plan and build test handling facilities, and more critically allows the state to meet staffing and workload demands that this requirement would entail.

Again, thank you for this opportunity to comment on these regulations

Gary Nelson, President
Whitetails of Wisconsin

FEB 28 2003

February 25, 2003

Senator Dale Schultz

P.O. Box 7882
Madison, WI 53707

Jeff Kiesner
W3245 Paradise Rd.
Chilton, WI 53014

Dear Mr. Schultz,

I own fallow deer in Calumet County. I am very concerned about the permanent CWD ruling that the Legislature has before it.

- Fallow deer are non-native to North America. Fallow do not cross breed with native deer and elk and are not as susceptible to the diseases of the native deer and elk. "Chronic Wasting Disease has been confirmed in elk, mule deer, white-tailed and black-tailed deer." (From Oklahoma Department of Agriculture brochure on Chronic Wasting Disease. 7/21/2002)
There is no record of a fallow deer having CWD.
- The USDA is doing research at Fort Collins, CO. They have been attempting to introduce CWD into the herd of Fallow deer. They slaughtered 4 two-year old fallow deer in April 2002 and found no signs of CWD. They are into the third year of study with no signs of CWD
- There are states that do not require non-native deer farmers to test slaughtered deer for CWD.
- Fallow deer do not mature for venison slaughter until at least 18 months of age or older.
I am asking that the testing of slaughtered fallow deer start at 24 months or not at all.
- DATCP made the emergency CWD ruling that ALL cervid farmers must test every deer 16 months or older, that dies or that is slaughtered. DATCP reported the pressure from the public did not give them time to study the different species of cervid. Just last week DATCP again reported that although Fallow deer farmers have given them helpful information about fallow deer, they would not change the ruling for 5 or 10 years.
This is an example of three herds (fallow, elk and white-tailed) that have entered in the CWD Monitoring Program and how CWD testing affects them
- In a herd of 100 fallow deer a farmer would slaughter 30 healthy Fallow to market venison and maintain herd size. There would also be an average of one to three deaths due to accident or disease. **(33 fallow CWD tested)**
- In a herd of 100 elk raised mostly for breeding and velvet, production if they sell 30 live elk to maintain herd size they have not tested any for CWD. They may slaughter one or two for meat and have the same one to three accidental or disease deaths to test for CWD. **(5 elk CWD tested)**
- In the herd of 100 white-tailed mostly raised for breeding and game farms. The 30 sold live are not tested. They would also have the same one to three accident or disease loss to test. **(3 white-tailed CWD tested)**
- It takes four fallow deer to equal one elk or two white-tailed deer that are all the same age.

A lot of money would be spent on testing non-susceptible deer and very little on the susceptible, native deer and elk. It gives DATCP large numbers as to tested cervid, but they need to brake these numbers into each species to see if they are testing susceptible or non-susceptible deer and elk that are being farmed.

- I have already enrolled our herd in the CWD Monitoring Program.
- I am also willing to do an autopsy and or CWD test on any suspicious deaths.

The Department of Agriculture and the Department of Natural Resources made some hasty rules and regulations when CWD first were discovered in the wild. Now the panic is over and the public is listening to the facts. ***It is up to the legislature to do the research, find the facts and make the changes in the permanent ruling. Please do not put us out of business.***

Sincerely,



Jeff Kiesner
Jersey Creek Farm

March 4, 2003

CWD HEARING

My name is Larry Lichte and I am the owner of the Land O'Lakes Game farm, which consists of approximately 140 acres of fenced area containing about 40 Whitetail deer and 40 Sitka deer. In 38 years there has never been an escape. We just started testing for CWD and yesterday the first results came back as "NOT DETECTED". While this is an inconvenience and added expense, I understand the need. But why can't we do a sampling of a percentage of the herd like the State does with their 500 per county? Some of my hunters backed off this year, as they didn't want to mess with this. It's an unnecessary cost to the deer farmer.

I am very concerned about being put out of business by the State of Wisconsin and its many rules, which are far too strict, especially given that reports are showing the disease is confined to a small geographical area. I have four farms in the eradication zone in Dane and Iowa Counties, but it has minimal economic impact in those counties as they are wild deer and I am not financially dependent on it. Rules to increase the height of fencing or double fencing would be cost prohibitive on 140 acres. I would be forced to shut down. (Rumor has it that that's what the DNR wants to do with deer farms.) The local feed mill and my caretaker would be losers in addition to me and deer hunters. The economic impact would be tremendous around the State, where the economy is already fragile, with the State forcing deer farmers out of business.

The rules call for testing animals that die on the property, but we have yet to find an animal within the 48 hours of death that the vets want the heads in for testing. In 140 acres, we have never found a dead animal in one of the roads or near the feeding areas. Some days we can drive through the farm and not even see one live animal, let alone any dead ones. This rule does not work in practice and should be modified that if one is found dead and the tissue can be sampled, it should be tested. Most animals die from natural causes in the winter and the tissue would be frozen within hours, so the vets wouldn't want to test them anyway. The present rule needs modification.

As for the CWD program, there is no way my farm is set up for all that testing. We do not buy or sell live animals so have been advised that this program is not for us. (We are considered a "dead deer farm" per a Department of Ag employee.)

We appreciate your listening to our concerns and trust that modifications can be made to the rules so that we can continue in the business of raising deer in a captive situation. Thank you for your consideration.

Larry E. Lichte
123 W. Main Street
Madison, Wisconsin 53703
608-257-4806

CWD RULE

Just over 1 year since discovery of CWD in WI was announced. First in wild WTD near Mt. Horeb and then in September discovered in a private deer herd in Portage county, and in Walworth county. A second Walworth county herd continues to be investigated.

CWD a chronic neurologic disease of Cervidae (WTD, Mule, BTD, elk) thought to be caused by a prion. Much research needs to be completed to know the entire epi of the disease.

Currently there are approximately 1000 private deer and elk herds that are effected by this rule. Prior to January 1 of this year WTD were under the jurisdiction of DNR. Now all deer inside the fence are under DATCP.

The rule with some changes continues the emergency CWD rule that has been in place since last April. It was tests required by the emergency rule that resulted in discovering CWD in the private herd in Portage.

The rule requires all farms that move live deer off the farm other than to slaughter be enrolled a CWD monitoring program. This is not voluntary.

- A herd census must be completed
- All animal in herd must be officially identified
- A veterinarian must certify that they have a VCPR and no signs compatible with CWD exist
- All animals >16months that die or are slaughtered must be CWD tested
- Animals added to the herd must meet monitoring requirements
- Report escapes within 48 hours
- Notify a certified vet within 24 hours of observing any CWD signs
- Rule defines how herds may add animals from other monitored herds, impact on herd status and status of newly established herds based on animal purchases

Farms that do not move live deer are required to:

- Test all animals that die or are killed and moved off the farm

All keepers of farmed raised deer are required to:

- Keep records of buys, sells, deaths including name and addresses of involved parties and official ID for 5 years
- All sample collected by a certified vet or department employee and tested at a lab approved by the department or APHIS
- All CWD test results must be reported to the department
- A person may register two separate farms on the same premises if there is medically distinct separation. A department veterinarian will make this determination and there is a \$150 fee. This would allow a person to operate a

breeding farm enrolled in the CWD program on the same premises as a shooting farm that is not enrolled.

- Cannot accept animals from the wild even on a temporary basis
- Any animal that is removed dead or alive must be officially identified

Imports

- Originate from a herd on a state monitoring program for 5 years
- Or
 - All animals in the herd for at least one year or born there
 - No additions for one year
 - No clinical signs compatible with CWD for 5 years
 - Herd enrolled in a CWD program

Quarantine and Condemnation

- DATCP quarantines any farm with a positive.
- May condemn exposed and direct how carcasses are disposed of
- Indemnity is available
- Premises must comply with C&D and herd plan to get indemnity

Public Hearing Comments and Changes to the Rule Based on Those Comments

- Four hearings in Fond du Lac, Eau Claire, Wausau and Madison
- 174 attendees: 31 opposed portions of the rule, 16 supported the rule, 14 neither supported or opposed and the rest did not indicate a preference
- Request that the department provide for herds to operate multiple premises under a single registration: rule changed to permit this as long as all premises are enrolled in CWD and any animal moved between premises is officially ID no matter the age
- Concerns were raised about escapes: rule now requires all owners of farm raised deer must report escapes within 48 hours. Fencing of farmed WTD is under DNR and fencing of other species is in Chapter 20 under local control.
- Concerns that because not all animals that died and were not removed from the farm might result in someone "hiding" CWD. Rule changed to require anyone seeing signs of CWD to report that to a certified veterinarian within 24 hours and that any Cervidae over 16 months that dies for any reason on any farm by CWD tested.
- The requirement to have any Cervidae that moved in WI to test negative on 2 TB tests 90-150 days apart. To be consistent with federal requirements the final rule was changed to require Cervidae to originate from an accredited TB free herd or from a herd that was negative on a whole herd TB test within the past 12 months and if the test was more than 90 days prior to movement to be tested again. The 90 day retest is more stringent than USDA requirements because we are concerned about our ability to detect TB in Cervidae. We have shown that repeated testing on a whole herd basis is the best way to detect this disease. We have examples of herds in WI that were not detected on the first of few whole herd tests because of the sensitivity of the test and

the low level of infection in the herd. TB in WTD in MI has had a significant economic impact on the MI livestock industry. 26 cattle herds have been infected.

- Concerns were raised about the lack of information about environmental contamination and repopulating infected farms. The rule now requires that if a farm is repopulated after CWD that the herd must be enrolled in the CWD monitoring program for 5 years before animals can be sold except to slaughter.
- The exemption for DNR moving deer has been removed. AZA zoos must have department approval to move Cervidae to another AZA zoo if they are not enrolled in the program
- Intrastate and Interstate movement requirements were changed:
 - Beginning in 2004 the herd of origin must have been enrolled in a state monitoring program for one year.
 - The enrollment requirement increases every year until 2008 at which time the herd of origin must have been enrolled for 5 years
 - This provides for an increasing level of assurance while still permitting commerce.
 - This is also the method currently being considered by USDA rather than starting with a mandatory 3 or 5 year requirement which we feel could drive movement underground
- Changes in the Monitoring Program in the final rule
 - If an animal is added to a herd from a lesser status herd the owner must notify the department within 14 days and there status will be lowered
 - If an owner establishes a herd they may assume the status of the source herd(s) if they notify the department within 90 of acquiring the first animal

Additional Comments/Issues not Addressed in this Rule That you will Likely Hear Today

- Non-susceptible Cervidae should not be included—research still needs to be done. While CWD has not been reported in Fallow, Sika, Red and Reindeer there is not substantiate research proving these species are not susceptible. There is research underway right now that could conclusively resolve this. If and when that occurs the rule can be modified.
- It is not necessary to test all Cervidae that die: This is the only way to detect this disease. The public is not willing to risk CWD not being detected on any type of deer farm including a hobby farm.
- The test is too expensive. Testing of farm raised deer at NVSL is no charge at this time. WVDL charges \$17.50. The major cost is for veterinary fees. It's a charge determined by individual veterinarians. We are working to get department meat inspection employees to collect samples at slaughter. This will reduce the cost but it won't eliminate the cost. There simply is not staff or funds available to do this at no charge
- The USDA will permit 180 days to lapse from a whole herd TB test before requiring an additional test. DATCP only permits 90 days. We are erring on the side of protecting the livestock industry based on what we know about TB

in Cervidae in Wisconsin. To reduce costs owner should work to TB accredited free status.

- DATCP should recognize non-enrolled herds that perform CWD testing. Shooting preserves would receive a certificate from the state indicating their enrollment in a CWD surveillance program. Farmers are free to use their CWD testing for promotional purposes. Issuing a state certificate adds confusion when buyers check on the status of the herd of origin. They could be misled by a CWD Monitored Herd Number and a CWD Surveillance Certificate.

In conclusion

- Since the emergency rule we have tested more farm raised Cervidae than any other state last year 1898.
- Last April 40 herds were enrolled in a voluntary program. This year 277 herds are enrolled and 131 are WTD.
- This is one of the broadest and strongest CWD programs in the country. This rule is the major model for the USDA rule.
- It's not cheap but it does provide significant protection to deer farmers continued livelihood, helps protect wild Cervidae and increases public assurances about CWD control.
- We have a lot to learn about CWD and we will be back before this committee with changes in this rule as we learn more.

I respectfully request the approval of the proposed rule by this committee. Dr. Molina and I will be glad to answer any questions you may



State of Wisconsin
James E. Doyle, Governor

Department of Agriculture, Trade and Consumer Protection
Rod Nilsestuen, Secretary

10 min

Do you intend to look & negotiate

Water &

What's new in the permanent rule?

Here is an outline of items that are different in the permanent rule from the emergency rule that deer and elk farmers have operated under since April 2002. This proposal for the permanent rule is now before the Legislature:

One herd/multiple farms

- You can still register animals at several locations as one herd, but they must be enrolled in the CWD monitoring program.
- You'll also need individual official ID for any animal you move, between these farms or off your farms, regardless of how old it is.
- All of your animals will be considered one herd for purposes of disease control; that means that if one of your farms is quarantined, they are all quarantined.
- You will not need a certificate of veterinary inspection to move these animals between your farms if you register them as a single herd.

Multiple herds/single farm

- If you have a breeding operation and a hunting preserve, you can establish two herds with a "medically significant separation" between them.
- A DATCP veterinarian will inspect your facilities to be sure the separation is adequate. This will cost \$150. If your set-up is unacceptable on the first inspection, you will be charged \$150 for each return visit.
- This arrangement will allow you to enroll the breeding herd in the CWD monitoring program so you can move live animals from that herd.

Adding to herds

- You can no longer accept ANY cervid from the wild into your herd, even temporarily.
- If you add animals to your herd from outside Wisconsin, they must have been imported legally.
- If you add animals to your herd from inside Wisconsin, they must come from a herd that is in compliance with this rule.

Importing cervids to Wisconsin

- We will phase in the requirement that imported deer and elk be enrolled in a state-approved monitoring program or under surveillance for 5 years with no sign of CWD:
 - 2004 imports will require 4 years of surveillance and enrolled in a monitoring program in the most recent year.
 - 2005 imports will require 3 years of surveillance and the most recent 2 years in a monitoring program
 - 2006 imports will require 2 years of surveillance and the most recent 3 years in a monitoring program
 - 2007 imports will require 1 year of surveillance the most recent 4 years in a monitoring program
 - 2008 imports will require 5 years in monitoring program.

(over)

- Moving cervids within Wisconsin**
- We will phase in a stricter requirement for enrollment in the CWD monitoring program before moving live animals. In 2004, your herd will have to have been enrolled continuously since 2003 year. This will increase every year until 2008, when you will not be able to move live animals unless your herd has been enrolled continuously for 5 years (since 2003).
 - A Wisconsin certified veterinarian must certify one of the following:
 - The animal moved originates from an accredited tuberculosis-free herd that was tested within 24 months before movement.
 - The animal originates from a TB-qualified herd tested 91-365 days before movement, and the animal itself tested negative within 90 days before movement. A TB-qualified herd is one that has completed at least 1 whole-herd TB test, but not all the requirements to be accredited TB-free.
 - The animal originates from a TB-qualified herd that was tested within 90 days before movement.
- CWD symptoms**
- You must report any signs of CWD to a certified veterinarian within 24 hours, regardless of whether your herd is enrolled in the CWD monitoring program.
- Mandatory CWD testing**
- Every farm-raised deer that dies at 16 months of age or older must be tested for CWD, regardless of whether your herd is enrolled in the monitoring program and regardless of how you dispose of the carcass.
- CWD quarantine and repopulation**
- If we destroy your herd for CWD, you cannot bring a new herd onto the farm unless you complied with all the instructions in the condemnation order.
 - You cannot move any animals from the new herd until it has been enrolled in the CWD monitoring program for 5 years.
- CWD monitoring program**
- All the emergency rule provisions remain. Additional provisions:
- If your herd is enrolled in the monitoring program and you add deer from a Wisconsin herd that hasn't been enrolled as long as yours, your enrollment date will be changed to the later one. It's your responsibility to find out the enrollment date of the herd of origin, and if it's later than your herd's, to report to DATCP within 14 days of adding the new animal.
 - If you assemble a new herd, you can assume the enrollment date of the most recently enrolled herd of origin if:
 - You apply for enrollment within 90 days of receiving the first animal
 - You provide all the information required in the initial census and official ID for animals less than 1 year old, name and address of the keeper of the herd(s) or origin, and date each deer was acquired.
 - Test any animal for CWD that dies or is killed before the herd is enrolled.
 - You are not repopulating after having CWD on your farm.
- Escapes**
- You must report all escapes of farm-raised deer to DATCP within 48 hours.
- Official ID**
- Official ID is required for all farm-raised deer or parts of deer carcasses moved off the farm.
- Deer/elk under DNR control**
- The permanent rule would apply to wild cervids imported by the DNR for reintroduction, and removes the exemption for deer moved under DNR control.

Re: DATCP Docket No. 99-R-07 Proposed Final Draft, November 25, 2002

There are two different sets of rules being proposed for the control of CWD and TB in the State of Wisconsin. A set for free ranging deer and another set for deer farms. In free ranging deer, a procedure was established for the control and monitoring of the two diseases. A reasonable balance was struck between cost and effectiveness. For farm raised deer, unnecessary, unreasonable and expensive rules were created without justification and without regard of cost or consequence to the farmer. As a result, many deer farmers are unfairly being forced out of business, losing their total investment.

CWD is not the culprit it has been made out to be by the DNR and DATCP. Their attitude is that every deer in Wisconsin will die unless every deer infected with CWD is destroyed. That is not the case. CWD has been diagnosed in Colorado deer and elk years ago and only a small percentage of animals become infected. Many more deer presently die from other causes than will die from CWD, i.e. west Nile virus, liver flukes, brain worms, killed by predators, and killed by vehicles, etc, etc. I haven't seen anyone advocate killing every mosquito in Wisconsin to prevent west Nile disease. We are not killing off bear, wolves, coyotes, bobcats, and foxes to save our deer. We are not getting rid of motor vehicles because they are killing deer. Many of these causes of deer deaths also cause injury or death to humans. CWD does not. Most deer farmers believe we should have some rules that monitor CWD and to keep it in check. However the current proposed rules are so restrictive and expensive to the farmer, many will be forced out of farming. The proposed rules are overkill. The DATCP wants deer farmers to purchase an expensive sledgehammer to kill a fly. Sure, we will kill the fly, but what about collateral damage caused by the hammer! Why not purchase a reasonable priced fly swatter to do the job?

The sad saga of one deer farmer – By Gary Wolff

I own and operate a Licensed Wisconsin Deer Farm. One of the oldest operating deer farms in Wisconsin. I have operated this farm since 1970. I dedicated myself to raising quality stock. It took years to develop a strong genetic bloodline. I slowly developed a clientele and my high quality stock was in demand. In 1995, at age 60, I decided I could afford to retire. I retired from a 35-year career in law enforcement and with a pension from the job and the income from the farm, I thought I could survive. I could then dedicate more time to my deer farm and things were going very well, until February 2002, when CWD was diagnosed in a few free ranging whitetail deer in a township near Madison.

Quickly, without any warning, the DATCP came out with Temporary Rules, which stopped the movement (sales) of Whitetail deer from Wisconsin Deer Farms. I received notice from the DATCP that all deer farms in Wisconsin were prohibited from moving deer. One day I had a successful business, the next day I had a worthless business.

In April 2002, I received a list of Temporary Rules from the DATCP. It was immediately clear to me that I could not financially afford to comply with all the new rules. The Rules did not provide a means of disposing of a deer farm operation. I contacted State Veterinarian, Clarence J. Siroky at the DATCP and asked how I could get out of the deer farming business. He stated the DATCP was aware that there was no provision to allow deer farmers to get out of business, that they were working on a procedure. I have waited and waited but no procedure has come forth. I contacted the DATCP several times in 2002 regarding this issue. Once I was told that I could destroy all of my stock and legally dispose of them. Purposely destroy perfectly healthy animals worth

thousands of dollars. I don't think so. I was reminded by the DATCP, I could move deer if I joined the CWD Monitoring Program and complied with all the rules. Without a way out of business without loosing everything, I reluctantly decided to join the CWD Monitoring Program as a way of getting out of business, hoping I could at least break even. My first requirement was to tag each animal with an Official State Tag. With approximately 100 deer on 40 wooded acres, no easy task. These are wild whitetail deer. A person can walk the 40 acres all day and never see a deer. There are two methods commonly used to capture and handle whitetail deer. 1 – Build an elaborate system of small pens with lanes leading from the pens to a handling facility (drop box). This system is expensive to build. Deer are very high strung, and become very stressed when confined in small areas, particularly when confined in a small area with humans. They crash onto fences, walls, and each other. Injuries occur, animals are lost. This procedure requires several people to chase deer into the desired areas. 2 – Tranquilize the deer, one by one. Tranquilizer drugs and related equipment is expensive, but very reliable, with minimal stress to the animal. This procedure is very time consuming. In this procedure the hunter with the tranquilizer gun must get within 100 feet of the animal in order to make an accurate shot. When this is accomplished, the deer runs off. The hunter waits 15 minutes for the drugs to take effect, then goes looking for the animal. With approximately 100 deer on 40 wooded acres, not all deer are found before the drugs wear off. Some deer die.

I opted for method number 2. I purchased thousands of dollars worth of tranquilizer drugs and related equipment and began the process of tagging every animal. This expense was money I did not have in the farm budget. I used funds appropriated for feed. I am presently using household funds to purchase feed. I can't afford to do that very much longer. When it comes to a choice of food for my family or food for the deer, the deer are going to die of starvation. At this point in time, I believe they are all tagged. The second requirement was to obtain a herd veterinarian. I have made an agreement with a State certified Veterinarian who has become familiar with my herd and facilities and is prepared to submit his statement that the herd shows no sign of CWD, as required by DATCP rule. I was now prepared to submit my application to the CWD Program, or so I thought. In the meanwhile, the DATCP made another expensive, restrictive, rule. Deer farmers must whole herd test for TB before one deer can be moved from a farm. That procedure would cost thousands of dollars I don't have. In order to test for TB, each animal needs to be captured, with the herd veterinarian present (at \$95 per hour), then captured again, 72 hours later, with the veterinarian present. I would need to build expensive handling facilities in order to test all of the animals.

I am really in a dilemma. I am not alone. There are hundreds of other Wisconsin deer farmers out there in a similar situation. I can not afford to stay in business, and I can not afford to get out of business. The DATCP has recently made another new rule that makes it more expensive to get out of business. A couple of months ago I could have destroyed all my deer and if I disposed of them on my property, they would not have to be tested for CWD. The revised rule states, any dead deer on a deer farm must be tested regardless if it leaves the farm or not. My herd veterinarian estimates one test for CWD would cost me \$65.00. That results is a cost of \$6,500 in CWD test fees if I were to kill my entire herd in order to get out of business. Also, I would lose my investment in my herd.

Hundreds of Wisconsin deer farmers are in a suspended state. We have not been able to sell a deer in almost a year, yet the bills keep coming in. Eventually funds are going to run out. Then the deer are going to slowly starve to death. Deer farmers have no choice, we can't give them

away, we can't kill them, we can not do anything with them. I can only speculate what the DATCP has in store for deer farmers who are unable to comply with their rules.

In the spring of 2002, when a handful of free ranging deer were diagnosed with CWD, the DNR panicked. The DATCP was in the process of taking over control of Wisconsin Deer Farms from the DNR. The DATCP also panicked and came up with a list of temporary rules that put deer farmers out of business. I believe that most deer farmers agree CWD must be controlled, however, the DATCP's proposed rules for deer farms are totally unnecessary. Two totally different standards have been set. One reasonable set of rules for free ranging deer and one unreasonable set of rules for deer farmers. Remember, according to the DATCP, the sole purpose of these rules is to control CWD. So why two different standards for the exact same animal?

How in the world can a government agency be allowed to totally shut down an industry without just cause? Deer farmers have not done anything wrong. Simple, reasonable CWD rules could be made to accomplish the same results as the proposed unreasonable, unnecessary rules. There is one profession that greatly benefits from the DATCP deer farm rules, that of the veterinarian. Most of the rules that result in high costs to the deer farmer benefit the veterinarian. Who is responsible for making these rules? What do you know - its the State's head veterinarian, employed by the DATCP!

Some of the unnecessary DATCP rules that are putting Deer Farmers out of business are:

No live farm raised deer may be moved from a farm unless enrolled in the CWD Program.

In order to qualify for the CWD Program: Each deer must be identified with an Official State Tag. The cost of the tags is not an issue. The cost of capturing the deer for tagging is very expensive. There is no need to identify an animal until it leaves the farm. While the deer is confined on the farm there is no more danger of that animal spreading CWD if they are tagged or not. Tag each animal prior to it leaving the farm is reasonable. To tag every animal in a deer farmer's herd is an unnecessary expense, unnecessary labor, and valuable stock is going to be lost during the handling process. These animals have the same temperament as free ranging deer. They are very high strung and hard to handle. These are not like cattle, sheep or hogs. These are wild animals. It would be a simple, inexpensive procedure to tag each deer when it was handled for shipment. Also, the DATCP rules require each deer farmer to submit an absolutely accurate annual inventory listing every tag number. An accurate count would be impossible with 100 deer on 40 wooded acres, without building expensive handling facilities and employing several persons that many farmers can not afford. In order to read a deer's tag number, a person using binoculars, must be within 50 feet of a standing deer to read the 5/8 inch high numbers on the official CWD ear tags. Many tag numbers are covered by ear hair and can not be read without handling the animal. A person would never get 100 deer on 40 acres to stand 50 feet away, not in a million years. The DATCP rules do not require deer farms of 80 plus acres to ear tag. Why would they require deer to be tagged on farms of 79 acres or less? It's not logical.

Note: According to the DATCP, Wisconsin's free ranging deer have been divided into 72 herds, one for each county, for the purpose of controlling CWD. I wonder why free ranging deer are not required to be tagged. These deer are free to roam between herds, possibly spreading CWD, unlike captive deer. Could it be that tagging every deer would be very labor intensive, very expensive and unnecessary!

Every farm-raised deer that dies at 16 months of age or older must be tested for CWD, regardless of whether the herd is enrolled in the monitoring program and regardless of how the carcass is disposed of. This would be an impossible task. In order for a deer to be tested for CWD, the head must be refrigerated, not frozen, and transported to the herd's veterinarian. The head must be found and preserved before any sign of deterioration in warm weather and prior to freezing in cold weather. In warm weather, found within 6 hours. In freezing weather, found within 4 hours. In order to find every dead deer on 40 wooded acres, I would need at least four persons walking the property 24/7. At \$6.00 an hour, it would cost \$210,000 per year. The deer would constantly be on the run. The DATCP says they will excuse a few heads that were not found prior to deterioration, however, they will not say how many. In 32 years of deer farming, I have not found one dead deer that had not started to deteriorate or had not frozen. This rule is unrealistic. Even on small deer farms of an acre or two, where all the deer can be observed from outside the enclosure, farmers would need to hire someone to watch for dead deer 24 hours a day. There is a simple and reasonable way to test deer for CWD at every deer farm and accomplish the goal of this rule. If a deer farmer were to kill 1% of his herd each year and have them tested for CWD that would result in more tests taken than the proposed DATCP rule.

Note: I wonder why the DNR is not required to test, or voluntarily test every deer that is killed or dies. Could it be because it would be a monumental task and very expensive and unnecessary to control CWD. If spot testing for CWD in the free ranging herds is acceptable, why must every deer in a captive herd be tested? Thousands of free ranging deer were killed during the 2002 deer season and were legally transported all over the state without any testing, yet I am not allowed to move one deer from my farm. I wonder why the two standards!

Not related to the CWD issue, but is included in the proposed DATCP rules, is the TB issue. The rule states – No deer may be moved from a deer farm without a Statement of Veterinarian Inspection. A Wisconsin certified veterinarian must certify one of the following:

1. The animal moved originate from an accredited TB-free herd that was tested within 24 months before movement.
2. The animal originates from a TB-qualified herd tested 91-365 days before movement, and the animal itself tested negative within 90 days before movement. A TB-qualified herd is one that has competed at least one whole-herd TB test, but not all the requirements to be accredited TB-free.
3. The animal originates from a TB-qualified herd that was tested within 90 days before movement.

Not one case of TB has been diagnosed in whitetail deer in Wisconsin; either in farm raised deer or free ranging deer. Yes, deer farmers agree we should be vigilant for any sign of TB in our herds, however, this rule is too stringent and expensive and unnecessary to monitor for TB. This rule alone will prevent many deer farmers from joining the CWD program and/or force them out of business. Entire herds would have to be destroyed at a total lose. Again, these are wild animals. They are very hard to handle. Expensive, elaborate facilities are required. Animals are lost each time they are handled because they are so explosive in nature. This rule was added after I had handled my entire herd in order to tag them. The original temporary rule required each animal to be tested for TB prior to movement. Now they have revised the rule so that the whole-herd must be tested for TB before one deer can be moved. TB testing is very expensive and time consuming. Each deer must be captured while a veterinarian is present to conduct the first part of a two-part test. The animal(s) must be confined in a small area for 72 hours where they can be

handled again with the veterinarian present for the second part of the test. Whole-herd testing of approximately 100 animals would cost thousands of dollars. This test must be done every two years. Many deer farmers can not afford to do this testing and expect to survive. Yes we should watch for any sign of TB. This can be accomplished by testing a small percentage of each herd. If TB were present, it would be found. Deer farms of 80 plus acres, classified as a hunting preserve, are not required to whole-herd TB test. 79 acres and less must whole-herd test. The DATCP contends that dead deer leaving an 80 plus acre hunting preserve poses no threat, but a dead deer leaving a 79 acre farm does. What kind of logic is that?

Note: I wonder why the DNR is not required to whole-herd test for TB. Could it be too expensive and unnecessary? The rules for free ranging deer and the rules for captive deer have no parity. A deer is a deer.

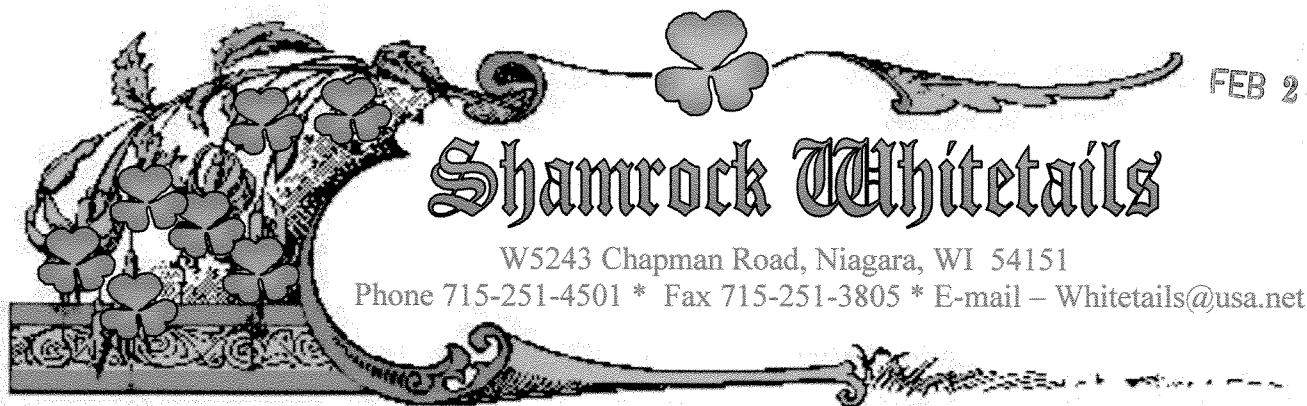
Another Problem with the DATCP rules. Farm raised deer licenses are not transferable. A deer farmer can not sell the property as a business or give the business to a family member as they can with any other type of farm. The new owner of property, which contains a deer farm, must apply for a new license. Basically, starting from scratch. Before a new license would be issued to a new owner, they would have to comply with very stringent and expensive DNR fence requirements. Example; I am 67 years old. When it comes time that I can not handle the operation or I die; I may want to give the operation to my children. As long as I own the deer farm, the existing fence meets requirements. If ownership passed to a buyer or my family, they would be required to construct a double fence, no more than 12 feet apart, one at least 10 feet high, the other at least 8 feet high, at least 50 feet inside the existing fence. All trees within 50 feet either side of the new fence would have to be removed. In my case, a path 112 feet wide by $\frac{3}{4}$ of a mile long would have to be cleared. A one-mile road, one-quarter mile through swamp, would have to be constructed to accommodate the new fence. This would cost thousands and thousands of dollars. Not many people would be foolish enough to spend that kind of money for a business that has no chance of recovering the cost of the investment.

Note: I wonder why a dairy farmer, chicken farmer, or hog farmer can sell their property as an operating business, but a deer farmer can not. The DATCP must have some kind of hidden agenda because their rules defy logic and common sense. I wonder if the DATCP and the DNR are trying to get rid of deer farms in Wisconsin by imposing these ridiculously unnecessary rules.

Another unfair new rule that is costly to many deer farmers is; they have prohibited deer hunts on farms of less than 80 acres. Supposedly the reasoning for this rule was to allow for "fair chase hunts". This rule is laughable. Not many deer farm hunters "chase" deer, if any. Most still hunt by sitting in a blind or tree stand and wait for the deer to come to them. A blind or tree stand is normally the method of choice on a deer farm hunt. It doesn't make any difference how much property is within a deer farm, as long as the deer has room to hide. 80, 70, 60, 50, 40, 30, 20, 10 acres, it doesn't make any difference. Fair chase is not an issue on a still hunt. Deer farms under 80 acres have now lost a substantial part of their income that they have enjoyed for years.

I wonder why the DATCP doesn't apply fair chase criteria to farm raised chickens, cows, and pigs!

FEB 26 2003



February 21, 2003

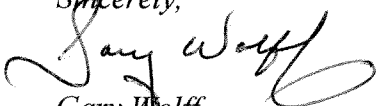
Senator Dale W. Schultz
P. O. Box 7882
Madison, WI 53707-7882

Dear Senator Schultz:

I have been informed that your Committee on Agriculture, Financial Institutions and Insurance will hold a public hearing Tuesday, March 4, 2003, regarding Clearinghouse Rule 02-078, relating to farm-raised deer and chronic wasting disease. Unfortunately I can not attend this meeting. I have enclosed an outline of some of my more important concerns. I am hopeful you and your committee will recognize that the DATCP is being unreasonable.

I have been a Wisconsin Deer Farmer for the past 32 years. I am very concerned about the DATCP's proposed rules. Many are totally unfair and unnecessary. Their goals can be reached with less restrictive and expensive rules. If certain proposed rules are made law, it will force me and hundreds of other farmers out of business without any chance of recovering any of our investment.

Sincerely,


Gary Wolff

Cc: Senator Ronald W. Brown
Senator David Hansen
Senator Neal J. Kedzie
Senator Judith Robson

Dedicated to the Propagation of Quality Whitetail Deer Since 1970

FEB 28 2003

February 25, 2003

Senator Dale Schultz

P.O. Box 7882
Madison, WI 53707

Jeff Kiesner
W3245 Paradise Rd.
Chilton, WI 53014

Dear Mr. Schultz,

I own fallow deer in Calumet County. I am very concerned about the permanent CWD ruling that the Legislature has before it.

- Fallow deer are non-native to North America. Fallow do not cross breed with native deer and elk and are not as susceptible to the diseases of the native deer and elk. "Chronic Wasting Disease has been confirmed in elk, mule deer, white-tailed and black-tailed deer." (From Oklahoma Department of Agriculture brochure on Chronic Wasting Disease. 7/21/2002)
There is no record of a fallow deer having CWD.
- The USDA is doing research at Fort Collins, CO. They have been attempting to introduce CWD into the herd of Fallow deer. They slaughtered 4 two-year old fallow deer in April 2002 and found no signs of CWD. They are into the third year of study with no signs of CWD
- There are states that do not require non-native deer farmers to test slaughtered deer for CWD.
- Fallow deer do not mature for venison slaughter until at least 18 months of age or older.
I am asking that the testing of slaughtered fallow deer start at 24 months or not at all.
- DATCP made the emergency CWD ruling that ALL cervid farmers must test every deer 16 months or older, that dies or that is slaughtered. DATCP reported the pressure from the public did not give them time to study the different species of cervid. Just last week DATCP again reported that although Fallow deer farmers have given them helpful information about fallow deer, they would not change the ruling for 5 or 10 years.
This is an example of three herds (fallow, elk and white-tailed) that have entered in the CWD Monitoring Program and how CWD testing affects them
- In a herd of 100 fallow deer a farmer would slaughter 30 healthy Fallow to market venison and maintain herd size. There would also be an average of one to three deaths due to accident or disease. (**33 fallow CWD tested**)
- In a herd of 100 elk raised mostly for breeding and velvet, production if they sell 30 live elk to maintain herd size they have not tested any for CWD. They may slaughter one or two for meat and have the same one to three accidental or disease deaths to test for CWD. (**5 elk CWD tested**)
- In the herd of 100 white-tailed mostly raised for breeding and game farms. The 30 sold live are not tested. They would also have the same one to three accident or disease loss to test. (**3 white-tailed CWD tested**)
- It takes four fallow deer to equal one elk or two white-tailed deer that are all the same age.

A lot of money would be spent on testing non-susceptible deer and very little on the susceptible, native deer and elk. It gives DATCP large numbers as to tested cervid, but they need to brake these numbers into each species to see if they are testing susceptible or non-susceptible deer and elk that are being farmed.

- I have already enrolled our herd in the CWD Monitoring Program.
- I am also willing to do an autopsy and or CWD test on any suspicious deaths.

The Department of Agriculture and the Department of Natural Resources made some hasty rules and regulations when CWD first were discovered in the wild. Now the panic is over and the public is listening to the facts. **It is up to the legislature to do the research, find the facts and make the changes in the permanent ruling. Please do not put us out of business.**

Sincerely,



Jeff Kiesner
Jersey Creek Farm

Split Rail Fallow Deer Farm

John and Carol Graff; 6611 Quarter Road; Whitelaw, WI 54247
 Phone: (920) 682-2510 Email: fallowdeer@lakefield.net Fax: (920) 682-2510

February 22, 2003

Senator Dale Schultz – Agriculture Committee
 P.O. Box 7882
 Madison, WI 53707

Post-It™ brand fax transmittal memo 7671		# of pages ▶
To	Joan Sandstead	From
Co.		Co.
Dept.		Phone #
Fax #	238 3966	Fax #

Dear Mr. Dale Schultz,

We own and operate a fallow deer farm in northern Manitowoc County. We are very concerned about the economic impact of the permanent CWD ruling that the Legislature has before it.

- Fallow deer are non-native to North America. Fallow do not cross breed with native deer and elk and are not as susceptible to the diseases of the native deer and elk. "Chronic Wasting Disease has been confirmed in elk, mule deer, white-tailed and black-tailed deer." (From Oklahoma Department of Agriculture brochure on Chronic Wasting Disease. 7/21/2002)

There is no record of a fallow deer having CWD.

- The USDA is doing research at Fort Collins, CO. They have been attempting to introduce CWD into the herd. They slaughtered 4 two year old fallow deer April 2002 and found no signs of CWD. They are into the third year of study with no signs of CWD
- The majority of states do not require non-native deer farmers to test slaughtered deer for CWD.
- Fallow deer do not mature for venison slaughter until at least 18 months of age or older.

We are asking that the testing of slaughtered fallow deer start at 24 months or not at all.

- DATCP made the emergency CWD ruling that ALL cervid farmers must test every deer 16 months or older, that dies or are slaughtered. They tell us the pressure of the public did not give them time to study the different species of cervid. Just last week DATCP again told us that although we can give them helpful information about fallow deer they would not change the ruling for maybe 5 or 10 years.

This is an example of three herds (fallow, elk and white-tailed) that have entered in the CWD Monitoring Program and how CWD testing affects them, (\$50.00 is an estimated cost per head.)

- In a herd of 100 fallow deer a farmer would slaughter 30 healthy fallow to market venison and maintain herd size. There would also be an average of one to three deaths due to accident or disease. 33 fallow CWD tested \$50.00 X 33 = \$1650.00 farm paid for CWD samples
- In a herd of 100 elk raised mostly for breeding and velvet, production if they sell 30 live elk to maintain herd size they have not tested any for CWD. They may slaughter one or two for meat and have the same one to three accidental or disease deaths to test for CWD. 5 elk CWD tested \$50.00 X 5 = \$250.00 farm paid for CWD samples
- In the herd of 100 white-tailed mostly raised for breeding and game farms. The 30 sold live, not tested. They would also have the same one to three accident or disease loss to test. 3 white-tailed CWD tested \$50.00 X 3 = \$150.00 farm paid for CWD samples

- It takes four fallow deer to equal the size of one elk or two white-tailed deer that are all the same age.

A lot of money would be spent on testing non-susceptible deer and very little on the susceptible, native deer and elk. It gives DATCP large numbers as to tested cervid, but they need to list each species and the number of test they did on susceptible or non-susceptible deer and elk that are being farmed.

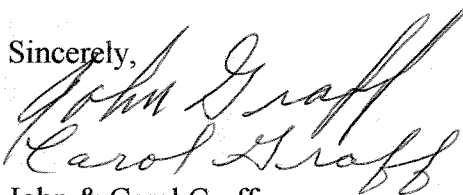
- We have already enrolled our herd in the CWD Monitoring Program.
- We are also willing to do an autopsy and or CWD test on any suspicious deaths.

The Department of Agriculture and the Department of Natural Resources made some hasty rules and regulations when CWD was first discovered in the wild. Now the panic is over and the public is listening to the facts.

It is up to the legislature to do the research, find the facts and make the changes in the permanent ruling. Please do not put us out of business.

If you have any questions about fallow farming please contact us for answers.”

Sincerely,



John & Carol Graff
Split Rail Fallow Deer Farm

John & Carol Graff
Split Rail Fallow Deer Farm

Senate Agriculture Ins. & Financial Institutions Committee
Public Hearing – March 4, 2003

Good Morning, I am Carol Graff my husband John and I decided 5 years ago to raise fallow deer on the land we own in northern Manitowoc County.

We gave a lot of thought to what species of deer to raise for venison.

We knew the health benefits of eating venison, so that is what we were looking for.

Fallow deer seemed to be what would work on our land. The deer are smaller, not native to North America, farmed in the United States mainly for the venison market.

They also do not cross breed with the native deer so we would not have a problem with them wanting to get out or the white-tails wanting to get in.

A lot of work and money went into fencing pastures, remodeling the barn and setting up a handling system.

- We started with 10 breed does that were from a TB certified herd.

We have not brought in any deer from other farms. So as of May 2003 it will be a closed herd for 5 years.

The fall of 2001 was the first year we had deer to slaughter for the sale of venison. It was well accepted and we were very excited about sharing this wonderful alternative meat.

Butchering fallow deer before 16 months of age is just not feasible. They mature a lot at 18 to 24 months. The cuts of meat are so small before 16 months old that they are not marketable, so that is not the answer to not having to do the CWD test.

The only way it may be possible to stay in business is if the testing age were changed to 24 months for fallow deer or not at all on slaughtered, state inspected fallow deer.

- We are enrolled in the CWD monitoring program and have always kept records of all the deer.
- All the regulations from other states and the USDA read that all deer found dead and diseased on the farm must be tested for CWD, they are not saying every deer slaughtered for market also has to be tested.
- We agree we need to watch for this disease but not by testing healthy deer. There is no record of CWD in Fallow deer.
- We could be slaughtering as many as 20 to 30 fallow deer a year with our size herd. That would mean a lot of extra unnecessary work for us and extra unnecessary cost us and the state.

We do not believe we should have to do a CWD test on EVERY slaughtered deer for market.

- When we take deer for slaughter a state inspector sees them live and then checks all the organs and meat. We have to pay \$35.00 an hour for that. The cost of picking up all the heads and taking them to a veterinarian to take the CWD sample and send it into the state lab would be approximately \$50.00 each head. That extra cost can not be absorbed.
- We still feel we should not have to CWD test healthy, slaughtered for market, -state inspected fallow deer.

Do you have any questions?

January 2003

Cost Comparison for Raising One Fallow Deer
From Birth to Freezer Ready

Cost to Raise One Deer

	<u>Under 16 Months</u> <u>Of age</u>	<u>18 to 24 Months</u> <u>Old</u>	<u>With CWD Cost</u>
Feed	\$65.00	\$98.00	\$98.00
Utilities	\$ 5.00	\$ 7.00	\$ 7.00
Operation of Farm *	\$29.00	\$43.00	\$43.00
Sub-Total	\$99.00	\$148.00	\$148.00

Cost of Slaughtering to Finished Product

Slaughtering	\$20.00	\$20.00	\$20.00
State Inspector (\$35.00/hour)	\$ 9.00	\$ 9.00	\$ 9.00
Cutting up Meat Minimum charge	\$25.00	\$25.00	\$25.00
Wrapping (.98/#)	\$32.34	\$49.00	\$49.00
Pick up Head & take to Vet-CWD			\$50.00
Sub-Total	\$86.34	\$103.00	\$153.00
Total Cost	\$185.34	\$251.00	\$301.00

Weight

Average LIVE Weight *	98 #	115 #	115 #
Average CARCASS Weight	50#	75#	75#
Amount of Actual MEAT for Sale	33#	50#	50#
Average price/# Just to Break Even	\$5.62 @ pound	\$5.02 @ pound	\$6.02 @ pound

* **Operation of Farm includes:** Farm Registration \$100.00 yearly. Our veterinarian to check herd and send letter to DATCP for the CWD Monitoring Program, yearly. Fence, pasture and barn maintenance, etc.

* Adult fallow deer, 3 years old, weigh - Doe 95# to 120##
 Buck - 200# to 225##

These figures do not include any labor cost or profit return on investment.

John Carol Graff
Split Rail Fallow Farm

Senate Agriculture Ins. & Financial Institutions Committee
Public Hearing – March 4, 2003

Good Morning, I am Carol Graff my husband John and I decided 5 years ago to raise fallow deer on the land we own in northern Manitowoc County.

We gave a lot of thought to what species of deer to raise for venison.

We knew the health benefits of eating venison, so that is what we were looking for.

Fallow deer seemed to be what would work on our land. The deer are smaller, not native to North America, farmed in the United States mainly for the venison market.

They also do not cross breed with the native deer so we would not have a problem with them wanting to get out or the white-tails wanting to get in.

A lot of work and money went into fencing pastures, remodeling the barn and setting up a handling system.

- We started with 10 breed does that were from a TB certified herd.

We have not brought in any deer from other farms. So as of May 2003 it will be a closed herd for 5 years.

The fall of 2001 was the first year we had deer to slaughter for the sale of venison. It was well accepted and we were very excited about sharing this wonderful alternative meat.

Butchering fallow deer before 16 months of age is just not feasible. They mature a lot at 18 to 24 months. The cuts of meat are so small before 16 months old that they are not marketable, so that is not the answer to not having to do the CWD test.

The only way it may be possible to stay in business is if the testing age were changed to 24 months for fallow deer or not at all on slaughtered, state inspected fallow deer.

- We are enrolled in the CWD monitoring program and have always kept records of all the deer.
- All the regulations from other states and the USDA read that all deer found dead and diseased on the farm must be tested for CWD, they are not saying every deer slaughtered for market also has to be tested.
- We agree we need to watch for this disease but not by testing healthy deer. There is no record of CWD in Fallow deer.
- We could be slaughtering as many as 20 to 30 fallow deer a year with our size herd. That would mean a lot of extra unnecessary work for us and extra unnecessary cost us and the state.

We do not believe we should have to do a CWD test on EVERY slaughtered deer for market.

- When we take deer for slaughter a state inspector sees them live and then checks all the organs and meat. We have to pay \$35.00 an hour for that. The cost of picking up all the heads and taking them to a veterinarian to take the CWD sample and send it into the state lab would be approximately \$50.00 each head. That extra cost can not be absorbed.
- We still feel we should not have to CWD test healthy, slaughtered for market, -state inspected fallow deer.

Do you have any questions?

January 2003

Cost Comparison for Raising One Fallow Deer
From Birth to Freezer Ready

Cost to Raise One Deer

	<u>Under 16 Months</u> <u>Of age</u>	<u>18 to 24 Months</u> <u>Old</u>	<u>With CWD Cost</u>
Feed	\$65.00	\$98.00	\$98.00
Utilities	\$ 5.00	\$ 7.00	\$ 7.00
Operation of Farm *	\$29.00	\$43.00	\$43.00
Sub-Total	\$99.00	\$148.00	\$148.00

Cost of Slaughtering to Finished Product

Slaughtering	\$20.00	\$20.00	\$20.00
State Inspector (\$35.00/hour)	\$ 9.00	\$ 9.00	\$ 9.00
Cutting up Meat Minimum charge	\$25.00	\$25.00	\$25.00
Wrapping (.98/#)	\$32.34	\$49.00	\$49.00
Pick up Head & take to Vet-CWD			\$50.00
Sub-Total	\$86.34	\$103.00	\$153.00
Total Cost	\$185.34	\$251.00	\$301.00

Weight

Average LIVE Weight *	98 #	115 #	115 #
Average CARCASS Weight	50#	75#	75#
Amount of Actual MEAT for Sale	33#	50#	50#
Average price/# Just to Break Even	\$5.62 @ pound	\$5.02 @ pound	\$6.02 @ pound

* **Operation of Farm includes:** Farm Registration \$100.00 yearly. Our veterinarian to check herd and send letter to DATCP for the CWD Monitoring Program, yearly. Fence, pasture and barn maintenance, etc.

* Adult fallow deer, 3 years old, weigh - Doe 95# to 120##
 Buck - 200# to 225##

These figures do not include any labor cost or profit return on investment.

Testimony by Thomas C Solin

I am here to represent my concerns for the protection of Wisconsin's wildlife resources.

First for the record I would like to note that the background information in the rule package is dated information and the situation is now changed. In the background information it states "Chronic Wasting disease has not been diagnosed in Farm Raised Deer". This is no longer a true statement as now 2 separate white-tailed deer farms have captive deer that have been diagnosed with CWD.

I support this permanent rule package. The rules put in place some very important protections for Wisconsin's wild deer population and I commend DATCP with moving ahead and developing these rules to ensure the health of the cervids held in captivity in Wisconsin.

We absolutely need CWD and Tb testing of captive cervids in Wisconsin. In 1996 DATCP took over the registering of captive Elk, Red Deer, Fallow deer and Reindeer in Wisconsin. At that time DATCP put in place Tb testing for those cervid species. The captive white-tailed deer industry fought against being included in the Tb testing program. The industry argued that testing was hard on white-tailed deer and that white-tailed deer farms were not set up for that type of testing. Here we are six years later at the same crossroads. Only now we know the devastation that CWD and Tb can bring to the captive and wild cervid population. The state of Michigan has spent millions of dollars attempting to control the spread of Tb in its wild herd and we all know the effects CWD has had on our wild population here in Wisconsin.

One of the first steps in any disease monitoring program is to conduct statewide tests and find out if the disease exists in the state and if it does where it exists. In these rules Tb testing has to be conducted before a live deer is moved from one location to another location. It is imperative that the time limits placed on the Tb testing program stay in place. The 90/150/90 day rule gives the deer farmer a 240 day window to move a deer in any given year. This provides ample opportunity for the deer farmer to market their animals.

There are two primary reasons the Tb testing requirements need to stay in place.

1. Hundreds of captive deer have escaped from deer farm facilities over the past five to eight years in Wisconsin. We need the Tb testing to determine the risk to the wild populations.
2. Since Tb testing was required for Elk, Red deer and Fallow deer, seven elk herds in Wisconsin have tested positive for Tb. DATCP quickly quarantined these facilities and controlled the disease outbreak protecting Wisconsin's Tb free status for the livestock industry. Failure to require the same level of testing for white-tailed deer is unacceptable and risky, threatening both the livestock industry and the wild deer population.

The real concern is that these testing requirements don't not go far enough. We have somewhere between 800 and 900 elk and deer farms in Wisconsin, but only 275 farms are enrolled in the CWD monitoring program. That means there are 525 to 625 farms that are not enrolled and are not doing any testing at all. DATCP has the rules in place to prevent the illegal movement of deer from these 525 to 625 facilities but what is the health status? DATCP, DNR and the industry have no idea what the health status is on these farms. There could be another potential crisis brewing out there and we do not know it because they are not testing their live animals for Tb or animals that die for CWD.

This is a critical issue, I would hope there is no consideration of weakening the Tb testing requirements. If the legislature takes any action it should be to direct DATCP to begin drafting rules to require all cervid farms to enroll in the CWD monitoring program and require Tb testing of all captive cervids. No exceptions. The rest of the livestock industry needs it to protect their investments and public needs to know if the wild population is at risk.

The white-tailed deer farm industry has a problem, they choose to raise and farm a species that is wild in nature and difficult to adapt to normal livestock husbandry practices. That fact should not deter the state from putting in place health standards necessary to protect the rest of Wisconsin's livestock industry and the state's wild deer population.

Additional Concerns:

1. DATCP allows the cervid farmer to remove the head from a cervid that dies, is killed or harvested and requires that only the head and not the rest of the carcass be taken to the veterinarian for the CWD sample to be taken. Allowing this procedure saves the deer or elk farmer the cost of a farm visit by the veterinarian. In some cases and especially with hunter harvested animals the official ID tags are removed from the head for photo sessions with their trophy prior to the veterinarian removing the CWD sample. Removing official identification tags prior to taking of CWD samples should not be allowed unless the veterinarian is present during the removal.
2. The program management for the CWD and Tb programs is very expensive for DATCP. Last year DATCP requested and received funds from the DNR administered deer damage program to offset the cost incurred in the CWD effort. Deer hunters who purchase a hunters choice permit provide the funding for the deer damage program. One of the requirements for farmers with agriculture crop damage to receive deer damage money is they must allow public access on their property for deer hunting. It is quite ironic that we are using funds supplied by hunters to bolster monitoring of a captive deer program on property that is fenced and not open to hunting. Last years situation was an unforeseen emergency and using money from the fund was appropriate under the circumstances but it should not happen again.

Serious consideration needs to be given to the cost of managing these cervid programs and establishing appropriate fees from the industry being monitored. Strong consideration should be given to require language similar to what is found in s. 440.03 (9) which requires the Department of Regulation and Licensing (DRL) to recalculate the administration and enforcement cost that are attributed to each occupation or business regulated by DRL. The Legislative Audit Bureau conducted an audit of the method used by DRL and concluded the methodology used by DRL was reasonable. In these fiscal times the industry should pay for the cost of the programs and not depend on general tax dollars or sportsman funded programs.

3. Fencing standards for Elk, Red deer, Fallow deer and Reindeer are found in chapter 90 of the statutes. Even though there are standards there are not any provisions for anyone to enforce the fencing standards.
4. Large acreage deer and elk farms pose a special problem for the CWD and Tb monitoring programs. In the large acreage facilities the animals cannot be handled and breeding within the pens continually produce additional animals that do not have an official identification tag and are not tested for any diseases. Larger acreage facilities have more difficulty

maintaining their fence integrity and having untested animals in these facilities creates a higher risk for the wild population. In addition in large acreage facilities deer often die and go unnoticed until it is too late to take a sample for CWD testing. These specific issues need to be reviewed and solutions need to be found.

In closing I support this rule but there is still a lot of work to be done before we can say there are adequate protections of the livestock industry and Wisconsin's wild deer and elk population.