



April 25, 2016

ACTION ALERT!

NAEBA Is Requesting All Members Comment on the USDA Proposed TB & Brucellosis Rule Now!

The North American Elk Breeders Association has identified several major concerns in the USDA's proposed TB and Brucellosis rule for cervids, cattle and bison. Though several species are included in this document, each species family will have its own set of rules. As currently written, NAEBA, along with other cervid industry associations, have deep concerns regarding several proposed changes. To the USDA's credit, this proposed rule was written six years ago and it has finally cleared the process so this does not reflect their most recent rationale. Having said that, NAEBA will be requesting several changes to be made in order to prevent major disruption in interstate commerce. It is important to remember that this rule applies only to interstate movement. Intrastate movement (within the state) will still be administered by your state regulatory agency. Until now, states have individually set guidelines for interstate movement, though this new federal rule will set minimum rules that states must comply with as the new law of the land.

Please see below for several of the major concerns that can impact the elk industry. **We need you to submit a public comment citing one or more of these concerns and a quick reason why this is important to you.** The public comment period ends May 16, 2016. After the comment period ends, the USDA will consider submitted comments and publish their final rule. Some of the proposed changes are unprecedented and we must be on record opposing them.

The following concerns listed below have been identified by NAEBA and several other cervid industry leaders. The italicized language is actual proposed rule language with the industry comment below each one.

Please review and post a comment in your own words on how this may impact your business. Feel free to offer suggestions to improve the specific language as well.

Whole Herd Brucellosis Testing Mandate

Proposed Language:

SUBPART C—INTERSTATE MOVEMENT OF CAPTIVE CERVIDS

§ 76.16 Interstate movement of captive cervids

Except as provided in §§ 76.8 through 76.10, captive cervids may only be moved interstate in accordance with this section.

Captive cervids that originate directly from accredited herds. Captive cervids that originate directly from herds that are currently accredited for both brucellosis and bovine tuberculosis may be moved interstate if:

- (1) The cervids are officially identified; and*
 - (2) The cervids are accompanied by an ICVI with a statement that the cervids originate directly from herds that are currently accredited for both brucellosis and bovine tuberculosis.*
- (b) All other captive cervids. (1) Captive cervids destined for immediate slaughter. Captive*

cervids that are destined for immediate slaughter may be moved interstate, provided that:

(i) The cervids are officially identified; and

(ii) The cervids are accompanied by an ICVI.

(2) Captive cervids not destined for immediate slaughter. (i) General conditions. Captive cervids that are not destined for immediate slaughter may be moved interstate provided that:

(A) The cervids originate from a herd that was subjected to a herd test using an official test for brucellosis and an official test for bovine tuberculosis no more than 1 year and no less than 120 days prior to movement, with negative results; and

(B) The cervids are additionally tested for brucellosis and bovine tuberculosis using an individual official test no more than 60 days prior to movement, with negative results; and...

NAEBA Comment: The proposed language that states, “*The cervids originate from a herd that was subjected to a herd test using an official test for brucellosis and an official test for bovine tuberculosis no more than 1 year and no less than 120 days prior to movement, with negative results;*” is a mandate for whole herd Brucellosis testing in order to move animals out of state. Statistics gathered from state agencies show less than 8% of the elk industry is Brucellosis certified, which as proposed, would force them to perform whole herd testing. If this proposed language becomes law, more than 92% of elk ranches would not be able to move their animals interstate, causing economic loss to the producer and buyer. This means trophy ranches would not be able to purchase bulls they need to fulfill hunts this fall. The sales of these animals would not be able to occur under the proposed language causing thousands of dollars of economic loss to each ranch. NAEBA estimates this requirement to have an economic impact in the millions of dollars.

NAEBA Comment: In addition to the whole herd TB and Brucellosis testing mandates, the next sentence requires an additional second test on animals moving interstate. “*(B) The cervids are additionally tested for brucellosis and bovine tuberculosis using an individual official test no more than 60 days prior to movement, with negative results;*” For some reason the USDA is asking that every animal in a herd be tested for TB and Brucellosis 120 days prior to movement and then each animal moving interstate needs a second test within 60 days. Why? Does the USDA not trust their own test that occurred at least two months prior? This is an unnecessary requirement that will increase operational costs, stress and possible injury to the animals.

NAEBA Comment: NAEBA’s suggestion is to delete the whole herd testing mandates for non-certified herds and leave the following proposed language. “*(B) The cervids are ~~additionally~~ tested for brucellosis and bovine tuberculosis using an individual official test no more than 60 days prior to movement, with negative results;*” 60 days is reasonable for elk producers to test only the animals moving interstate. Each animal will have to test negative so there is no risk. This should be sufficient to protect biosecurity and not create unneeded hardship to producers and animals.

Economic Impact Concerns

Proposed Language:

Page 17- III. *Costs and Benefits: Economic effects of the proposed rule are not expected to be significant.*

NAEBA Comment: NAEBA estimates the economic impact to be in the millions of dollars because of the direct mandate of whole herd brucellosis testing as proposed Section 76.16. Less than 8% of elk herds are brucellosis certified and it will be very easy to prove the economic loss from these proposed rules on elk producers across the United States. This is an increase of regulation for 92% of the elk industry.

Proposed Language:

Page 18-19. *This rule will also impose testing requirements for brucellosis for captive cervids moved interstate for any purpose other than immediate slaughter. We do not currently have information*

regarding the number of captive cervids moved interstate. However, based on the number of deer farms within the United States, industry estimates that between 5 and 10 percent of captive cervids within the United States are moved interstate annually, and brucellosis testing costs, we estimate the total annual testing costs would range between about \$124,000 and \$382,000.

NAEBA Comment: This testing cost estimate by USDA APHIS is very low and out of touch with the elk industry. Less than 8% of elk ranches are Brucellosis certified. Now, under the proposed language in Section 76.16, anyone moving elk interstate would have to complete a whole herd test 120 days prior to movement. This is a new cost that otherwise would not be incurred. Testing for Brucellosis costs on average \$20 per animal, plus veterinarian time on average of \$90 an hour, plus stress of testing and handling animals. For a ranch with 150 animals, the testing cost for just one year would be \$3,000 plus \$700 equates to a \$3,700 impact to just one elk farmer. This is just one example that shows the inaccuracy of the USDA's estimate. Additionally, this estimate relates to the entire cervid industry.

Proposed Language:

Page 149 *...the Administrator has determined that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.*

NAEBA Comment: NAEBA estimates the economic impact of this rule as currently drafted would be several millions in

Cervid Surveillance Issues

Proposed Language:

Page 102. *We currently do not regulate captive cervids for brucellosis. Because captive cervids are not regulated for brucellosis, testing of the animals for brucellosis prior to interstate movement is currently limited.*

NAEBA Comment: Even though USDA does not currently regulate cervids for brucellosis, every state, except for Minnesota, requires a negative Brucellosis test on animals before importation. In forty years (or more) there has never been a case of brucellosis in farmed cervids outside the Greater Yellowstone Area.

NAEBA Comment: We request farmed elk, as a species, be given Brucellosis free status due to the amount of surveillance in the past 10 years or more. There is no data to show farmed elk have had Brucellosis outside the Greater Yellowstone area in the last 40 years.

Proposed Language:

Page 102. *There is, however, no routine slaughter inspection of or surveillance activities for captive cervids. Moreover, many captive cervids that are slaughtered for meat purposes are slaughtered at custom slaughter establishments that are not under Federal or State oversight.*

NAEBA Comment: This is a complete false statement that ignores an everyday practice of the cervid industry. Anyone who sells venison/elk meat has to have it state or federally inspected in order to legally sell their product.

Disparity Issue Between Cervids and Bison

Proposed Language:

Page 3. *Although cattle are considered to be the true hosts of M.bovis, the disease has been reported in several other species of livestock, most notably bison and captive cervids.*

NAEBA Comment: NAEBA believes there is comparable surveillance and there is no data to support either TB or Brucellosis is prevalent in elk or any cervid species. NAEBA requests TB accreditation for cervids should be based on 60 month intervals, instead of 36.

Proposed Language:

Page 102. *Additionally, in recent years, wild elk populations in the GYA have been determined to be infected with brucellosis. For these reasons, we believe it would be prudent to regulate the interstate movement of captive cervids for brucellosis at least until such time as we have greater knowledge of the prevalence for the disease in the domestic captive cervid population within the United States.*

NAEBA Comment: There is no mention of wild bison in the GYA area being infected with brucellosis in this section. According to a report by USDA, more than 50 percent of the bison in YNP test positive for brucellosis. The report further states, “Due to the behavior of bison and elk, there is more risk of disease transmission from individual bison than from elk”.

Possible Threat to MT, ID and MI Elk Producers

Proposed Language:

Page 26 *our proposed standards would not allow herds in the areas with known reservoirs of disease, which we would term management areas (see below), to be accredited for bovine tuberculosis or brucellosis. We also would not allow owners of currently accredited herds in such areas to seek reaccreditation if this rule is finalized.*

NAEBA Comment: This section could negatively impact elk farmers in states like Michigan for TB accreditation and Montana and Idaho for Brucellosis certification.

PLEASE COMMENT BY MAY 16!

Federal Rulemaking Portal: Go to: <http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0044>.

Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS-2011-0044, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238.