

DEPARTMENT OF AGRICULTURE

Animal Industry Division

CONCERNING THE PREVENTION OF DISEASE IN ALTERNATIVE LIVESTOCK

8 CCR 1201-17

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Part 1. Definition and construction of terms.

(As used in these rules, unless the context otherwise requires, the singular includes the plural, the inasculine gender includes the feminine and neuter, and vice versa. All terms used in these rules shall have the meaning set forth for such terms in the Act)

- 1.1. "Accredited veterinarian" means a veterinarian approved by the Deputy Administrator of VS, APHIS, U.S. Department of Agriculture ("USDA"), to perform functions required by cooperative State - Federal animal disease control and eradication programs.
- 1.2. "Alternative livestock" means any domesticated elk or fallow deer owned by a person pursuant to 35-41.5.102 C.R.S. Alternative livestock shall not be considered wildlife for purposes of this rule.
- 1.3. "Alternative livestock facility" means any real property licensed by the State Board of Stock Inspection pursuant to 35-41.5-104, 106 and 107, G.R.S.
- 1.4. "APHIS" means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.
- 1.5. "Chronic Wasting Disease (or CWD) means a transmissible spongiform encephalopathy of fallow deer and elk.
- 1.6 "CWD Status" means: the period of time in months, which an Alternative livestock operation has submitted brain specimens from all mortalities 16 months of age and older, regardless of cause, and all tests have proven negative for CWD and all external animal additions to the herd originated from a herd with equal or higher status.
- 1.7 "Herd plan" means a plan approved by the State Veterinarian and the Division of Wildlife which stipulates how an alternative livestock herd and facility must be managed to minimize the threat of CWD infection.
- 1.8 "State Veterinarian" means the veterinarian designated as such by the Colorado Department of Agriculture for the Division of Animal Industry. Colorado State Veterinarian and his or her designees.
- 1.9 "Transmissible Spongiform Encephalopathy (TSE)" means a disease of animals, which is thought to be caused by an abnormal prion protein, which accumulates in the brain and lymphoid tissue causing sponge-like lesions in the brain.
- 1.10 "VS" means the Veterinary Service of APHIS, U.S. Department of Agriculture, Animal Plant Inspection Service, Veterinary Service.

Part 2. General Health Regulations for Alternative Livestock

- 2.1. Prior to importation of alternative livestock, whether by the importation of live animals, gametes, eggs, sperm, or other genetic material, into the State of Colorado, the importing party must obtain an importation permit from the Colorado State Veterinarian's office. Said permit shall require that the alternative livestock meet genetic purity requirements as established by the Wildlife Commission pursuant to 33-1-106 (4) (a) (II), C. R. S.
- 2.2 All alternative livestock imported into Colorado must be examined by an accredited veterinarian prior to importation and must be accompanied by a valid certificate of veterinary inspection issued pursuant to § 35-50-102, C. R. S. certifying disease free status.
 - (a) Minimum specific disease testing results and/or health statements must be included on the certificate of veterinary inspection.
 - (b) The certificate of veterinary inspection must include the following signed statement: "To the best of my knowledge alternative livestock listed herein are not infected with any designated disease as determined by the State Veterinarian."
 - (c) A permit number shall be issued only if the destination is licensed I as an alternative livestock farm by the State Board of Stock Inspection Commissioners or a captive wildlife facility licensed by the Colorado Division of Wildlife.
- 2.3. All alternative livestock imported into Colorado must be marked with United States Department of Agriculture alphanumeric test tag or official Canadian alphanumeric test tag. Any alternative livestock imported to Colorado 12 months age of age or under must be identified with a bangel or ranch tag to identify ownership.
- 2.4. Any alternative livestock imported into Colorado must originate from a herd determined to be tuberculosis monitored, qualified or accredited under the official Tuberculosis Eradication in Cervidae Uniform Methods and Rules ("UM&R") as approved by the USDA, APHIS, US Federal Building, Room 729, Hyattsville, MD 20782, or standards deemed by the Colorado State Veterinarian to be equivalent, and must have been a part of said herd not less than 12 months prior to import into Colorado, unless the animal is a natural born addition. Otherwise, all importation of alternative livestock into Colorado from out of state requires compliance with the Tuberculosis Eradication in Cervidae UM&R. Certified copies of the UM&R are available for public inspection and copies may be obtained or examined by contacting the Colorado State Veterinarian at the Colorado State Veterinarian's Office, Colorado Department of Agriculture, 700 Kipling Suite 4000, Lakewood, CO 80215 during regular business hours. Further, the incorporated material may be examined at any state publications depository library. No later amendments to the UM&R are incorporated,
 - (a) However, testing of herds shall include all cervidae 12 months of age and over, and any animals under 12 months of age that are not natural additions to the herd
- 2.5. Any movement of alternative livestock to the outside of the perimeter fence, unless moved to an alternative livestock farm licensed by the same person and within 15 miles by the nearest passable road, requires compliance with the Tuberculosis Eradication in Cervidae Uniform Methods and Rules ("UM&R"), which publication is incorporated into these rules in Part 2.4.
- 2.6. All Alternative Livestock twelve (12) months of age and over must be tested and found to be negative for brucellosis and all diseases as identified by the State Veterinarian prior to importation into Colorado.
- 2.7. Additional disease testing may be required at the discretion of the State Veterinarian if he or she has reason to believe other diseases, parasites, or other health risks are present.

- 2.8. Imported alternative livestock may be required to be quarantined on arrival at an alternative livestock farm if the Commissioner of Agriculture or the State Veterinarian determines the need for the quarantine and the length of the quarantine.

Part 3. Surveillance for Chronic Wasting Disease in Alternative Livestock, Quarantine and Depopulation

- 3.1. A mandatory CWD surveillance program shall be applicable to all Colorado licensed alternative livestock facilities, as set forth below
- (a) Brain tissue, and any other tissue shall be submitted for examination, as directed by the State Veterinarian, of alternative livestock 16 months of age or older that die for any reason, within 15 working days of any mortality. If the USDA A testing requirement is lower than 16 months of age, the USDA requirement shall apply. Notice must be given to the State Veterinarian if the specimen condition is questionable or unusable. Any exemption shall require prior written authorization from the State Veterinarian.
 - (b) The tissues shall be submitted for testing to a laboratory designated by the State Veterinarian.
 - (c) The costs of sampling and testing shall be borne by the Colorado licensed alternative livestock facility.
 - (d) Upon enactment of these regulations, in order to establish CWD surveillance status of an alternative livestock facility retrospective to May 1998, the alternative livestock facility shall submit the following documentation to the State Veterinarian: annual ownership records; all required deaths with documentation confirming submission for CWD testing including laboratory reports of CWD test results; all sales and purchases; origin of purchases with CWD surveillance status of herd of origin. The State Veterinarian may forward said documentation to the Brand Board for verification with its records. If any animals remain untested or unaccounted for or cause of death is otherwise unknown or in question, status may be determined taking into consideration the possibility of predation, theft, or other relevant factors; or may be reduced to the date the untested or unaccounted for animal or animals with the unknown or questionable cause of death was introduced into the herd. After initial status is determined, the State Veterinarian will update status annually thereafter. If CWD is detected in any animal, the status of the herd exposed to such animal shall be reduced to 0 months unless the Division of Wildlife and the State Veterinarian agree otherwise.
- 3.2 CWD clinically suspect animals tested in connection with slaughter shall be held, with carcasses intact, until the test results are obtained. If the test is positive for CWD, the carcass of the affected animal shall be destroyed by a means approved by the State Veterinarian.
- 3.3 The laboratory report containing the CWD tissue analysis shall be submitted with the death loss report to the State Veterinarian and shall be available to the State Board of Stock Inspection.
- 3.4 A positive diagnosis of CWD in an alternative livestock facility as determined by an approved laboratory, including in a wild cervid within the exterior boundaries of the facility, shall subject the herd to immediate quarantine by the State Veterinarian. The quarantine shall remain in place and no re-stocking of any fallow deer or elk shall be allowed, including, but not limited to, stocking for the purposes of the operation of a terminal facility, until a herd plan has been successfully developed and approved by the State Veterinarian and the Division of Wildlife. The herd plan shall be established in consultation with an epidemiologist designated by the State Veterinarian, the herd owner, and a veterinarian selected by the herd owner. Any fallow deer or elk brought onto a facility in violation of a quarantine or re-stocking plan must be immediately destroyed and

tested for CWD. If CWD is detected in any of these, all other private fallow deer or elk that have come into contact with these animals must be immediately destroyed and tested for CWD. In all such cases, there shall be no obligation for the state to compensate the owner of the animals.

- 3.5 Depopulation, upon a positive diagnosis of CWD, shall be required if the Division of Wildlife and the Dept of Agriculture agree that the herd presents a substantial risk, taking into consideration the size and location of the facility, the presumed length of exposure, the effectiveness of the fence, and other relevant factors. If depopulation is not required, the quarantine shall remain in place until 60 month CWD free status is re-established. In addition to the required testing of all mortalities, the herd shall be closely monitored and all clinically suspect animals shall also be destroyed and tested. Quarantine may include required testing of live animals at such time as a live animal test becomes available and has been validated, and is approved by the State Veterinarian. In such cases, there shall be no obligation for the state to compensate the owner of the animals.
- 3.6 Each Colorado licensed alternative livestock facility shall comply fully with tissue submission, reporting of test results, investigation of the origin of test positive animals and quarantine measures.

Part 4. Requirements for movement of Alternative Livestock into and within the State of Colorado

- 4.1 Movement of Alternative Livestock into the State of Colorado. Beginning with the adoption of this rule, all alternative livestock imported into Colorado shall be from a herd that has been under surveillance for Chronic Wasting Disease for a period of at least 60 months unless the Division of Wildlife and the Department of Agriculture agree otherwise that the associated risk is negligible,
- (a) Acceptable surveillance shall include:
- (1) the submission of the obex or entire brain of all mortalities 16 months of age and older, regardless of cause of death, to a laboratory approved by the State Veterinarian conducting generally accepted tests to determine whether the cervid was infected with CWD; unless the USDA testing requirement is lower than 16 months of age, in which case the USDA requirement shall apply;
 - (2) (2) individual unique animal identification and a premises identifier on all animals imported and in the herd of origin;
 - (3) at least an annual inventory of all animals, including mortalities and sales, that is verified by an accredited veterinarian, or state or federal animal health official;
 - (4) documentation which confirms that all mortalities have been submitted for CWD examination, including the laboratory reports of the test-results, that shall be provided to the Colorado State Veterinarian's office, along with a reconciled death and sold inventory for the herd of origin. In addition, a statement by the exporting state's animal health officials or accredited veterinarian must be submitted that attests that the herd of origin has met these requirements.
 - (5) If any animals remain untested or unaccounted for or cause of death is otherwise unknown or in question, status is adversely impacted and reduced to the date the untested or unaccounted for animal or animal with the unknown or questionable cause of death was introduced into the herd, unless the Division of Wildlife and the Dept of Agriculture agree otherwise that the associated risk is negligible, taking into consideration the possibility of predation, theft, or other relevant factors.

- (6) The State Veterinarian and the Division of Wildlife shall have a minimum of 20 working days in which to review all necessary surveillance documents.
- (b) The State Veterinarian shall forward all required surveillance documents to the Division of Wildlife for review and approval that the herd meets the minimum import requirements for CWD surveillance. The Division shall render a determination that the herd does or does not meet the minimum requirements within 10 working days of receipt of all required documentation. If no such determination is received by the State Veterinarian at the end of 10 working days, the State Veterinarian shall presume the Division finds no objection to the importation
- (c) No importation permit shall be issued prior to the approval of the Division, unless the Division does not respond in the requisite timeframe.

4.2 Intrastate movement of Alternative Livestock

- (a) Beginning with the date of enactment of amendments to this Part 4, and except as provided in 4.2 c, prior approval is required for all movement of alternative livestock within the state; after determination by the Division of Wildlife and the Department of Agriculture that the movement does not present a substantial risk of moving CWD, based on the location of the source and receiving facilities, presence of CWD in the wild in proximity to the facilities, length of surveillance at the source facility, fencing at the receiving facility, and other relevant factors. Provided, however, that if the receiving facility's CWD status is higher than the source facility's CWD status, the receiving facility shall assume and have the lower CWD status level.
- (b) Upon receipt of any request to move alternative livestock within the state, the State Veterinarian shall forward the request and all necessary documentation, including, but not limited to, the status records for the facilities involved, to the Division of Wildlife for review and approval. The Division of Wildlife shall render its determination regarding risk within 5 working days of receipt of all necessary documentation. If no such determination is received by the State Veterinarian at the end of five working days, the State Veterinarian may presume that the Division has no objection to the requested movement.
- (c) No evaluation of determination of CWD risk is required for alternative livestock shipped directly to slaughter or to a biosecure facility approved by the Division of Wildlife and the Dept of Agriculture.

4.3 Upon discovery of any violation of this Part 4, both the source, if an instate facility, and the receiving Alternative Livestock facilities shall be placed under a stop movement order for a period of time not to exceed 60 months. All Alternative Livestock shipped illegally shall be destroyed and tested for CWD. If CWD is detected in any of the subject animals, the herd shall be quarantined and all privately owned fallow deer and elk which they have been in contact with shall also be destroyed and tested for CWD. In such cases, there shall be no obligation to compensate the owner of the animals. In addition, the State Veterinarian may reduce the CWD herd surveillance status to a level he or she deems appropriate, including reducing the status to zero (0) months. The State Veterinarian may take into account mitigating circumstances when determining other penalties. Egregious violations may result in revocation of the Alternative Livestock license after appropriate hearing before the Board.

Part 5 Cervidae Disease Revolving Fund

- 5.1. An assessment of eight dollars (\$8) will be assessed for each head of alternative livestock and captive wildlife cervidae per year. The assessment shall be paid by the owners of alternative livestock and captive wildlife cervidae based on the inventory of a licensed alternative livestock

farm and licensed location where captive wildlife cervidae are kept and paid to the Cervidae Disease Fund.

- 5.2. The Agricultural Commission shall cease making assessments if the fund reached a level of two hundred thousand dollars until such time as the level of the fund falls below two hundred thousand dollars and the commission determines that a levy is necessary.
- 5.3. The Commissioner of Agriculture, upon the recommendation of the State Veterinarian or captive wildlife and alternative livestock board, may authorize the payment of indemnity to any alternative livestock owner or captive wildlife cervidae owner whose herd is voluntarily sold for slaughter because it is exposed to an infectious or contagious disease; however, such indemnification when combined with other monies received by the owner of the alternative livestock or captive wildlife cervidae, shall not exceed eighty percent of the market value for animals of comparable grade and of the same or similar type.

Part 6 If the Division of Wildlife and the Department of Agriculture fail to reach agreement on matters requiring both agencies' approval in Parts 1 through 5 of this rule, the matter shall be appealed to the Commissioner of Agriculture and the Director of the Division of Wildlife for reconsideration. The Commissioner and the Director shall render a decision within 5 working days.

Parts 7-9 Reserved

Part 10 Statements of Basis, Specific Statutory Authority, and Purpose

- 10.1 Adopted April 29, 2003 - Effective July 30, 2003 The statutory basis for this rule is §§35-50-10135-50-106, 35-50-111, 35-50-144 C.R.S., Prevention and Eradication of Diseases; 35-53-111, C.R.S., Sanitary rules as to movement of livestock - quarantine - penalty.

Parts 1, 2, and 3 were previously approved by the Colorado Agricultural Commission on April 17, 1998 and July 22, 1998. The Commission approved these parts as rules also adopted by the State Board of Stock Inspection (Brand Board) on July 8, 1998. Part 5 was adopted by the Brand Board and is moved to Division of Animal Industry as the implementing agency for collecting and disbursing proceeds of the Cervidae Disease fund. Minor changes were made to Part 5 to delete portions repeated elsewhere in Brand Board rules. Portions of these rules were amended to implement the "Memorandum of Agreement Between the Colorado Department of Agriculture and the Colorado Department of Natural Resources, Division of Wildlife for Development of a Coordinated State Program to Address Chronic Wasting Disease" and to clarify the process by which approval is granted to import Alternative Livestock into and within the State of Colorado.

- 10.2 Adopted September 25, 2003 - Effective December 1, 2003

The statutory basis for this rule is §§35-50-101 35-50-106, 35-50-111, 35-50-144 C.R.S.(2002), Prevention and Eradication of Diseases; 35-53-111, C.R.S. (2002), Sanitary rules as to movement of livestock -quarantine - penalty.

This rule is amended to clarify the incorporation by reference of the Uniform Methods and Rules adopted by USD A regarding the control of tuberculosis in cervidae (subsection 2.4).

Editor's Notes

History