

**AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 163.1, the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 64, “Infectious and Contagious Diseases,” Iowa Administrative Code.

These amendments change the term for designated laboratories from “approved” to “official” laboratory. The amendments specify that contact with a contaminated premises causes an animal to become CWD exposed. The amendments remove negative stain electron microscopy and bioassay from the list of official cervid tests for CWD. The amendments update identification requirements. The amendments also clarify that CWD testing must occur and the results be found negative prior to the removal of a quarantine. The amendments clarify that the Department will investigate CWD suspect herds. The amendments also clarify that DNR approval is necessary for the disposal of CWD affected or exposed animals. The amendments clarify that the herd plan must contain testing requirements and that movement restrictions cannot be lifted prior to approval of the herd plan. The amendments provide that a complete physical herd inventory will be completed by the Department every three years.

Any interested persons may make written suggestions or comments on the proposed amendments on or before June 18, 2013. Written comments should be addressed to Margaret Thomson, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319. Comments may be submitted by fax to (515)281-6236 or by e-mail to [Margaret.Thomson@IowaAgriculture.gov](mailto:Margaret.Thomson@IowaAgriculture.gov).

The proposed amendments are subject to the Department’s general waiver provisions.

After analysis and review of this rule making, no adverse effect on jobs has been found.

These amendments are intended to implement Iowa Code section 163.1.

The following amendments are proposed.

ITEM 1. Amend the following definitions in rule **21—64.104(163)**:

“*Accredited veterinarian*” means a veterinarian approved by the deputy administrator of veterinary services, Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA), and the state veterinarian in accordance with Part 161 of Title 9, Chapter 1, of the Code of Federal Regulations, revised as of ~~July 21, 2006~~ January 9, 2013, to perform functions required by cooperative state/federal animal disease control and eradication programs.

“*Approved Official laboratory*” means ~~an~~ a USDA-approved American Association of Veterinary Laboratory Diagnosticians (AAVLD) accredited laboratory or the National Veterinary Services Laboratory, Ames, Iowa.

“*Cervid CWD surveillance identification program*” or “*CCWDSI program*” means a CWD surveillance program that requires identification and laboratory diagnosis on all deaths of Cervidae 12 months of age and older including, but not limited to, deaths by slaughter, hunting, illness, and injury. A copy of ~~approved~~ official laboratory reports shall be maintained by the owner for purposes of completion of the annual inventory examination for recertification. Such diagnosis shall include examination of brain and any other tissue as directed by the state veterinarian. If there are deaths for which tissues were not submitted for laboratory diagnosis due to postmortem changes or unavailability, the department shall determine compliance.

“*CWD exposed*” or “*exposed*” means a designation applied to Cervidae that are either part of an affected herd or for which epidemiological investigation indicates contact with CWD affected animals,

or contact with animals from a CWD affected herd or contact with a contaminated premises in the past five years.

“Official cervid identification” means one of the following:

1. A USDA-approved identification ear tag that conforms to the alphanumeric national uniform ear tagging system as defined in 9 CFR Part 71.1, Chapter 1, revised as of ~~July 21, 2006~~ January 9, 2013.
2. A plastic or other material tag that includes the official herd number issued by the USDA, and includes individual animal identification which is no more than five digits and is unique for each animal.
3. A legible tattoo which includes the official herd number issued by the USDA, and includes individual animal identification which is no more than five digits and is unique for each animal.
4. ~~A plastic or other material tag which provides unique animal identification and is issued and approved by the North American Elk Breeders Association.~~
5. ~~A plastic or other material tag which provides unique animal identification and is issued and approved by the North American Deer Farmers Association.~~

ITEM 2. Amend subrules 64.106(1) and 64.106(3) as follows:

**64.106(1) Slaughter establishments.** All slaughtered Cervidae 12 months of age and older must have brain tissue submitted at slaughter and examined for CWD by an approved official laboratory. This brain tissue sample will be obtained by a state or federal meat inspector or accredited veterinarian on the premises at the time of slaughter.

**64.106(3) Identification.** All cervid animals must be identified with two forms of official identification. Cervid animals identified with a tattoo must have a second visual form of official identification. Cervid animals must receive the identification before 12 months of age.

ITEM 3. Amend rule 21—64.107(163) as follows:

**21—64.107(163) Official cervid tests.** The following are recognized as official cervid tests for CWD:

1. Histopathology.
2. Immunohistochemistry.
3. Western blot.
4. ~~Negative stain electron microscopy.~~
5. ~~Bioassay.~~
6. 4. Any other tests performed by an official laboratory to confirm a diagnosis of CWD.

ITEM 4. Amend rule 21—64.108(163) as follows:

**21—64.108(163) Investigation of CWD affected animals identified through surveillance.** Traceback must be performed for all animals diagnosed at an approved official laboratory as affected with CWD. All herds of origin and all adjacent herds having contact with affected animals as determined by the CCWDSI program must be investigated epidemiologically. All herds of origin, adjacent herds, and herds having contact with affected animals or exposed animals must be quarantined. The department will investigate CWD suspect herds.

ITEM 5. Amend rule 21—64.109(163) as follows:

**21—64.109(163) Duration of quarantine.** Quarantines placed in accordance with these rules must maintain compliance with rules 21—64.104(163) through 21—64.119(163). Quarantines maintaining compliance shall be removed as follows:

1. For herds of origin, quarantines shall be removed after five years of compliance with rules 21—64.104(163) through 21—64.119(163) from the date of the last CWD detected test or after all animals have died or been depopulated and have been tested without the detection of CWD.
2. For herds having contact with affected or exposed animals, quarantines shall be removed after five years of compliance with rules 21—64.104(163) through 21—64.119(163).
3. For adjacent herds, quarantines shall be removed as directed by the state veterinarian in consultation with the epidemiologist.

ITEM 6. Amend rule 21—64.110(163) as follows:

**21—64.110(163) Herd plan.** The herd owner, the owner's veterinarian, if requested, and the epidemiologist shall develop a plan for eradicating CWD in each affected herd. The plan must be designed to reduce and then eliminate CWD from the herd, to prevent spread of the disease to other herds, and to prevent reintroduction of CWD after the herd becomes a certified CWD cervid herd. Animals that die, are depopulated, or are otherwise killed must be tested for CWD. The herd plan must be developed and signed within 60 days after the determination that the herd is affected. The plan must address herd management and adhere to rules 21—64.104(163) through 21—64.119(163). The plan must be formalized as a memorandum of agreement between the owner and program officials, must be approved by the state veterinarian, and must include plans to obtain certified CWD cervid herd status. No movement restrictions may be removed prior to formalization of the agreement.

ITEM 7. Amend rule 21—64.111(163) as follows:

**21—64.111(163) Identification and disposal requirements.** Affected and exposed animals must remain on the premises where they are found until they are identified and disposed of in accordance with direction from the state veterinarian. The department and the Iowa department of natural resources shall approve disposal issues of affected and exposed animals including manner and site.

ITEM 8. Amend rule 21—64.113(163), introductory paragraph, as follows:

**21—64.113(163) Methods for obtaining certified CWD cervid herd status.** Certified CWD cervid herd status must include all Cervidae under common ownership. The animals that are part of a certified herd cannot be commingled with other cervids that are not certified, and a minimum geographic separation of 30 feet between herds of different status must be maintained in accordance with the USDA Uniform Methods and Rules as defined in APHIS Manual 91-45-011, revised as of January 22, 1999. The escape, disappearance or death of any cervid shall be promptly reported along with identification numbers and estimated time of escape, disappearance or death. Tissue samples shall be available. A herd may qualify for status as a certified CWD cervid herd by one of the following means:

ITEM 9. Amend rule 21—64.114(163) as follows:

**21—64.114(163) Recertification of CWD cervid herds.** A herd is certified for 12 months. Annual inventories conducted by ~~state veterinarians~~ the department or authorized federal personnel are required every 9 to 15 months from the anniversary date. A complete physical herd inventory will be completed by the department or authorized federal personnel every three years. For continuous certification, adherence to the provisions in these rules and all other state laws and rules pertaining to raising cervids is required. A herd's certification status is immediately terminated and a herd investigation shall be initiated if CWD affected or exposed animals are determined to originate from that herd.