

## **UNITED STATES ANIMAL HEALTH ASSOCIATION (USAHA) - 2007**

**RESOLUTION NUMBER: 2 and 11 Combined      APPROVED**

**SOURCE:** COMMITTEE ON CAPTIVE WILDLIFE AND  
ALTERNATIVE LIVESTOCK

COMMITTEE ON WILDLIFE DISEASES

**SUBJECT MATTER:** FINALIZE THE CHRONIC WASTING DISEASE  
HERD CERTIFICATION PROGRAM AND  
INTERSTATE MOVEMENT OF FARMED OR  
CAPTIVE DEER, ELK AND MOOSE RULE

**DATES:** RENO, NEVADA, OCTOBER 18-24, 2007

### **BACKGROUND INFORMATION:**

On August 3, 2006, the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) received a petition from the Association of Fish and Wildlife Agencies. On August 4, 2006, USDA-APHIS received a petition from the National Assembly of State Animal Health Officials, and on August 8, 2006, USDA-APHIS received a petition from the United States Animal Health Association.

The primary issues addressed by all three petitions are the Federal preemption of State laws and regulations and the requirements established for the interstate movement of cervids in the Chronic Wasting Disease (CWD) rule.

A comment period has been held to address these concerns.

### **RESOLUTION:**

The United States Animal Health Association (USAHA) requests the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS) to act on the comments received in the petitions and finalize the Chronic Wasting Disease Herd Certification Program and Interstate Movement of Farmed or Captive Deer, Elk and Moose Rule.

### **RESPONSE:**

### **USDA, APHIS, Veterinary Services**

The U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS) recognizes the concerns of the United States Animal Health Association (USAHA) and appreciates the opportunity to respond. APHIS published a final rule, Chronic Wasting Disease Herd Certification Program and Interstate Movement of Farmed or Captive Deer, Elk, and Moose, on July 21, 2006. As noted in the resolution background information, APHIS subsequently received the three referenced petitions, including one from USAHA, challenging the Federal preemption and interstate movement provisions in the final rule. The petitions also requested a stay in the implementation of the rule.

Based on the issues raised in the petitions, APHIS published a delay in the implementation of the rule on September 8, 2006. The petitions were published for public comment on November 3, 2006. After reviewing the responses, APHIS requested additional information from the States in late June 2007 regarding restrictions for the movement of cervids into their States and why restrictions were needed.

APHIS has determined that addressing the issues raised by the States will require substantive changes to the rule. A new supplemental proposed rule focusing primarily on interstate movement issues but also addressing some herd certification program concerns is being drafted and circulated for internal review. APHIS appreciates USAHA's support for the issuance of this new rule. We intend to publish the new proposed rule for comment in calendar year 2008.