

01-001 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

Chapter 203: RULES FOR THE PARTICIPATION IN THE MAINE CHRONIC WASTING DISEASE SURVEILLANCE PROGRAM

1. STATUTORY AUTHORITY:

The statutory authority for the Maine Chronic Wasting Disease Program is found in 7 M.R.S.A. §1821.

2. PURPOSE:

The Maine Chronic Wasting Disease Surveillance Program is intended for captive cervid herd owners to monitor for Chronic Wasting Disease (CWD). It requires the cooperation of the licensed owner and the Department of Agriculture, Conservation and Forestry. All facilities shall be inspected and licensed in accordance with 7 MRSA §1333 (captive deer) and 7 MRSA §1341 (large game shooting areas). Facility inspections and herd inventory reviews shall also be consistent with provisions defined in 9 CFR 55.23 (b)(4) Responsibilities of States and enrolled herd owners (January 1, 2012).

The Maine Chronic Wasting Disease Surveillance Program is consistent with the proposed US Department of Agriculture's Chronic Wasting Disease Program. At the time of the federal program adoption, the Department shall make every effort to work with herd owners, participating in the Maine program, to ensure they be included in the US Department of Agriculture's program.

The purpose of this program is to:

- Detect existing disease or absence of infection in the Maine captive cervid populations
- Prevent the introduction of infected cervids from other states
- Eradicate CWD from captive cervid populations if it is found with Maine

3. DEFINITIONS:

1. **Captive:** Cervids that are privately or publicly maintained or held for economic or other purposes within a perimeter fence or confined space.
2. **Case Definition:** A deer 12 months of age or older having chronic weight loss and exhibiting any or all of the following symptoms: isolates self from herd, listlessness, blank facial expression, head drooping, loss of muscle control, repetitive walking in pen, hyperexciteability, nervousness, interest in grain, but no interest in hay, hypersalivation, teeth grinding, increased urination and drinking of water.
3. **Cervids:** All members of the cervid family and hybrids including but not limited to elk, reindeer and related species.

4. **Herd Inventory:** A physical herd census with third party validation. The current animal census must be reconciled with the records from the previous annual herd inventory by state or federal personnel, or a specifically authorized accredited veterinarian.
5. **Certificate of Veterinary Inspection:** A legible certificate or form issued by an accredited veterinarian, issued within 30 days preceding importation, and approved by the chief livestock official of the state or country of origin. The Certificate of Veterinary Inspection must contain the following information:
 - a) Names and full addresses (and physical addresses if different) of Consignor and Consignee.
 - b) Official identification for each animal
 - c) Age, sex and breed for each animal
 - d) All required test results
 - e) Signature of accredited veterinarian attesting to the health of the animals
 - f) The following statement:

“To the best of my knowledge, these cervids have not been exposed to Brucellosis, Tuberculosis or Bluetongue for one year prior to the date of entry. In addition, these cervids originate from a herd that has participated in a state or USDA sanctioned CWD Surveillance program for a minimum of 60-months and do not demonstrate clinical signs compatible with CWD or have not been exposed to CWD positive cervids or cervids demonstrating clinical signs of CWD for the previous five years.”
6. **CWD Certified Herd:** A cervid herd that has successfully completed 60-months of participation in the monitoring program and has had no CWD positive cervids nor have any cervids been exposed to a positive CWD cervid.
7. **Chronic Wasting Disease (CWD):** A transmissible spongiform encephalopathy (TSE) of cervids.
8. **CWD Program:** A program of surveillance, monitoring, testing and related actions designed to provide a status of Chronic Wasting Disease.
9. **CWD Exposed Cervid:** A cervid that is or has been in the last 60-months part of a CWD positive herd.
10. **CWD Positive Cervid:** A cervid that has had a diagnosis of CWD confirmed by means of an official CWD test conducted by a laboratory certified by US Department of Agriculture.
11. **CWD Negative Cervid:** A cervid that has had an official CWD test conducted by a laboratory certified by the US Department of Agriculture and that has test results in a “not detected” or negative classification.

12. **CWD Suspect Cervid:** A cervid for which inconclusive laboratory evidence suggests a diagnosis of CWD.
13. **CWD Infected Zone.** A defined geographic area, as defined by the Commissioner of the Maine Department of Agriculture, Conservation and Forestry, and in consultation with the Commissioner of Inland Fisheries and Wildlife, respective of state boundaries, in which CWD is present, whether in wild or captive herds.
14. **Department:** The Maine Department of Agriculture, Conservation and Forestry.
15. **Department of Inland Fisheries and Wildlife:** The Maine Department of Inland Fisheries and Wildlife (IF&W).
16. **Enrollment Date:** The day, month and year in which the State officially enrolls an owner's herd in the CWD Surveillance Program and initial enrollment requirements are met.
17. **Herd:** One or more cervids that are under common ownership or supervision and are grouped on one or more parts of any single premises, and all cervids under common ownership or supervision on two or more premises, which are geographically separated, but on which cervids have been commingled or had direct or indirect contact with one another.
18. **Importation Permit:** A document issued by the Department prior to the time of entry that authorizes the importation of cervids into the State.
19. **License:** A license issued by the Division of Animal and Plant Health, Department of Agriculture, Conservation and Forestry entitling the holder to propagate, possess, purchase and/or sell cervids.
20. **Mandatory Reporting:** The requirement that all cervids meeting the CWD case definition be evaluated by an accredited veterinarian and reported to the Department immediately.
21. **Monitored Herd:** A program of surveillance, monitoring, testing and related actions designed to identify CWD infection in special purpose herds or in those herds not participating in the CWD Certified Herd program.
22. **Owner:** An individual, partnership, company, corporation or other legal entity that has legal or rightful title to an animal or herd of animals.
23. **Permit Application for State Entry:** An application, which must be submitted to the Department prior to the issuance of an importation permit.
24. **Special Purpose Herd:** A captive herd managed and maintained in such a manner that no live cervid is removed or allowed to be removed from the designated premises, such as a Maine licensed commercial large game shooting area.
25. **USDA:** The United States Department of Agriculture, Animal and Plant Health Inspection Service.

26. **Official Identification.** The identification of cervids with a minimum of two state and federally approved identifiers. The identification must enable the trace-back of cervids to herd of origin.
 - a) Identification shall include at least one of the following: permanent tattoo; microchip; or official state ear tag;
 - b) Identification may include one of the following: herd ear tag; leg tag; collar tag; or other identification approved by the Department.
27. **Official Test:** A CWD test approved by the U.S. Department of Agriculture and performed at a U.S. Department of Agriculture approved laboratory.
28. **Premises:** The ground, area, buildings, water sources and equipment commonly shared by a herd of animals.
29. **Quarantine:** An order issued by a State or Federal official prohibiting the movement of animals to and from a designated premises.

4. PROGRAM CRITERIA

1. **Applicability:** The requirements in this section apply to all captive cervid operations.
2. **Application:** Owners shall complete an application for participation in the Maine CWD Surveillance Program on a form provided by the Department and submit it to the Department. The application shall be signed by the herd owner, herd veterinarian, and the Department.
3. **CWD Certified Herd Status:** No captive cervid operation may engage in the breeding of and/or the sale or removal of live cervids from the premises for any purposes except for immediate slaughter unless the herd has been CWD Certified. An operation that enrolls in the CWD Herd Certification program and complies with all program standards for a period of at least 60-months shall be eligible for CWD Certified Herd status. An operation enrolled in the CWD herd certification program for less than 60-months, but which otherwise meets all other program standards, may be granted CWD certified herd status at the discretion of the Department.
4. **Record keeping:** Accurate records documenting purchases, sales, interstate shipments, intrastate shipments, escaped cervids, and deaths (including harvested cervids) must be established and maintained for at least 60 months for all captive cervid operations. Documentation must be made available to state or federal regulatory officials during normal business operating hours. Information provided in the records must include individual animal identification, carcass/sample identification tag, sex, species and age. In addition, all operations with cervid herds enrolled in the CWD Surveillance Program must establish and maintain accurate records that document the results of the annual herd audit.
5. **Facilities.** All captive cervid operations shall provide appropriate refrigeration and storage facilities to contain and preserve CWD samples obtained from harvested, slaughtered and deceased cervids for at least 72-hours following slaughter notification, as required by the CWD certified or monitored herd program. All captive cervid operations,

with the exception of special purpose herds, shall have proper restraining facilities, chutes, gates and corrals to capture and restrain the cervids for diagnostic testing and inventory purposes. Capture and restraint of captive cervids shall be the responsibility of the owner.

6. **Herd integrity.** Separate herd inventories, biosecurity, records, working facilities, watering facilities, equipment and land use shall be maintained for each distinct herd for which an individual CWD status is sought, irrespective of ownership. No commingling of animals shall occur between distinct herds with individual disease status unless program movement requirements for herd status are met. Movement of animals between such herds shall be recorded as if they were separately owned herds.
7. **Sample collection.** Individuals who have passed State or USDA approved sample collection training may collect and submit samples to support tuberculosis and CWD program requirements.
8. **CWD Herd Certification Program Requirements**
 - a) **Establishment of a CWD Herd Status.** CWD herd status shall be based on the enrollment date in the program and will also take into consideration the previous CWD testing history of the herd as approved by the Commissioner. The enrollment date is established upon receipt and approval of a satisfactory facility and premises inspection, initial herd inventory, and completed enrollment application. Herds properly enrolled and satisfactorily participating in the CWD Certified Herd Program shall receive a status designation based upon the number of months of successful participation. A herd with fewer than twelve months of satisfactory participation shall be designated a First Year Status Herd. If the herd continues to meet the requirements of the CWD Certified Herd Program, each year, upon review of the report of the annual herd inventory, and on or after the anniversary of the enrollment date, the herd status will be upgraded by one year; i.e., Second Year Status, Third Year Status, Fourth Year Status and Fifth Year Status.
 - b) **Yearly Sampling and Testing Requirements:**

The captive cervid operation must:

 1. Submit for testing appropriate CWD samples from all natural deaths of cervids over 12 months of age, in accordance with 9 CFR 55.23(b)(3) (January 1, 2012);
 2. Submit for testing all appropriate CWD diagnostic samples from all clinical CWD suspects; and
 3. Submit for testing appropriate CWD samples from slaughtered and/or harvested cervids over 12 months of age so that the total sample size does not exceed a 2 percent prevalence level and 95 percent confidence as illustrated in the following table.

Assumed Prevalence

	2%	5%	10%	20%
Population or Lot Size	Up To	Size of Sample		
50	50	35	20	5
100	75	45	23	8
250	110	50	25	11
500	130	55	26	13
1,000	140	55	27	14
1,500	140	55	27	14
2,000	145	60	27	14
4,000	145	60	27	15
10,000	145	60	27	15
100,000 and any larger	150	60	30	15

- c) **Animal Identification:** Each herd member and herd addition must have official ID.
- d) **Annual Physical Herd Inventory:** A physical herd inventory must be conducted by the captive cervid operation between 90 days prior to and 90 days following the annual anniversary date established by the CWD Certified Herd Program enrollment date. All cervids must be either present or accounted for on the annual inventory. Cervids that were killed or died during the course of the year must be tested as described in Chapter 4.8 (b) above. A state or federal animal health official or their designee shall validate the annual inventory. A report of the validated annual inventory containing all official identification of each animal must be promptly submitted to the Department.
- e) **Additions to CWD Surveillance Program Herds:**
1. **Equivalent or higher status additions:** Herd additions shall be permitted if the cervids to be added to the captive cervid operation originate from a Maine herd enrolled, and in good standing in the Maine CWD Certified Herd Program and of equal or greater status. For herd additions from herds existing outside the borders of Maine, cervids must originate from a herd enrolled in a CWD Certified Herd Program equivalent to the Maine program (as determined by the Commissioner) and must originate from a herd enrolled in such a program for a minimum of 60-months. Except that movement of cervids is prohibited from any herd located within a CWD infected zone. No change in the CWD herd status will result from such additions.
 2. **Herd additions originating from lower status herds:** Herd additions originating from non-status or lower status herds are not permitted.

9. CWD Monitored Herd Program Requirements:

All special purpose herds and those not participating in the CWD Certified Herd Program consisting of one or more susceptible cervids shall participate in the CWD Monitored Program as a monitored herd. No live cervid sales or movements may be made from CWD Monitored herds except as approved by the Commissioner or when shipped to a licensed large game shooting area. Live cervids may not be removed from the premises of a CWD Monitored herd except that cervids may be moved into such herds from equal or greater status. CWD Monitored Herd status is achieved by implementing the following procedures:

1. Sampling and Testing Requirements:

The captive cervid operations must:

- a) Submit for testing appropriate CWD samples from all natural deaths of cervids over 12 months of age;
- b) Submit for testing all appropriate CWD diagnostic samples from all clinical CWD suspects; and
- c) Submit for testing appropriate CWD samples from slaughtered and/or harvested cervids so that the total number of cervids sampled on an annual basis represents 10 percent or 30, whichever is less, of the total number of susceptible cervids over 12 months within the herd. In no case shall the combined number of cervids sampled on an annual basis represent less than 10 percent (rounded up to the next whole number) or 30 whichever is less, of the estimated susceptible test eligible herd population. Notwithstanding this part, all natural deaths must be submitted for CWD diagnosis.

2. Additions to CWD Monitored Herds:

- a) **Maine Source Additions:** Up to June 30, 2006, additions to CWD Monitored herds may be made only if such additions originate from Maine herds that have achieved CWD Certified Herd or Monitored first year status or higher. From July 1, 2006 to June 30, 2008, additions to CWD Monitored Herds may be made only if such additions originate from Maine herds that have achieved CWD Certified Herd or Monitored Herd Second Year Status or higher. From July 1, 2008 to June 30, 2010, additions to CWD Monitored Herds may be made only if such additions originate from Maine herds that achieved CWD Certified Herd or Monitored Herd Fourth Year Status or higher. Effective July 1, 2010, additions to CWD Monitored Herds will be permitted only if they originate from herds that have achieved CWD Certified Herd Status or been enrolled as a CWD Monitored Herd Program for 60-months.
- b) **Imported Source Additions:** For herd additions from herds existing outside the borders of Maine, cervids must originate from a herd enrolled in a CWD Certified Herd Program equivalent to the Maine program (as determined by the Commissioner) and must originate from a herd enrolled in such a program for a minimum of 60-months.

3. **Animal Identification:**

- a) Each herd addition, other than natural additions, must have a minimum of two official/approved unique identifiers affixed to the animal.
 - b) Carcass and sample identification tags must be affixed to all unidentified harvested captive cervids, natural deaths, and clinical suspects. The Department will provide tags. Tag numbers must be entered into the CWD monitored herd record along with the corresponding information that identifies the disposition of the carcass. This information will be used to notify the owner of the test results.
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STATUTORY AUTHORITY: 7 M.R.S.A. §182

EFFECTIVE DATE:

June 27, 2006 – filing 2006-274

CORRECTIONS:

February, 2014 – agency names, formatting

AMENDED:

December 8, 2014 – filing 2014-277