

900 Poultry and Animal Health

905 Chronic Wasting Disease

1.0 Description of the Disease

Chronic Wasting Disease (CWD) is a progressive, fatal, neurological disease found in a small percentage of cervidae (deer and elk). CWD belongs to the deadly group of diseases known as transmissible spongiform encephalopathies (TSEs). CWD was first described as a wasting syndrome in captive deer held in a Colorado wildlife refuge in 1967. It was detected in free ranging deer and elk in northern Colorado and adjacent sections of southeastern Wyoming in the mid 1980's. Since then, CWD has been found in captive herds and free ranging animals in many states. Since a complete understanding of the mode of transmission for this disease is not fully known at this time, it is prudent to develop control measures to prevent its entry into this State.

2.0 Purpose

In order to protect the captive and free-ranging cervid (deer and elk) populations of the State of Delaware from the disease known as Chronic Wasting Disease (CWD), the following regulation has been promulgated: This regulation is promulgated under the authority of Title 3, Chapter 71, Section 7101 of the Delaware Code.

3.0 Definitions

"Approved laboratory" means an American Association of Veterinary Laboratory Diagnosticians (AA VLD) accredited laboratory or the National Veterinary Services Laboratory, Ames, Iowa.

"Certificate" means an official document, issued by a state veterinarian or federal animal health official or an accredited veterinarian at the point of origin, containing information on the individual identification of each animal being moved, the number of animals, the purpose of the movement, the points of origin and destination, the consignor, the consignee, and any other information required by the state veterinarian.

"Certified CWD cervid herd" means a herd of cervidae that has met the qualifications for and has been issued a certified CWD cervid herd certificate signed by the state veterinarian.

"Cervidae" means elk, red deer, fallow deer, sika deer and related species and hybrids of these species.

"Cervid CWD surveillance identification program" or "CCWDSI program" means a CWD surveillance program that requires identification and laboratory diagnosis on all deaths of cervidae over 18 months of age including, but not limited to, deaths by slaughter, hunting, illness, and injury. A copy of the approved 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.

"Cervid herd" means a group of cervidae or one or more groups of cervidae maintained on common ground or under common ownership or supervision that are geographically separated but can have interchange or movement.

"Cervid herd of origin" means a cervid herd, on any farm or other premises, where the animals were born or where they currently reside.

"Chronic wasting disease" or "CWD" means a transmissible spongiform encephalopathy of cervids.

"CWD affected" means a designation applies to cervidae diagnosed as affected with CWD based on laboratory results, clinical signs, or epidemiological investigation.

"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 in the past four years.

"CWD suspect" means a designation applied to cervidae for which laboratory evidence or clinical signs suggest a diagnosis of CWD but for which laboratory results are inconclusive.

"Monitored CWD cervid herd" means a herd of cervidae that is in compliance with the CCWDSI program as defined in this rule. Monitored herds are defined as one-year, two-year, three-year, and four-year monitored herds in accordance with the time in years such herds have been in compliance with the CCWDSI program.

"Official cervid CWD test" means an approved test to diagnose CWD conducted at an official laboratory.

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"Official cervid identification" means 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 January 1,2000.

"Permit" means an official document that is issued by the state veterinarian or USDA area veterinarian-in-charge or an accredited veterinarian for movement of affected, suspect, or exposed animals.

"Quarantine" means an imposed restriction prohibiting movement of cervids to any location without specific written permits.

"State" means any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or Guam.

"Traceback" means the process of identifying the herd or origin of CCWDSI positive animals, including herds that were sold for slaughter.

4.0 Regulatory Provisions:

- 4.1 All persons becoming cervid owners must first register with the Delaware Department of Agriculture on forms provided by the Department. This shall apply to meat producing operations, hunting operations, broodstock producers, novelty pet owners, etc. The registration form must be completed prior to the animals arriving in the State. There will be a section of the registration form which requests the signature of the cervid owner agreeing to abide by all provisions contained herein.
- 4.2 All cervid animals entering the State for any reason shall be accompanied by an in-date and fully executed certificate of veterinary inspection. All cervid animals entering the State must be identified by means of an official cervid identification.
- 4.3 Herds already in existence at the time of passage of this regulation may be excused from some of the provisions contained herein.
- 4.4 Each and every cervid herd within the state must submit to the State Veterinarian comprehensive plans for adequate testing of all animals over 18 months of age, which die for any reason.
- 4.5 Every herd owner will be responsible for keeping complete and accurate records of all animals that enter or exit the herd. The record system will be clear and concise and must be kept on hand for a period of five years.
- 4.6 It will be the responsibility of each herd owner or caretaker to immediately report any sickness or any death of any animal to the State Veterinarian. Each animal over eighteen months of age, which died, must be examined and a cause of death determined by an accredited veterinarian or an approved laboratory.
- 4.7 A panel of three members: (1) The State Veterinarian or his designee, (2) The Director of Game and Fish Division or his designee and (3) A member of the USDA, APHIS TSE Section will meet at least once a year to determine the following:
 - 4.7.1 Review the status of each herd in the state and determine the sampling plan for that herd. This will also include those herds raising animals strictly for meat purposes.
 - 4.7.2 Determine the sampling schedule and distribution of sample collection from the state's wild cervid population.
 - 4.7.3 Determine the laboratory to which the samples are sent and who will pay the co_ if any, for testing. There will be a frequency of testing determined for those herds which use their animals for meat purposes only. If the animals are slaughtered out-of-state, it will be the responsibility of the owner to transport the required number body parts needed for testing to the Delaware Department of Agriculture.
 - 4.7.4 What criteria must be met before a person is considered qualified to collect specimens for official CWD testing.
 - 4.7.5 Determine the procedures, which must be followed in order to successfully store and ship the specimens to an approved laboratory in order to receive the most reliable results.
 - 4.7.6 In the event that a positive or suspicious result is received, this group will convene to determine the most practical and expeditious steps to follow to destroy the herd, or remove animals of high risk and layout a plan for eventual establishment of a "free" herd.
 - 4.7.7 If a "positive" or "suspicious" herd is discovered, that herd will be quarantined and remain under quarantine until this group determines that all possibility of transmission has passed. USDA accepted protocols would be followed in determining this fact. In the event that a visually suspicious animal is identified, the entire herd will be quarantined until specimens from that animal have been collected, sent to an approved laboratory and "positive" or "negative" results have been received.

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- 4.7.7.1 Any Delaware cervid herd that is found to have a "positive" or "suspicious" animal will be required to strictly follow the surveillance guidelines as set forth in the cervid CWD surveillance identification program.
- 4.7.8 In an attempt to prevent the transmission of this disease from captive cervids to free ranging white tailed deer, any operation starting up after the date of passage of this regulation must be fenced with fencing at least ten (10) feet tall to prevent any escape of a farmed cervid.
- 4.7.9 Any additions of breeding animals or germ plasma to an existing Delaware herd or animals used to start up a Delaware herd, must come from a herd that has been classified as a "Monitored CWD Cervid Herd" that has been in compliance with the CCWDSI program as already defined.
- 4.7.10 As more becomes known of this disease, these regulations may, from time to time, be amended to further safeguard Delaware's farmed deer and wild population from the detrimental effects of this disease.

5.0 Penalties

Whoever willfully violates the provisions of this regulation will be required to appear for a scheduled hearing at the Delaware Department of Agriculture. If no other penalty is provided by law, the herd owner will be fined \$250 per offense.