

DEPARTMENT OF AGRICULTURE

Animal Health Division

CONCERNING THE PREVENTION OF DISEASE IN ALTERNATIVE LIVESTOCK

8 CCR 1201-17

Part 1. Definition and construction of terms.

- 1.1. "Accredited veterinarian" means an individual who is currently licensed and in good standing with a veterinary licensing board or agency in any state of the United States or the District of Columbia to practice veterinary medicine and is accredited by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services.
- 1.2. "Alternative livestock" shall have the meaning set forth at §35-41.5-102(1) C.R.S.
- 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, C.R.S.
- 1.4. "Animal and Plant Health Inspection Service (APHIS)" means the agency in the United States Department of Agriculture known as the Animal and Plant Health Inspection Service.
- 1.5. "Certificate of veterinary inspection (CVI)" means an official document issued by an accredited veterinarian at the point of origin of a shipment of livestock. The document shall include the date; the physical location of origin; the name and mailing address of the consignor; the physical location of the destination; the name and mailing address of the consignee; the age, sex, number, and breed of the livestock; sufficient identification marks, tags or other identification as may be approved by the State Veterinarian, to positively identify livestock; and the results of all required tests. Such document shall also include a statement verifying that the livestock identified on the document have been inspected and that they are free from clinical signs of any contagious, infectious, or communicable diseases and that the livestock do not originate from an area of quarantine, infestation, or infection. A certificate of veterinary inspection is valid for thirty (30) days after the date of issuance.
- 1.6. "Chronic Wasting Disease (CWD)" means a transmissible spongiform encephalopathy of fallow deer and elk.
- 1.7. "CWD Surveillance Status" means the period of time in months during which an alternative livestock facility has submitted brain specimens and retropharyngeal lymph nodes from all alternative livestock mortalities 12 months of age and older, regardless of cause, and when all such tests have proven negative for CWD and when all external alternative livestock additions to the herd originated from a herd with equal or higher CWD Surveillance Status.
- 1.8. "Herd plan" means a plan approved by the Commissioner of the Colorado Department of Agriculture and the Director of Colorado Parks and Wildlife (CPW) to replace a quarantine previously issued by the State Veterinarian to an alternative livestock facility that has tested

positive for the presence of CWD. A herd plan sets forth how the herd and facility must be managed to minimize the spread of CWD infection.

- 1.9. "Official identification device or method" means a means approved by the Administrator of the USDA APHIS for applying an official identification number to an animal of a specific species or associating an official identification number with an animal or group of animals of a specific species or otherwise officially identifying an animal or group of animals.
- 1.10. "State Veterinarian" means the veterinarian designated by the Commissioner of the Colorado Department of Agriculture and the director of the Division of Animal Health, Colorado Department of Agriculture.
- 1.11. "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.

Part 2. Surveillance for Chronic Wasting Disease in Alternative Livestock, Quarantine and Depopulation

- 2.1. Except as set forth in Part 2.5 a mandatory CWD surveillance program applies to all Colorado licensed alternative livestock facilities, as set forth below:
 - 2.1.1. Brain tissue, retropharyngeal lymph nodes, and any other tissue or other appropriate sample must be submitted for examination, as directed by the State Veterinarian, of alternative livestock 12 months of age or older that die for any reason, within 15 working days of any mortality. If the USDA testing requirement is lower than 12 months of age, the USDA requirement shall apply. Notice must be given to the State Veterinarian if the specimen condition is questionable or unusable. If any animal or animals remain untested or unaccounted for or cause of death is otherwise unknown or in question, CWD Surveillance Status may be determined by taking into consideration the possibility of predation, theft, or other relevant factors, or CWD Surveillance Status may be reduced to the date the untested or unaccounted for animal or animals with the unknown or questionable cause of death were introduced into the herd. After initial CWD Surveillance Status is determined, the State Veterinarian will update CWD Surveillance Status annually thereafter. If CWD is detected in any animal, the CWD Surveillance Status of the herd exposed to such animal will be reduced to 0 months unless CPW and the State Veterinarian agree otherwise.
 - 2.1.2. The tissues/samples must be submitted for testing to a laboratory designated by the State Veterinarian.
 - 2.1.3. The costs of sampling and testing will be borne by the Colorado licensed alternative livestock facility.
- 2.2. CWD clinically suspect animals tested in connection with slaughter must be held, with carcasses intact, until the test results for the sample are obtained. If the test is positive for CWD, the carcass of the affected animal must be destroyed by a means approved by the State Veterinarian.

- 2.3. 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 will 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 CPW.
- 2.4. 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.
- 2.5. A Colorado alternative livestock producer who has had no CWD positive tests in the previous 60 months and who has at least 60 months of CWD surveillance status may apply to the Commissioner for a waiver from the requirements of this Part 2. Such application for waiver must be made on a form approved by the Commissioner.
 - 2.5.1 Once approved for waiver, any approved Colorado alternative livestock producer who imports animals from another facility with at least 60 months of CWD surveillance status, and who harvest any such imported animal within 12 months of importation, must alternatively store the brain specimens and retropharyngeal lymph nodes of each animal harvested from that producer's facility for a period of no less than three years rather than submitting the samples for testing.
 - 2.5.2 In the event any animal tests positive or is diagnosed CWD-positive either at the owner's facility or at any premises-of-origin, the producer must submit all such stored samples for testing within 15 working days of receiving notice of the CWD diagnosis or of the positive test results. In all such circumstances, the producer must pay for all associated testing expenses.

Part 3. Requirements for Movement of Alternative Livestock

- 3.1. 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 a CVI from the Colorado State Veterinarian's office. Said CVI shall require that the alternative livestock meet genetic purity requirements as established by the Parks and Wildlife Commission.
- 3.2. All alternative livestock imported into Colorado must be examined by an accredited veterinarian prior to importation and must be accompanied by a valid CVI issued pursuant to § 35-50-102, C.R.S., certifying disease free status.
 - 3.2.1. Minimum specific disease testing results and/or health statements must be included on the CVI.
 - 3.2.2. A permit number may be issued only if the destination is licensed as an alternative livestock facility by the State Board of Stock Inspection Commissioners or a captive wildlife facility licensed by CPW.

- 3.3. All alternative livestock imported into Colorado must be tagged with United States Department of Agriculture official identification device or official Canadian identification device. Any alternative livestock imported to Colorado 12 months of age or under must be identified with a bangle or ranch tag to identify ownership.
- 3.4. Any alternative livestock imported into Colorado must originate from a herd determined to be tuberculosis monitored, qualified or accredited under the official Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999, ("UM&R") as approved by the USDA, APHIS (US Federal Building, Room 729, Hyattsville, MD 20782) or other 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 Bovine Tuberculosis Eradication Uniform Methods and Rules. 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, 305 Interlocken Parkway, Broomfield, CO 80021 during regular business hours. Further, the incorporated material may be examined at any state publications depository library or online at http://www.aphis.usda.gov/animal_health/animal_diseases/tuberculosis/downloads/bovtbumr.pdf. No later amendments or editions to or of the Bovine Tuberculosis Eradication Uniform Methods and Rules are incorporated into this Rule.
 - 3.4.1. 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.
- 3.5. Any movement of alternative livestock to the outside of the perimeter fence, unless moved to an alternative livestock facility licensed by the same person and within 15 miles by the nearest passable road, requires compliance with the "UM&R", which publication is incorporated into these Rules in Part 3.4.
- 3.6. All alternative livestock must be tested and found to be negative for any diseases as specified by the State Veterinarian prior to importation into Colorado.
- 3.7. If the State Veterinarian determines the need for quarantine, imported alternative livestock must be quarantined on arrival at an alternative livestock facility as specified by the State Veterinarian.
- 3.8. Movement of all alternative livestock imported into the State of Colorado must be from a herd that has CWD Surveillance Status of at least 60 months.
 - 3.8.1. Acceptable surveillance shall include:
 - 3.8.1.1. Brain tissue, retropharyngeal lymph nodes, and any other tissue or appropriate sample must be submitted for all mortalities 12 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 12 months of age, in which case the USDA requirement applies;

- 3.8.1.2. Individual official animal identification and a premises identifier on all animals imported and in the herd of origin;
- 3.8.1.3. At least an annual inventory of all animals, including mortalities and sales, that is verified by an accredited veterinarian, CDA, or federal animal health official;
- 3.8.1.4. Documentation that confirms that all mortalities have been submitted for CWD testing, including the laboratory reports of test results, which must 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 attesting that the herd of origin has met these requirements must be submitted.
- 3.8.1.5. If any animal or animals remain untested or unaccounted for or cause of death is otherwise unknown or in question, status will be 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 CPW and the CDA agree otherwise that the associated risk is negligible, taking into consideration the possibility of predation, theft, or other relevant factors.
- 3.8.1.6. The State Veterinarian and CPW shall have 5 business days to review all necessary surveillance documents. CDA and CPW are not responsible for incomplete data received from the alternative livestock facility.
- 3.8.2. The State Veterinarian shall forward all required surveillance documents to CPW for review and approval that the herd meets the minimum import requirements for CWD surveillance. If CPW has not made a determination within 5 working days, the State Veterinarian may presume CPW finds no objection to the importation
- 3.8.3. No importation permit may be issued prior to authorization from CPW, unless CPW does not respond within the requisite timeframe.
- 3.9. Intrastate movement of alternative livestock
 - 3.9.1. Prior approval is required for all movement of alternative livestock within the state; after determination by CPW and CDA that the movement does not present a substantial risk of spreading 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 surveillance Status is higher than the source facility's CWD Surveillance Status, the receiving facility shall assume and have the lower CWD Surveillance Status.
 - 3.9.2. 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 CWD surveillance Status records for the facilities involved, to CPW for review and approval. If CPW has not made a determination within five working days, the State Veterinarian may presume that CPW has no objection to the requested movement.

- 3.9.3. No evaluation of determination of CWD risk is required for alternative livestock shipped directly to slaughter or to a biosecure facility approved by CPW and CDA.
- 3.10. When the Commissioner has reasonable grounds to believe that a violation of this Part 3 has occurred, he may quarantine, both the source, if an in-state facility, and the receiving alternative livestock facilities. In addition, the State Veterinarian may reduce the CWD Surveillance Status as deemed 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 State Board of Stock Inspection Commissioners.

Part 4. Cervidae Disease Revolving Fund

- 4.1. 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.
- 4.2. The Agricultural Commission shall cease making assessments if the fund reaches 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.
- 4.3. The Commissioner of Agriculture, upon the recommendation of the State Veterinarian and with approval of the Agricultural Commission, 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, may not exceed eighty percent of the market value for animals of comparable grade and of the same or similar type.

Parts 5-9 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 USDA regarding the control of tuberculosis in cervidae (subsection 2.4).

10.3. Adopted: November 10, 2015 – Effective: December 31, 2015

SPECIFIC STATUTORY AUTHORITY

The specific statutory authority of this Rule is located in §§ 35-50-105(3)(a), (c), (d), (f), (h), (j), (p) and (q); and 35-53-111, C.R.S., which cumulatively grant authority to the Commissioner of Agriculture, upon approval by the Colorado Agricultural Commission, to adopt Rules related to designations of livestock disease for control and reporting purposes; health standards for importation of livestock; standards for livestock health certificates; livestock testing for contagious or infectious disease; standards for disease surveillance among and in livestock; standards and requirements for identification and traceability of livestock; and sanitary rules as to movement of livestock.

Purpose

The purpose of this rule-making is to provide revisions to portions of the Rules “Concerning the Prevention of Disease in Alternative Livestock” to make the Rules easier to read and understand while updating the Rules to reflect changes in disease detection, surveillance, testing, and monitoring. These changes in this rule-making reflect the efforts of the reviewers to achieve the dual goal of protecting Colorado’s alternative livestock industry from disease while providing an environment where that industry may thrive.

The definitions within this Rule have been updated to bring consistency to all definitions used in the Animal Health Division of the Department of Agriculture. The reviewers sought to clarify sentences, update language, remove duplicative terms, and increase overall readability of the Rules in accord with the Department’s Regulatory Efficiency Review Process.

Factual Policy and Issues

Since the last modification of these Rules, the Colorado Division of Wildlife has become the Colorado Division of Parks and Wildlife. This name change and the division’s acronym, “CPW,” have been changed within this Rule. The reviewers noted that portions of the Rule were duplicative and unnecessary. Specifically, Part 2 of the Rules was removed and combined with what is now Part 3.

The United States Department of Agriculture now requires that tissue samples be submitted from all alternative livestock from certified herds that are 12 months of age and older. This Rule changes the previous requirement from 16 months to 12 months to comply with the USDA standard.

References to disciplinary actions that the Department might take were removed because the organic act controls such actions, and duplication of that information into the Rules is unnecessary.

Additionally, as knowledge and understanding of Chronic Wasting Disease has evolved, approaches to monitoring, testing, and prevention have changed. The changes to these Rules adopt those modifications where necessary.

10.4. Adopted April 12, 2017 – Effective May 30, 2017

Specific Statutory Authority

The specific statutory authority of this Rule is located in §§ 35-50-105(3)(h) and (p), C.R.S., which grant authority to the Commissioner of Agriculture, upon approval by the Colorado Agricultural Commission, to adopt rules regarding standards for disease surveillance among and in livestock and standards and requirements for prevention of diseases in livestock.

Purpose

The purpose of this rule-making is to create a waiver process whereby an alternative livestock producer who has monitored his herd for the immediate past 60 months without any indication of CWD within that 60-month time period may apply for a waiver from the requirement to send specimens from every elk or fallow deer that dies on-premises to CSU for testing. The change permits alternative livestock producers to store their collected samples on-site, rather than ship the samples and pay for immediate testing.

The definition of “CWD Surveillance Status” adds the phrase “and retropharyngeal lymph nodes” to “brain specimen” to indicate all the parts of the animal that must be submitted for testing for CWD.

Factual Policy and Issues

The changes in this rule-making came about at the request of producers. The reviewers considered this change, analyzed it in comparison to national standards, and agreed to implement it as a means of reducing economic burden on producers whose under-surveillance herds do not pose a significant threat to future spread of CWD. Additionally, the reviewers conferred with Colorado Parks and Wildlife and received support.