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May 30, 2018

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Regulatory Analysis and Development Staff:

Citizens for Pennsylvania's Future (PennFuture) and the Western Pennsylvania Conservancy (WPC) submit these comments on the proposed Program Standards prepared by the United States Department of Agriculture (USDA) Animal Plant Health Inspection Service (APHIS) that is intended to address the spread of Chronic Wasting Disease (CWD) through the United States. As more specifically explained below, the draft CWD Revised Program Standards fail to adequately respond to the growing crisis posed by CWD, and do not adequately protect Pennsylvania's wildlife from this incurable disease, which in turn threatens to substantially harm the state's outdoor recreational economy.

The Organizations

PennFuture is a state-based conservation organization that works to protect Pennsylvania's land, air, water and wildlife for this and future generations. PennFuture seeks to empower citizens to build sustainable communities for future generations. As a result, our mission focuses on, among other things, the health of Pennsylvania's public lands and our outdoor recreational economy. PennFuture is the state affiliate for the National Wildlife Federation.

WPC works to protect and restore exceptional places to provide Southwestern Pennsylvania with clean water, healthy forests, wildlife and natural areas that benefit present and future generations. WPC's work consists of numerous conservation activities that bears directly on the health and welfare of Pennsylvania's wildlife. WPC's scientists document many of the state's species and natural communities, especially those that are rare and endangered. WPC's research provides insight into the state's biodiversity. WPC shares that information with institutions, agencies and

the public to benefit land protection, watershed restoration, land stewardship planning and policy development.

CWD's Threat to Pennsylvania's Outdoor Recreational Economy

On February 28, 2018, the Pennsylvania Game Commission (PGC) established its fourth Disease Management Area, consisting of 346 square miles in parts of Lancaster, Lebanon and Berks County, due to the detection of CWD at a captive deer farm in Lancaster County. In DMAs, the PGC imposes special rules intended to prevent the spread of CWD. These rules prohibit the intentional feeding of deer, prohibit hunters from using urine-based deer attractants, and require hunters that take deer to remove and properly dispose of all high-risk deer parts, including the head and backbone, before transporting the carcass. While there has been no formal Pennsylvania-based study on how declaring DMAs impacts outdoor recreational hunting, it would not surprise that DMAs and the stigma associated with CWD have a significant negative effect.

According to a recent report by the Outdoor Industry Association, 56% of state residents participate in outdoor recreation. Outdoor recreation in Pennsylvania generates \$29.1 billion in consumer spending, \$1.9 billion in state and local tax revenue, \$8.6 billion in wages and salaries, and sustains 251,000 direct Pennsylvania jobs (far more than that directly supported by the gas industry). Hunting has played a historic role in Pennsylvania's outdoor recreational heritage. So much so that Pennsylvania produces a license plate dedicated to its hunting heritage. Hunting also plays a critical role in how Pennsylvania manages its game animals and the habitat they share with all wildlife. The establishment of CWD and its spread in Pennsylvania has the potential to permanently alter hunting patterns across the state, and seriously harm this lucrative and sustainable segment of Pennsylvania's economy, which draws on both in-state and interstate commerce.

These comments reflect the belief that the USDA must take firm action, based on the most recent and available scientific evidence, to contain and prevent public health risks and economic impacts associated with the further spread of CWD.

Comments

- 1. The Program Standards should require that state's enroll all farmed or captive¹ cervid operations in the HCP in order to obtain federal approval of the State Program.** The proposed Standards state: "The goal of the CWD Herd Certification Program (HCP) is to provide a consistent, national approach to control the incidence of CWD in farmed cervids and prevent the interstate spread of CWD. It is virtually impossible to achieve this goal if state programs do not enroll all farm cervid operations in the HCP. So long as participation

¹ The Program Standards defines the phrase "farmed or captive" in order to describe the universe of operations encompassed by the HCP. For purposes of simplification, where these comments refer to "farmed cervids" the intent is to capture all animals defined as "farmed or captive" cervids.

in the HCP remains voluntary, large segments of CWD susceptible animals on farm operations will be capable of being moved intrastate and interstate without detection, thereby defeating the primary purpose of the certification program. In order to correct this fundamental flaw, the Program Standards should be revised to require that, in order to obtain federal approval, state programs must require that all farmed cervid operations be enrolled in the HCP.

2. **The Program Standards should ensure that any farmed cervids are available for testing upon death, regardless of the ownership of the operation on which the farmed cervid eventually dies.** Section 5.2 of the proposed Program Standards provides that herd owners must report and make available for testing all on-farm deaths and slaughters, but animals transported to hunting reserves or slaughterhouses not owned by the original herd owner seemingly escape the reporting and testing requirement. The limitation is understandable being that the herd owner no longer has control over the animal once the animal has been transferred to another location prior to its death. However, this limitation also creates a significant gap in a program designed to monitor and prevent the spread of CWD because it allows farmed cervids to be transferred and killed at, for example, a captive hunting reserve that is not owned by the herd owner and has not enrolled in the HCP. This gap in surveillance could be remedied in a number of ways, at least two of which would be to (1) require for state program approval that all farmed cervid operations within the state be enrolled in the HCP; or (2) require for state program approval that the intrastate movement of farmed cervids be limited to HCP enrolled operations. This standard would effectively parallel the requirement in Section 7 of the Program Standards that in order to be transported interstate the animals must be enrolled and the herd has achieved Certified status in an approved State CWD HCP.
3. **The Program Standards should clearly delimit the circumstances under which the movement of animals from quarantined herds may be permitted.** Part B, Section 2 of the Program Standards provides that State representatives, upon finding a CWD-positive or exposed animal, should issue a quarantine order for the herd. The Program Standards further provide that CWD-exposed animals must remain on the premises where they currently reside *unless a State or Federal permit for movement has been obtained*. The Standards also allow substantial discretion to be exercised by the State in approving a herd plan, and to modify the quarantine for a period of time less than five years. Plainly, the most protective position to prevent the spread of CWD would be to strictly prohibit the movement of any animal in a herd found to be positive or exposed to CWD pending further evaluation. However, it is arguably understandable, if not the most protective, that the standards would permit state-level employees to modify strict quarantine requirements so long as those decisions are based on best available science and the results of the specific epidemiological investigation required by the program. The Program Standards should strictly limit the movement of animals from herds that have been found to be positive or exposed to CWD, unless the state representative determines based on the epidemiological investigation that a quarantine of less than five years is justified.

- 4. The Program Standards should require depopulation of CWD-positive herds.** As proposed, the provision that CWD-positive herds be depopulated depends upon the availability of indemnification funds. The spread of CWD has potentially far-reaching social and economic impacts in Pennsylvania and elsewhere. The Center for Disease Control and Prevention states that to date, there have been no reported cases of CWD infection in people. However, the CDC further points out that animal studies suggest CWD poses a risk to some types of non-human primates, like monkeys, that eat meat from CWD-infected animals or come in contact with brain or body fluids from infected deer or elk. *“These studies,”* the CDC states, *“raise concerns that there may also be a risk to people.”* Since 1997, the World Health Organization has recommended that it is important to keep the agents of all known prion diseases from entering the human food chain.” It is imperative that the choice of responses to this important public health concern, when CDW has been found to be present in an animal population, not be made dependent on federal funding. The Program Standards should require depopulation of any CWD-positive herds.
- 5. The lack of a vaccine and reliable live-animal testing for CWD requires that the Program Standards adopt the most conservative measures possible to prevent the further spread of CWD.** The absence of a vaccine to prevent CWD and a test to detect CWD in live animals means that any effort to contain CWD relegates responsible officials to chasing the cow after it has left the barn. In this instance, the result of one open door means not solely one lost cow, but widely felt economic and potential public health impacts. It is imperative, then, that in undertaking revisions to this important program, that USDA use the precautionary principle to reduce the harm posed by this disease in light of the substantial unknowns surrounding its development, persistence in the environment, and transmission amongst cervids and others. Based on this approach, the commenters urge adoption of Program Standards that support:
- A moratorium on interstate live cervid movements for both privately and publicly-owned cervids until an accurate and reliable live-animal test for Chronic Wasting Disease is developed and deployed;
 - Measures to address and promote consistent, stringent controls on the movement of high-risk parts from harvested cervids;
 - The use of third-party experts, such as the National Academy of Sciences, to review the APHIS Herd Certification and Interstate Movement Program and Program Standards.
 - An ongoing and comprehensive review and dissemination to participating States of all published and peer-reviewed CWD research.

- Increased funding for antemortem testing research, surveillance of both wild and captive cervid populations, and for indemnification that will allow for rapid response to best control the spread of chronic wasting disease upon detection.

PennFuture and the Western Pennsylvania Conservancy appreciate your efforts to address this important issue that has consequences for Pennsylvania's wildlife, and the state's economy. If you have any questions regarding these comments, please feel free to contact me.

Sincerely,

/s/ George Jugovic, Jr.

George Jugovic, Jr.

Vice President of Legal Services

cc: Charles W. Bier, Senior Director, Conservation-Science, WPC

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