

**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

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September 16, 2002

TO: Natural Resources Board  
Wisconsin Legislators  
Wisconsin Congressional Delegation  
County Board Chairs

SUBJECT: Disposal and Landfilling of Deer Carcasses - Risk Assessment Document Now Available

As you are aware, the subject of carcass disposal has generated a lot of discussion during the past few months. The Wisconsin Department of Natural Resources and the Wisconsin Department of Health and Family Services have recently prepared the attached risk analysis for the landfilling of deer carcasses. This document represents our assessment of what is currently known about the potential risk to humans and deer, if deer from the Eradication Zone were landfilled in a normal fashion, and sludge from that landfill were subsequently spread on the landscape.

This risk assessment involved input from sanitary landfill engineers, wastewater and air management experts, veterinarians and epidemiologists from several agencies. Our staff also solicited input from CWD and prion-disease experts from Britain and other states, and we will continue to examine pertinent new research on this issue, as results become available. We conclude that animals infected with CWD can be safely disposed of in modern sanitary landfills.

The attached cover letter and analysis has been sent to all landfill and wastewater treatment operators in Wisconsin. We hope the attached documents will serve as a good reference document on this subject.

Sincerely,

Darrell Bazzell



# **An Analysis of Risks Associated with the Disposal of Deer from Wisconsin in Municipal Solid Waste Landfills**

## **1. Background**

The purpose of this document is to evaluate risks associated with the landfilling of CWD-infected deer carcasses. It uses the current scientific information available on this subject and, as such, should be considered an interim document that will be updated as new information is available.

### **1.1 The Challenge**

In February 2002 the first cases of chronic wasting disease (CWD) in free-ranging white-tailed deer east of the Mississippi River were reported in southwest Wisconsin. Further surveillance revealed a 3% rate of infection in an 11-mile radius around the initial cases. Based on these findings and the input of wildlife disease control and CWD experts, a disease eradication program was developed. This program calls for the harvest of all of the deer within a 360 square mile area and for population reductions in the surrounding areas.

The zone targeted for complete depopulation has been designated the *eradication zone* (EZ) and the surrounding area has been termed the *management zone*. It is estimated that, as of fall of 2002, there are approximately 25,000 deer in the EZ alone. Citizen-hunters are expected to be the primary means of removing deer from the EZ. It is expected that the majority of these deer will not be used as a source of venison. Therefore, the carcasses will need to be disposed of in a manner that does not jeopardize animal or human health or environmental quality.

Any disposal method must also have the following attributes: the capacity to handle a large number of carcasses; the ability to conform to local, state and national laws and regulations; and to be in place by October 2002. A final consideration is the cost of disposal. Although the latter is not the primary consideration, it is likely that disposal costs will be one of the largest expenses of Wisconsin's CWD control program. The four primary options currently under consideration for the disposal of deer are landfilling, rendering, incineration and chemical digestion.

Deer carcasses and tissues are often sent to municipal solid waste landfills. This material is incorporated in with other waste at the landfill. Landfills generate a certain amount of liquid, termed *leachate*, which is collected and processed. This leachate results primarily from precipitation falling on the landfill surface. Composite landfill liners prevent leachate from entering groundwater. The leachate is collected at the base of the waste just above the liner. In most instances the leachate is transferred to a wastewater treatment plant (WWTP) for treatment. Less commonly, some landfills may recirculate a portion of the leachate. At the WWTP, the leachate is processed along other wastewater. Solids are separated from the water portion. This material, termed "sludge" or biosolids, is commonly applied on farm fields or landfilled.

Based on the above, the primary pathway of potential risk identified for the CWD prion following landfill disposal of infected deer can be described as:

carcass→landfill→leachate→wastewater treatment plant→sludge →

farm field → ingestion by humans or deer.

## 1.2 The Disease

CWD is a member of the transmissible spongiform encephalopathies (TSEs) a group of diseases that includes scrapie of sheep, bovine spongiform encephalopathy (BSE) of cattle and Creutzfeldt-Jakob Disease of humans. BSE is the only animal TSE for which there is experimental and epidemiological evidence of transmission to humans (Bruce *et al.* 1997, Hill *et al.* 1997 and Scott *et al.* 1999). All of the diseases in this group are characterized by a prolonged incubation, insidious onset of neurological signs, typically slow progression and eventual death. As a group, the TSEs are infectious, but not highly contagious. The specific transmission routes (i.e. portal(s) of agent exit and entry) of CWD between infected and susceptible animals have not been established. There is evidence that CWD can be transmitted by direct and indirect means; that is by animal-to-animal contact or by animal contact with contaminated items or the environment.

## 1.3 Biochemical and Physical Properties of the TSEs

Biochemically, the TSEs are characterized by a resistant form of a normal protein that is found in all mammalian and avian species examined to date. This protein is termed *prion protein* (PrP). The abnormal form, termed *PrP-res*, is associated with TSE infectivity and pathogenicity. The "res" refers to the fact that the abnormal prion protein is partially resistant to proteinase K digestion. Unlike the normal host prion protein, PrP-res forms ordered oligomeric structures; which are units composed of more than one protein chain. PrP-res has both hydrophilic and hydrophobic regions (Meyer *et al.* 1986). The hydrophobic region will be an important determinant of the behavior of the CWD agent in the landfill environment. Other distinctive properties of PrP-res include resistance to many of the commonly used disinfectants and inactivation procedures that are typically used to destroy infectious agents. Finally, there are multiple strains of TSE agents that have been identified, even within a particular disease group. Research has shown that some strains are more resistant to inactivation than others. With respect to CWD, it is unknown whether there are multiple strains and what relative degree of resistance to inactivation CWD has with respect to some of the better characterized TSE agents such as scrapie and BSE.

## 2. Behavior of the Prion Protein (PrP-res) in the Environment

### 2.1 Soil and Solid Waste

Due to the hydrophobic regions of the CWD PrP-res molecule, infectious prions in the environment can be expected to adsorb to organic material and soil. Initially the infectious agent is likely to adhere to the protein and carbohydrate components of the animal carcass. As the carcass decomposes, the undegraded PrP-res will adhere to adjacent soil or waste material in a landfill. The ability of scrapie prions to bind to metals and plastics has been reported (Flechsig *et al.*, 2001; Weissman *et al.*, 2002). All municipal solid waste landfills in Wisconsin employ a thick plastic membrane (generally polyethylene) as a component of the liner. This liner acts as a protective barrier and should prevent the movement of 'free' prions to subsurface soils or to groundwater.

In the only experiment to examine the fate of PrP-res in an outdoor environment, Brown and Gajdusek (1991) buried perforated petri dishes containing hamster scrapie in a residential garden for three years. They found that approximately 1% of the original infectivity in the original location

survived this term. Examining surrounding soil layers, no infectivity was found above the original location, a small amount of infectivity was found in the 4 cm soil layer that was directly beneath the perforated dish containing the original inoculum and no infectivity was found at 4-8 cm below the dish. The authors conclude that the hamster scrapie agent used in this experiment can persist in contaminated soil for three years under natural environmental conditions, but that there is little leaching to surrounding soil layers. To date there has been no further work that specifically examines the fate of TSE agents in the soil/solid waste environment.

Land application of municipal sludge that potentially contains CWD PrP-res may result in the presence of CWD PrP-res in surface soils. The application rates of municipal sludge are dependent on the chemical characteristics of the sludge and therefore will vary. The mechanism and time course of PrP-res degradation in soil/solid waste environment is unknown. Normal biodegradation processes are expected to inactivate the CWD prion over time.

## **2.2 Water**

The hydrophobic nature of PrP-res (Bennett 1992) indicates that leaching of the CWD agent into an aqueous environment is unlikely to occur in the landfill or in soil. This assumption is echoed in a 2000 BSE risk assessment produced for the British Ministry of Agriculture, Fisheries and Food (now Department for Environment, Food & Rural Affairs [DEFRA]). In section 3.1 titled "Fundamental Assumptions" it states that "BSE agent is stuck to particulate matter and, hence, is removed with the particulate matter from the effluent." Gale *et al.* (1998) in examining the risk from BSE in the aquatic environment state, "With the possible exception of flows in the vicinity of extraction wells, the rate of flow through landfilled wastes is generally slow and non-turbulent, with the result that particulate material is unlikely to be taken up in suspension."

Should any PrP-res exit the landfill as part of the leachate, it will, due to its hydrophobic nature, be attached to particulates (colloids) suspended in the leachate. Once that leachate reaches the wastewater treatment plant the suspended solids will be separated from the effluent. Those suspended solids will then be termed "sludge" or biosolids. Again, due to its hydrophobic nature, the PrP-res is expected to selectively partition with the solids into the sludge portion, and is not expected to be present in wastewater discharged to surface water. Gale and Stanfield (2001) discuss this expectation in their risk assessment for BSE in sewage sludge.

## **2.3 Air**

Air transport is not considered in this document because there is currently no evidence that PrP-res can be released into the air or volatilized in any way under natural conditions. In addition, there is no evidence of airborne transmission between animals or people.

## **3. Human vs. Animal Exposure to the CWD Agent**

To date, no human illness has been associated with exposure to the CWD agent. However, systematic surveillance has only recently begun. Given that humans have likely been exposed to the CWD agent for decades from animals, in laboratories and from the environment, this is a significant observation. Surveillance of prion-related diseases in humans is in its infancy. The primary routes of exposure in the future are likely to be through hunting and the consumption of CWD-contaminated venison and elk. To date, test-tube experiments in which normal human prion protein is exposed to

PrP-res from white-tailed deer have shown a limited degree of infectivity, but at a less efficient rate than that for BSE or scrapie (Raymond et al., 2000).

In contrast to interspecies transmission of CWD from deer to humans, there is good evidence that deer and elk can contract CWD by animal-to-animal contact as well as by contact of a susceptible animal with a contaminated environment.

Domestic cattle have failed to develop disease when housed with CWD-infected deer (Williams & Miller 2002). Under experimental conditions, however, 3 of 13 cattle inoculated (~ 5 years ago) intracerebrally with CWD did succumb to a TSE illness (Hamir et al., 2001). The remaining cattle are still alive and will remain under observation for another 5 years. Animals orally inoculated have, to date, not succumbed to the disease (Williams, 2002). Based on the above observations, the following pathway is not considered further in this document:

deer→landfill→leachate→wastewater treatment plant→sludge→farm field→  
animal fodder (surface contamination)→domestic livestock→commercial meat.

#### **4. Impact Assessment**

##### **4.1 Minimum Level of Exposure Known to Cause Disease**

As described above, it is likely that over the past several decades, thousands of hunters, taxidermists, meat processors, and research staff have ingested the CWD prion, as well as been exposed via eye splashes and through cuts and wounds. Exposure from these routes is likely to have been significantly greater than any that would be expected to result from contact with leachate from a well-managed landfill.

*The issue of how much infected material an individual (human or animal) must consume or be exposed to in order to become infected with CWD or any other TSE is not known.* Neither is it known if repeated small doses can result in infection. In an experimental setting, low-dose inoculation studies have revealed a decreased probability of infection and prolonged incubation periods. In some animal experiments, the incubation period extended beyond the natural life span of the animal; that is, at the time of death due to “natural causes”, the animal was infected with the TSE agent, but was not symptomatic (Dickinson, 1977; Thackray et al., 2002).

##### **4.2 Transmission of TSEs to Humans and Among Animals of the Same Species**

As stated in section 2., the only animal TSE that is known to have been transmitted to humans is BSE. Transmission of TSEs from one animal to another is likely to depend on a number of factors. These include the specific TSE, the strain of the TSE, the dose, the route of exposure, the human PrP genotype, and likely other unidentified factors.

The dose for any TSE is typically expressed as a “infectious/lethal dose 50” or an “I/LD<sub>50</sub>” per gram of tissue. It represents the dose of material at which 50% of the recipients become infected and will die. An I/LD<sub>50</sub> is always species and route specific. The I/LD<sub>50</sub> is determined by serial dilutions of the original material and subsequent inoculations into groups of animals to determine the endpoint at which 50% of the animals succumb or are diagnosed as infected (The term “LD<sub>50</sub>” is often replaced by “ID<sub>50</sub>” or “infectious dose 50” to indicate that experimental animals are not allowed to progress

fully through clinical disease to death). For the TSEs, a lower dose can decrease the likelihood that an exposed animal will become infected.

The route of exposure is also an important factor. The intracerebral route of inoculation is the most efficient. However, it is not a natural route of exposure. The following additional routes of infection are listed in descending order of efficiency (generally): intravenous, intraperitoneal and oral. The oral infectious dose of CWD has not been determined for deer or elk (E. Williams, personal communication, 2002).

### **4.3 Movement of Prions to Landfill Leachate**

While the assumptions in this analysis are based on limited data, they serve to provide an approximation of the range of conditions likely to be encountered in the environment under the scenario described in this document.

#### **4.3.1 Permeability**

Permeability is defined as the time needed for liquids to percolate through the waste mass at a landfill. There are limited data available regarding the saturated hydraulic conductivity of municipal waste. The EPA Hydrologic Evaluation of Landfill Performance (HELP) model for predicting the movement of liquids through landfill caps and liners uses a default value of  $1 \times 10^{-3}$  cm/sec for the saturated hydraulic conductivity of municipal waste. This value is based on work by Oweis et al (1990). More recent data (Shaw and Carey, 1996, Bleiker et al, 1993; Townsend et al, 1995) indicates a broader range of permeabilities from  $10^{-3}$  to  $10^{-6}$  cm/sec. Permeability, however, can vary based on waste composition, age (degree of decomposition) and depth of fill.

#### **4.3.2 Distance to the Leachate Collection System**

Typical municipal waste landfills in Wisconsin range in final height from 100 to 300 feet above the leachate collection system. The landfills are typically constructed in a series of phases over time, so that there are disposal areas available in the upper portions of the previous phase, while filling is occurring at the base of a new phase. DNR recommended in a June 6, 2002 letter to landfill operators that the deer carcass burial area should be "strategically sited high in the landfill such that any liquids will have to pass through many feet of waste material before reaching the leachate collection system" (WDNR, 2002).

#### **4.3.3 Summary**

Considering these factors in tandem with the observations in section 2.1 about the hydrophobicity of prions and their tendency to degrade in soil, it is expected that if prions were to move into landfill leachate, their movement would be slow enough that their concentration would be significantly reduced by degradation and retention in the remaining waste mass.

### **4.4 Ingestion of potentially CWD-contaminated soil by humans and deer after sludge application**

As described in section 2 of this document, it is expected that any prions present in leachate will adhere to sludge during the wastewater treatment process. Furthermore, the incorporation of sludge

into the 9-inch plow layer, which is standard for land application practices, would provide significant dilution within the soil. This combination of concentration reduction factors at the landfill, the sewerage treatment plant, and in the soil as well as the natural degradation processes is expected to greatly reduce the potential for infectious CWD prions to be present in sludge-amended soil.

## **5. Discussion**

A quantitative or semi-quantitative assessment of the risk is not possible because the amount of infectivity present in a carcass is unknown. In addition, the dose needed to infect a human or deer is also unknown. Nonetheless, existing information suggests that landfilling large numbers of deer from an area with a low incidence of CWD is unlikely to pose a significant risk to humans or to wildlife.

This document provides support for the following conclusions:

1. The disease specific agent is hydrophobic and is expected to adhere to organic materials present in a landfill.
2. It is likely to take the CWD agent several months to move through a landfill. During that time the agent will be subject to biodegradation and is likely to lose a significant amount of its infectivity. Based on the findings of Brown and Gajdusek (1991), up to 98% loss of infectivity can be anticipated within a 3-yr period.
3. Any infectivity that exits the landfill will be captured in the effluent and transferred to a wastewater treatment plant or recirculated in the landfill.
4. CWD prions present in wastewater are expected to partition with the sludge fraction.
5. Land-applied sludge will be greatly diluted by surface soils and incorporated with soil at a depth of 9 inches.

### **5.1 Likelihood of Human Exposure**

Two factors strongly influence human risk:

1. The presence of a species barrier
2. The route and dose of the exposure

The precise nature of any species barrier for CWD transmission between white-tailed deer and humans has, as yet, not been described. Given the fact that controlled experiments cannot be conducted in human beings, the existence of a species barrier cannot be directly tested. However, there is limited experimental evidence of a species barrier (Raymond et al. 2000). Further supporting the notion that such a species barrier exists is the observation that humans have been handling and consuming tissues from infected deer for decades with no evidence to date of any correlation with any human illness. The U. S. Centers for Disease Control (CDC) has investigated Creutzfeldt-Jakob disease (CJD) among three individuals thirty years of age or younger who had some association with hunting or consumption of venison (not related to the ongoing CDC investigation in Wisconsin) and has concluded that there was no evidence for a causal link with the consumption of venison (Belay et al., 2001).

The route of exposure to TSEs is also an important determinant of the efficiency of transmission. Oral (i.e. ingestion) exposure is among the least efficient means of transmitting any TSEs. In many

circumstances, TSEs that can be transmitted by the artificial route of intracranial (IC) inoculation directly into the brain cannot be transmitted by the oral route. Under experimental conditions when the dose can be controlled, it generally requires a far greater dose (typically 1,000- to 100,000-fold more) to transmit a given TSE at the same rate by the oral route than by the IC route.

The collection of leachate from a large landfill, the co-mingling of the solids from the leachate with other solids from the sewerage system and its mixing with 9 inches of topsoil provides an extremely large dilution factor. In addition, any prions that enter the environment will degrade with time.

In summary, it is reasonable to conclude that while absolute numbers relating to human health risk cannot be generated, the available knowledge about CWD and other TSEs suggests that landfilling of CWD-infected deer does not pose a significant risk to human health.

## **5.2 Likelihood of Transmission to Deer**

The major factors that influence the risk to deer from the landfilling of a population of deer some of which are infected with CWD are:

1. The absence of a species barrier
2. The route of exposure
3. The concentration reduction factors inherent in sludge production and application
4. The consumption of soil by deer.

For any TSE that is transmitted within the same species there is assumed to be no species barrier. The consequence of this is that deer are the most susceptible species to any exposure to viable CWD agent that enters the environment. For deer there may, however, be genetic influences on susceptibility and incubation period. For CWD this information is not known. Therefore, the approach in this document has been to assume that all white-tailed deer are equally susceptible to CWD infection.

The primary route of exposure to the CWD prion for deer from sludge amended soil is by ingestion. Typically for the TSEs the oral route is among the least efficient means of transmission. However, the oral infectious dose of CWD for deer has not been determined.

The collection of leachate from a large landfill, the co-mingling of the solids from the leachate with all the other solids from the sewerage system and then its mixing with 9 inches of topsoil provides an extremely large concentration reduction factor. Should any viable CWD prions make it out into the environment it is likely that they will degrade with time and will be diluted due to the mixing to a depth of 9 inches.

In conclusion, it is deemed likely that the risk of spreading CWD among Wisconsin's deer population by landfill disposal of infected carcasses is quite small.

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September, 2002

TO: Sanitary Landfills & Public Sewage Treatment Operations

SUBJECT: Disposal and Landfilling of Deer Carcasses

As you are all well aware, Chronic Wasting Disease is having a major impact on our state. We are doing everything we can to answer the many questions that people have on this disease and it's impacts on the deer herd, meat safety, and carcass disposal.

This past week, we extended the contract of the vendor currently processing deer carcasses from the Eradication Zone (infected area). This contract uses combustion at a crematorium. Although this decision meets our immediate needs, we must still pursue a long-term method for disposal of large quantities of deer carcasses.

We believe that landfilling in modern, engineered sites is a low-risk and cost-effective strategy for deer carcass disposal whether the deer come from the CWD Eradication Zone or any other part of Wisconsin. However, we recognize many of you have questions, particularly regarding the contamination of the leachate with the CWD agent. Our departments have prepared the enclosed interim risk analysis that represents our assessment of what is currently known about the potential risk to humans and deer if deer from the Eradication Zone were landfilled in a normal fashion, and sludge from that landfill were subsequently spread on the landscape.

This interim risk assessment involved input from sanitary landfill engineers, wastewater and air management experts, veterinarians and epidemiologists from several agencies. Our staff also solicited input from CWD and prion-disease experts from Britain and other states, and we will continue to examine pertinent new research on this issue as results become available. We conclude that animals infected with CWD can be safely disposed of in modern sanitary landfills within the state. Please take time to read the risk assessment and, if you have questions, feel free to contact our departments.

The fall hunt is coming quickly and your cooperation is essential. Deer carcass waste generated from fall hunting seasons, CWD testing operations, car-killed deer and meat processing sites has been safely put in landfills for many years. We hope the citizens of Wisconsin can count on you to continue to provide this vital service. Thank you for your understanding in this difficult time.

Darrell Bazzell, Secretary  
Wisconsin Department of Natural Resources

Phyllis Dubé, Secretary  
Department of Health and Family Services.



State Senator  
**James R. Baumgart**

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September 5, 2002

Senator Judy Robson, Co-Chair  
Joint Committee for Review of Administrative Rules  
State Capitol, Room 15 South  
HAND DELIVERED

Dear Senator Robson:

Thank you for holding a public hearing on the Department of Agriculture, Trade and Consumer Protection's request to extend ATCP 10 and 11, which relates to Chronic Wasting Disease in Cervids. The Department is seeking to extend these rules based on the authority given to them as part of the special session legislation that resulted in passage of Act 108.

These rules deserve a thorough review by the committee to ensure that indeed the appropriate safeguards against the spread of this disease are in place. While it is important that these rules are effective it is also imperative that there be continuity that results in protections being constantly in place. If there is a lapse in the guidelines established by the department it may result in the unregulated movement of animals around the state. Any such movement will increase the likelihood that CWD is spread to other parts of Wisconsin.

Thank you for your attention to this matter and if you have any questions please feel free to contact me.

Sincerely,

JIM BAUMGART  
State Senator  
9<sup>th</sup> Senate District

JB/ph



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**JOINT COMMITTEE FOR  
REVIEW OF ADMINISTRATIVE RULES**

*Emergency Rule Extension Motion Form*

September 5, 2002  
225 Northwest  
State Capitol

Moved by Robson, Seconded by Turner

THAT, pursuant to s. 227.24(2)(a), stats. and 2001 Wis. Act 108, the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule ATCP 10 and 11 until June 1, 2003 at the request of the Department of Agriculture, Trade and Protection.

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON	✓		
2. Senator GROBSCHMIDT	✓		
3. Senator HANSEN	✓		
4. Senator WELCH			
5. Senator COWLES	✓		
6. Representative GROTHMAN	✓		
7. Representative SERATTI	✓		
8. Representative GUNDERSON	✓		
9. Representative TURNER	✓		
10. Representative HEBL	✓		
Totals			

Motion Carried

Motion Failed

# **Emergency Rule**

## **chs. ATCP 10 and 11**

### **Relating to chronic wasting disease in cervids.**

The Department of Agriculture Trade and Consumer Protection requests an extension of the effective period of this emergency rule until June 1, 2003, pursuant to 2001 Wis. Act 108.



State of Wisconsin  
Scott McCallum, Governor

**Department of Agriculture, Trade and Consumer Protection**  
James E. Harsdorf, Secretary

July 2, 2002

The Honorable Judy Robson, Co-Chair  
Joint Committee for  
the Review of Administrative Rules  
15 South State Capitol  
Madison, WI 53702

The Honorable Glenn Grothman, Co-Chair  
Joint Committee for  
the Review of Administrative Rules  
15 North State Capitol  
Madison, WI 53702

Dear Representatives Robson and Grothman:

**Re: Emergency Rule Extension – Chronic Wasting Disease**

The Department of Agriculture, Trade and Consumer Protection asks the Joint Committee for the Review of Administrative Rules (JCRAR) to extend the above emergency rule, which is scheduled to expire on September 6, 2002. Pursuant to 2001 Wis. Act 108, the department asks JCRAR to extend the emergency rule until June 1, 2003.

This emergency rule imposes restrictions on importing cervids (deer and elk) to Wisconsin and on moving cervids from herds in Wisconsin. It requires that cervids being imported to Wisconsin must originate from a herd that has been under surveillance for CWD for a period of 5 years. (Current law already requires cervids to have negative tuberculosis and brucellosis tests before they are imported.) Cervids that are being moved from herds in Wisconsin must originate from a herd that is enrolled in the CWD herd monitoring program. The rule establishes the requirements for participating in the CWD herd monitoring program. This rule also extends the pre-movement tuberculosis testing requirement to captive white tail deer which were previously exempt from this requirement.

Under this emergency rule, any captive cervid in Wisconsin that dies after reaching 16 months of age must be tested for CWD if the carcass or any part of the carcass is removed from the herd premises. All cervids 16 months of age or older that are shipped to slaughter must be tested for CWD.

We are enclosing copies of the emergency rule, fiscal estimate and hearing notice. The emergency rule includes a *Finding of Emergency* that explains the need for this rule. The department has started "permanent" rulemaking proceedings, but will not be able to complete those proceedings before the emergency rule expires. The department is therefore asking JCRAR to extend the emergency rule.

The department held a public hearing on the emergency rule on May 22, 2002. A total of 12 people attended the hearing. Five of the people testified, one person supported the rule, three people opposed the rule and one person testified neither for nor against the rule. The most frequent objection to the emergency rule is that it costs too much to do the testing and farmers who decide to get out of the business will have to pay for the testing before their animals can be sold and moved. One person suggested that farmers be allowed to collect the test samples themselves rather than having to get a veterinarian to collect the samples. One person expressed concern that we simply do not know enough about this disease to justify the restrictions created by this rule. And, one person expressed a concern because identification of all the animals with official ID is onerous and cannot be accomplished by people who let their animals roam on large acreage operations so he does not believe identifying the animals should be a necessary part of participating in a herd monitoring program. After considering these concerns, the department decided not to amend the rule.

Seven people registered at the hearing but did not present testimony. Three people registered in support of the rule, two persons registered neither for nor against the rule, and two people indicated they were "just here to listen."

The department will hold hearings on the "permanent" rule in late July, 2002 and will close the hearing record on August 2, 2002. We plan to submit a final draft rule for DATCP Board approval in November, 2002. If the DATCP Board approves the final draft rule, we will refer it to the Legislature for review. Because of the time required for legislative review, promulgation and publication, the department does not expect the permanent rule to be published until May 31, 2003. Under the provisions of 2001 Wisconsin Act 108, JCRAR is authorized to extend the effective period of this rule until the "permanent" rule is in effect or until September 1, 2003, whichever is earlier. Therefore, the department is requesting an extension until the anticipated effective date of June 1, 2003.

The department will have staff available to answer questions at the JCRAR meeting on this matter.

Sincerely,



James E. Harsdorf  
Secretary

Enclosures

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE  
AND CONSUMER PROTECTION

**EMERGENCY RULE**

- 1 The state of Wisconsin department of agriculture, trade and consumer protection adopts  
2 the following emergency rule to amend ATCP 11.55(4); to repeal and recreate ATCP  
3 11.56(1) and (2); and to create ATCP 10.57, 10.58 and 11.56(2)(note); relating to chronic  
4 wasting disease in cervids.

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**Analysis Prepared by the Department of Agriculture,  
Trade and Consumer Protection**

Statutory Authority: ss. 93.07(1) and 95.20, Stats.  
Statutes Interpreted: ss. 93.07(10), 95.20, 95.22, and 95.31, Stats.

This emergency rule regulates the import, keeping and movement of cervids, including deer and elk, to prevent the spread of chronic wasting disease. The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) administers this rule. This rule applies to captive cervids, including farm-raised deer and captive white-tail deer. This rule does not apply to free-ranging deer or elk regulated by the Department of Natural Resources (DNR).

**Background**

Chronic wasting disease was recently discovered in the free-ranging deer population in Wisconsin. Chronic wasting disease is a form of transmissible spongiform encephalopathy, a disease that is always fatal. It is known to affect elk, white-tailed deer, black-tailed deer, mule deer and red deer. Very little is known about the disease, but it appears to be spread by cervid-to-cervid contact. The disease may spread more readily where cervids are concentrated.

Chronic wasting disease has not been diagnosed in captive cervids in this state, but its presence cannot be ruled out. The disease has been diagnosed in some captive herds in other states. This rule establishes a monitoring and testing program for captive cervids in this state. This rule also regulates imports and movement of captive cervids.

## **Importing Cervids to Wisconsin**

Under current rules, no person may import a captive cervid into Wisconsin without a permit from DATCP. The importer, or a veterinarian acting on behalf of the importer, may apply for an import permit. The applicant must identify the herd of origin and the herd of destination.

This rule clarifies that DATCP will not issue a written import permit until DATCP receives a certificate of veterinary inspection completed by a federally accredited veterinarian. The certificate must identify each cervid to be imported, and must certify one of the following:

- The cervid originates from a herd monitored for at least 5 years under a state-approved chronic wasting disease herd certification program that complies with federal uniform methods and rules.
- The cervid originates from a herd that meets all the following criteria:
  - Herd members have all been born in the herd or kept in the herd for at least one year.
  - Herd members have not been added from any outside source, or exposed to cervids from any outside source, in the past year.
  - There have been no signs or symptoms of chronic wasting disease in the herd for the past 5 years.
  - Animal health officials in the state of origin have access to herd records for the past 5 years, including records of cervid deaths and causes of death.

## **Moving Live Cervids from Herds in Wisconsin**

Under current rules, no person may move a live captive cervid from a herd in this state without a certificate of veterinary inspection. A Wisconsin certified veterinarian must certify that the cervid has tested negative for tuberculosis (there are some exceptions). Under this rule:

- The veterinarian must also certify that the herd of origin has shown no signs or symptoms of chronic wasting disease in the last 12 months. The veterinarian must be the herd veterinarian for the herd of origin.
- The herd of origin must be enrolled in Wisconsin's herd monitoring program (see below).

These requirements do not apply to any of the following:

- A cervid moved directly to slaughter if the cervid is tested for chronic wasting disease.

- A cervid moved between 2 locations operated by the same herd owner, and covered by the same farm-raised deer herd registration.
- A cervid moved by or under the control of DNR.
- A cervid moved between institutions that are accredited by the American association of zoological parks and aquariums.

### **Mandatory Testing in Wisconsin**

This rule requires chronic wasting disease testing of captive cervids. There is no test available for live cervids. Tests must be conducted on brain tissue collected from dead cervids. Tests are only effective on cervids at least 16 months old. This rule requires herd owners to have all the following tested for chronic wasting disease:

- All captive cervids at least 16 months old that are shipped to slaughter.
- All captive cervids at least 16 months old whose carcasses (or any part of whose carcasses) leave the herd premises.

A herd owner enrolled in Wisconsin's herd monitoring program (see below) must also test cervids at least 16 months old that die on the herd premises, even if their carcasses do not leave the herd premises. Live cervids may not be shipped from herds that are not enrolled in the monitoring program (see above).

### **Test Standards and Reports**

This rule spells out standards for official chronic wasting disease testing in this state. Under this rule:

- Test samples must be collected by a DATCP-certified veterinarian, a DATCP employee, an employee of the United States department of agriculture, animal and plant health inspection service (APHIS), or another person approved by DATCP. The person must complete training approved by DATCP.
- Test samples must be collected according to standard veterinary procedure, and tested at a laboratory approved by DATCP or APHIS.
- Veterinarians and others must report to DATCP if test results are positive for chronic wasting disease. This reporting requirement applies to voluntary tests, as well as required tests. Persons receiving positive test results must report within one day, and confirm the report in writing within 10 days.

## **Quarantine and Condemnation**

Under this rule, if a captive cervid tests positive for chronic wasting disease, DATCP must quarantine the herd. DATCP will conduct an epidemiological evaluation to determine the appropriate disposition of the cervids in the herd. DATCP may condemn cervids exposed to the disease, and may direct the disposition of their carcasses. The herd owner may apply for statutory indemnity payments. If a cervid owner is eligible, indemnities will normally cover 2/3 of the appraised value of the condemned cervids, but not more than \$1500 for each animal.

## **Herd Monitoring Program**

This rule establishes a herd monitoring program for chronic wasting disease. This program supplements the mandatory testing requirements described above. Live cervids may not be shipped from herds that are not enrolled in the monitoring program (see above). A herd owner who wishes to enroll in the program must do all the following:

- Complete an application form.
- Provide a report of a herd census completed not more than 30 days before the application date. The census report must include all the following:
  - The number, species and sex of cervids in the herd.
  - The number of cervids at least one year old.
  - The number of cervids less than one year old.
  - The official individual identification (ear tag number or other approved identification) of each cervid that is at least one year old.
- Provide a statement from the herd veterinarian. The veterinarian must certify that he or she is the herd veterinarian, and that no cervid in the herd has shown any signs or symptoms of chronic wasting disease in the past 12 months.

DATCP must grant or deny the application within 30 days. A herd is enrolled in the program when DATCP accepts the herd owner's application. The herd owner must do all the following to remain in the program:

- Identify each cervid in the herd, with official individual identification, before the cervid is one year old.
- Test every cervid that dies or is shipped to slaughter, if that cervid is at least 16 months old. This testing requirement applies, regardless of whether the cervid's carcass leaves the herd premises.
- Notify the herd veterinarian within 24 hours after the herd owner observes any signs or symptoms of chronic wasting disease.

- Provide an annual statement from the herd veterinarian. The herd veterinarian must submit the annual statement to DATCP, within 30 days before or after the herd enrollment anniversary date. The veterinarian must certify that he or she is the herd veterinarian, and that no cervid in the herd has shown any signs of chronic wasting disease since the last annual statement.
- File a report of an annual herd census. The herd owner must complete the annual census within 30 days before or after the enrollment anniversary date, and must file the report within 10 days after completing the census. The census report must include all the following:
  - The number, species and sex of cervids in the herd.
  - The number of cervids at least one year old, and the number of cervids less than one year old.
  - The official individual identification of each cervid that is at least one year old.
  - The number, species and sex of cervids added to the herd since the last reported herd census. The report must indicate whether these new cervids were born into the herd or added from another source. If cervids were added from another source, the report must identify the source from which the cervids were obtained.
  - The number of cervids that left the herd since the last reported herd census. The report must explain how each cervid left the herd, including all the following:
    - \* Whether the cervid died on the premises, was shipped to slaughter, or was shipped live other than to slaughter.
    - \* If the cervid was shipped live other than to slaughter, the name of the person to whom it was shipped and the place to which it was shipped.
    - \* If the cervid died on the premises, the cervid's age and the disposition of its carcass. If the carcass left the premises, the report must identify the carcass destination or recipient. If the cervid was at least 16 months old, the report must include a chronic wasting disease test report.
    - \* If the cervid was shipped to slaughter, the cervid's age and the name and address of the slaughter establishment. If the cervid was at least 16 months old, the report must include a chronic wasting disease test report.
- Maintain all the following records for at least 5 years, and make those records available to DATCP for inspection and copying upon request:

- A record of each cervid added to the herd from another source, including:
    - \* The species, age and sex of the cervid.
    - \* The name and address of the person from whom the cervid was obtained.
    - \* The address of the herd from which the cervid was obtained.
  
  - A record of each cervid leaving the herd, including all the following:
    - \* Whether the cervid died on the premises, was shipped to slaughter, or was shipped live other than to slaughter.
    - \* If the cervid was shipped live other than to slaughter, the name of the person to whom it was shipped and the place to which it was shipped.
    - \* If the cervid died on the premises, the apparent cause of death, the cervid's age, and the disposition of the cervid's carcass. If the carcass left the premises, the record must identify the carcass destination or recipient.
    - \* If the cervid was shipped to slaughter, the cervid's age and the name and address of the slaughter establishment.
  
  - A copy of all records received from the herd veterinarian related to veterinary services provided to the herd.
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## **FINDING OF EMERGENCY**

1           (1) Chronic wasting disease is a contagious disease known to affect several  
2 species of the cervid family, including elk, white-tailed deer, black-tailed deer, red deer  
3 and mule deer. The disease is always fatal. At the present time, there is no scientific  
4 evidence to suggest that chronic wasting disease is transmitted to non-cervids or to  
5 humans. But there is limited scientific knowledge about the disease, and this lack of  
6 knowledge has contributed to public concerns.

7           (2) The cause of chronic wasting disease is not fully understood. The disease  
8 appears to be related to aberrant protein molecules called prions. By an unknown  
9 mechanism, prions apparently cause other protein molecules in the cervid brain to take  
10 aberrant forms. The disease causes microscopic vacuoles (holes) in the brain. Diseased

1 cervids become emaciated, display abnormal behavior patterns, and experience loss of  
2 bodily functions.

3 (3) Science does not understand how chronic wasting disease is spread. It is  
4 thought that infected cervids can transmit the disease to other cervids, either directly or  
5 by contaminating their environment. It appears that cervid-to-cervid contact facilitates  
6 the spread of the disease.

7 (4) On February 27, 2002, the national veterinary services laboratory informed  
8 Wisconsin that it had confirmed chronic wasting disease for the first time in this state.  
9 The laboratory confirmed the disease in test samples collected from 3 free-ranging white-  
10 tailed deer killed by hunters during the November 2001 gun deer season. The Wisconsin  
11 Department of Natural Resources (DNR) collected these samples as part of a statewide  
12 disease surveillance program. With the voluntary cooperation of hunters, DNR collected  
13 test samples from deer killed and registered by hunters at selected hunting registration  
14 sites around the state. DNR collected a total of 345 samples statewide, including 82  
15 samples at the Mt. Horeb registration station. The 3 deer that tested positive for chronic  
16 wasting disease were all registered at the Mt. Horeb station. The 3 deer were shot in  
17 close proximity to each other in Vermont Township in Dane County. We do not know  
18 how the 3 deer were exposed to chronic wasting disease, nor do we know the extent of  
19 infection in the free-ranging herd.

20 (5) We do not know whether any captive cervids in Wisconsin are infected with  
21 chronic wasting disease (there are no findings to date). If captive cervids are infected, the  
22 close proximity of cervids within a captive herd may facilitate the spread of disease  
23 within the herd. The movement of infected cervids between herds may spread the disease

1 to other herds. Contact between free-ranging and captive cervids may also spread the  
2 disease.

3 (6) Persons importing captive cervids to Wisconsin must obtain an import permit  
4 from the Wisconsin Department of Agriculture, Trade and Consumer Protection  
5 (DATCP). Importers must identify the herd of origin and the herd of destination. A  
6 veterinarian must certify that the cervids appear to be in good health, and that they have  
7 been tested for tuberculosis and brucellosis. There is no chronic wasting disease testing  
8 requirement, because there is no way to test live cervids for the disease.

9 (7) Since 1995, a total of 2,604 captive cervids have been legally imported into  
10 Wisconsin. This includes 2,020 elk, 191 whitetail deer, 12 mule deer and 387 other  
11 cervids. Chronic wasting disease has been found in free-ranging herds or in some captive  
12 herds in Colorado, Nebraska, Oklahoma, Kansas, Montana, South Dakota, and Wyoming.  
13 Since 1995, a total of 410 captive cervids have been legally imported to Wisconsin from  
14 these states. Most other states lack active chronic wasting disease surveillance programs,  
15 so the full extent of the disease is not known with certainty.

16 (8) DATCP currently registers captive cervid herds, other than white-tail deer  
17 herds. DNR currently licenses captive white-tail deer herds. Since 1998, DATCP has  
18 sponsored a voluntary program to monitor for chronic wasting disease among the captive  
19 herds that it registers. Approximately 50 herd owners currently participate in this  
20 program.

21 (9) Since chronic wasting disease was confirmed in this state, there has been  
22 widespread public concern about the disease. The public has expressed concern about the  
23 health of free-ranging deer and elk, and about potential threats to humans, livestock and

1 deer-related businesses. Hunters and consumers have expressed food safety concerns.  
2 There is currently no scientific evidence to suggest that chronic wasting disease is  
3 transmissible to non-cervids or to humans. But there is limited scientific knowledge  
4 about the disease, and this lack of knowledge has contributed to public concerns.

5 (10) In order to protect the public peace, health, safety and welfare, it is  
6 necessary to take immediate steps to prevent and control the spread of chronic wasting  
7 disease in this state. Among other things, it is necessary to impose further controls on the  
8 import and movement of captive cervids and to implement a mandatory monitoring  
9 program. DATCP may adopt rules to implement these measures.

10 (11) Normal rulemaking procedures require up to a year or more to complete. A  
11 temporary emergency rule is needed to protect the public peace, health, safety and  
12 welfare, pending the adoption of longer-term rules. This emergency rule will implement  
13 essential prevention and control measures on an immediate, interim basis.

#### 14 **EMERGENCY RULE**

15 **SECTION 1.** ATCP 10.57 and 10.58 are created, under subch. VII of ch. ATCP  
16 10, to read:

17 **ATCP 10.57 Chronic wasting disease in captive cervids. (1) TESTING**  
18 **REQUIRED.** A person who keeps captive cervids in this state shall have chronic wasting  
19 disease tests performed on all the following:

20 (a) Any captive cervid that dies or is killed on the premises, if any part of the  
21 cervid's carcass leaves the herd premises. A person trained and authorized under sub. (3)  
22 shall collect the test sample before any part of the carcass leaves the herd premises, and

1 shall submit the sample for testing at a laboratory approved under sub. (4). This  
2 paragraph does not apply to cervids less than 16 months old.

3 (b) Any captive cervid that is shipped to slaughter from the herd premises. A  
4 person trained and authorized under sub. (3) shall collect the test sample after the cervid  
5 is slaughtered, and shall submit the sample for testing at a laboratory approved under sub.  
6 (4). This paragraph does not apply to cervids less than 16 months old.

7 (2) MOVING LIVE CAPTIVE CERVIDS FROM HERDS IN THIS STATE. No person may  
8 move a live captive cervid from a herd in this state unless the movement complies with s.  
9 ATCP 11.56(1).

10 (3) COLLECTING TEST SAMPLES. (a) One of the following persons shall collect a  
11 test sample under sub. (1) and submit it for testing:

- 12 1. A certified veterinarian.
- 13 2. An employee of the department or the federal bureau.
- 14 3. A person that the department approves in writing.

15 (b) Before a person under par. (a) collects a test sample under sub. (1), that  
16 person shall complete training approved by the department. A person shall comply with  
17 standard veterinary procedures when collecting a test sample under sub. (1).

18 (4) APPROVED LABORATORIES. Tests under sub. (1) shall be performed at a  
19 laboratory that the department or the federal bureau has approved to conduct chronic  
20 wasting disease tests.

21 (5) REPORTING DISEASE FINDINGS. Whenever any person receives a laboratory  
22 test result that is positive for chronic wasting disease, that person shall immediately  
23 report that result to the department. The person shall report by telephone, FAX or other

1 rapid means within one day after receiving the test result, and shall report in writing  
2 within 10 days. The person shall provide a copy of the test result to the owner of the  
3 tested cervid.

4 **NOTE:** The reporting requirement under sub. (5) applies to *any* laboratory test  
5 result that is positive for chronic wasting disease, not just the result of a  
6 test required under sub. (1). Telephone and FAX reports should be made  
7 to the following numbers:

8  
9 Phone: (608) 224-4872  
10 FAX: (608) 224-4871

11  
12 Written reports should be made to the following address:

13  
14 Wisconsin Department of Agriculture, Trade and Consumer Protection  
15 Division of Animal Health  
16 P.O. Box 8911  
17 Madison, WI. 53708-8911  
18

19 **(6) HERD QUARANTINE.** The department shall quarantine a herd of captive  
20 cervids, under s. ATCP 10.70, whenever any cervid from that herd tests positive for  
21 chronic wasting disease. The department shall conduct an epidemiological evaluation of  
22 the quarantined herd to determine the appropriate disposition of the herd.

23 **(7) CONDEMNED CERVIDS.** (a) The department may order the slaughter or  
24 destruction of a captive cervid infected with or exposed to chronic wasting disease, as  
25 provided in s. 95.31, Stats. If the department orders the slaughter or destruction of a  
26 cervid, the department shall direct the disposition of the carcass. The herd keeper shall  
27 dispose of the carcass as the department directs.

28 (b) The owner of a captive cervid slaughtered or destroyed under par. (a) may  
29 request an indemnity as provided under s. 95.31, Stats. The owner shall file the request  
30 with the department, on a form provided by the department. The owner shall include,  
31 with the request, a slaughter confirmation signed by an authorized employee of the

1 department or the federal bureau. A cervid owner does not qualify for an indemnity if the  
2 owner fails to properly dispose of the carcass.

3 **ATCP 10.58 Chronic wasting disease in captive cervids; herd monitoring**  
4 **program. (1) GENERAL.** A person who keeps captive cervids in this state may enroll  
5 the herd in the chronic wasting disease monitoring program under this section.

6 **NOTE:** No person may move a live captive cervid from a herd in this state  
7 unless the herd is enrolled in the monitoring program under this section.  
8 See ss. ATCP 10.57(2) and 11.56(1).  
9

10 **(2) APPLICATION.** To enroll a herd in the monitoring program under this section,  
11 a person shall complete and submit a form provided by the department. The application  
12 shall include all the following:

13 (a) The name, address and telephone number of the herd owner, and any trade  
14 names under which the herd owner does business.

15 (b) The name, address and telephone number of the herd custodian, if other than  
16 the herd owner.

17 (c) The herd location or locations, including the county, township, section and  
18 fire number assigned to that location.

19 (d) A report of a complete herd census completed no more than 30 days prior to  
20 the date of application. The applicant shall submit the census report on a form provided  
21 by the department. The census report shall include all the following:

- 22 1. The number, species and sex of cervids in the herd.
- 23 2. The number of cervids at least one year old.
- 24 3. The number of cervids less than one year old.
- 25 4. The official individual identification of each cervid that is at least one year old.

1           **NOTE:** See ss. ATCP 10.01(45) and 11.545(1). An official individual  
2           identification is a unique identifying number contained on an eartag or  
3           other permanent identifier on the cervid.  
4

5           (e) A written statement, by a certified veterinarian, that certifies all the following:

6           1. That the veterinarian is the herd veterinarian, having established a valid  
7           veterinarian-client relationship with the herd owner and a valid veterinarian-patient  
8           relationship with the herd.

9           2. That no cervid in the herd has shown any signs or symptoms of chronic  
10          wasting disease in the past 12 months.

11          **(3) ACTION ON APPLICATION.** The department shall grant or deny an application  
12          under sub. (2) within 30 days after the department receives a complete application. The  
13          herd is enrolled in the monitoring program under this section on the day that the  
14          department accepts the application.

15          **(4) CONTINUED ENROLLMENT.** A person who enrolls a herd in the monitoring  
16          program under this section shall do all the following to continue that enrollment:

17          (a) Identify every cervid in the herd with official individual identification before  
18          the cervid is one year old.

19          (b) Test for chronic wasting disease every cervid that dies or is shipped to  
20          slaughter, if that cervid is at least 16 months old.

21          (c) Notify the herd veterinarian within 24 hours after observing any signs or  
22          symptoms of chronic wasting disease in the herd.

23          (d) Complete an annual herd census and file a report of that herd census under  
24          sub. (5).

25          (e) Create and maintain complete herd records under sub. (6).

1 (f) Provide the department with an annual written statement from the herd  
2 veterinarian. A Wisconsin certified veterinarian shall sign and submit the statement  
3 within 30 days before or after the anniversary of the herd's enrollment under sub. (3).

4 The statement shall certify all the following:

5 1. That the veterinarian is the herd veterinarian, having established a valid  
6 veterinarian-client relationship with the herd owner and a valid veterinarian-patient  
7 relationship with the herd.

8 2. That the herd has not shown any signs or symptoms of chronic wasting  
9 disease in the past 12 months.

10 (5) ANNUAL HERD CENSUS. A person shall complete an annual herd census under  
11 sub. (4)(d) within 30 days before or after the anniversary of the herd's enrollment under  
12 sub. (3). The person shall file an annual census report under sub. (4)(d), on a form  
13 provided by the department, within 10 days after completing the annual herd census.

14 The report shall include all the following:

15 (a) The number, species and sex of cervids in the herd.

16 (b) The number of cervids at least one year old.

17 (c) The number of cervids less than one year old.

18 (d) The official individual identification and any auxiliary identification of each  
19 cervid that is at least one year old.

20 (e) The number, species and sex of cervids added to the herd since the last  
21 reported herd census. The report shall indicate whether these new cervids were born in  
22 the herd or added from another source. If cervids were added from another source, the  
23 report shall identify the source from which those cervids were obtained.

1 (f) The number, species and sex of cervids that have left the herd since the last  
2 reported herd census. The report shall indicate, for each cervid, all the following:

3 1. Whether the cervid died on the premises, was shipped to slaughter, or was  
4 shipped live other than to slaughter.

5 2. If the cervid was shipped live other than to slaughter, the name and address of  
6 the person to whom it was shipped and the place to which it was shipped.

7 3. If the cervid died on the herd premises, the cervid's age and the disposition of  
8 its carcass. If the carcass left the premises, the report shall identify the carcass  
9 destination or recipient. If the cervid was at least 16 months old, the report shall include  
10 a report of the chronic wasting disease test result.

11 4. If the cervid was shipped to slaughter, the cervid's age and the name and  
12 address of the slaughter establishment. If the cervid was at least 16 months old, the  
13 report shall include a report of the chronic wasting disease test result.

14 (6) HERD RECORDS. A person shall keep the following herd records under sub.  
15 (4)(e), and shall make them available to the department for inspection and copying upon  
16 request:

17 (a) A record of each cervid added to the herd from another source, including:

- 18  
19 1. The species, age and sex of the cervid.  
20 2. The name and address of the person from whom the cervid was obtained.  
21 3. The address of the herd from which the cervid was obtained.  
22 4. A copy of the certificate of veterinary inspection related to the shipment.

23 (b) A record of each cervid leaving the herd, including all the following:

1  
2 1. Whether the cervid died on the premises, was shipped to slaughter, or was  
3 shipped live other than to slaughter.

4 2. If the cervid was shipped live other than to slaughter, the name of the person to  
5 whom it was shipped, the place to which it was shipped and a copy of the certificate of  
6 veterinary inspection related to the shipment.

7 3. If the cervid died on the premises, the apparent cause of death, the cervid's  
8 age, and the disposition of the cervid's carcass. If the carcass left the premises, the  
9 record shall identify the carcass destination or recipient.

10 4. If the cervid was shipped to slaughter, the cervid's age and the name and  
11 address of the slaughter establishment.

12 (c) A record of all chronic wasting disease tests conducted on cervids in the herd.

13 (d) Records received from the herd veterinarian related to veterinary services  
14 provided to the herd.

15 (7) SUSPENDING ENROLLMENT. (a) The department may, without prior notice or  
16 hearing, suspend a herd's enrollment in the herd monitoring program under this section if  
17 any of the following apply:

18 1. A person falsifies any information in an enrollment application, or any  
19 subsequent information required for continued enrollment.

20 2. A person fails to comply with requirements under sub. (4) for continued  
21 enrollment.

22 (b) The state veterinarian or designee may issue a suspension order under par. (a).

23 A person adversely affected by a suspension order may request a hearing before the  
24 department, as provided in ch. 227, Stats., and ch. ATCP 1.

1           **NOTE:** If a herd is suspended from enrollment in the herd monitoring program,  
2           no captive live cervid may be moved from that herd to another herd. See  
3           ss. ATCP 10.57(2) and 11.56(1).

4  
5           **SECTION 2.** ATCP 11.55(1)(d) is created to read:

6           ATCP 11.55(1)(d) One of the following statements, or a statement substantially  
7 similar:

8           1. **“All cervids identified on this certificate originate from a herd whose**  
9 **members have all been born in the herd or kept in the herd for at least 12 months.**  
10 **No cervids have been added from any outside source, nor has the herd been exposed**  
11 **to cervids from any outside source, during the past 12 months. No cervid in the**  
12 **herd has been diagnosed with, or shown clinical signs of, chronic wasting disease in**  
13 **the last 5 years. There has been no epidemiological evidence of chronic wasting**  
14 **disease in the herd during the past 5 years. The herd owner keeps complete herd**  
15 **records, including records of all deaths and causes of death during the last 5 years,**  
16 **and makes these records available to state animal health officials.”**

17  
18           2. **“All cervids identified on this certificate originate from a herd monitored**  
19 **for the last 5 years under a state-recognized chronic wasting disease monitoring**  
20 **program that complies with federal uniform methods and rules.”**

21  
22           **SECTION 3.** ATCP 11.55(4) is amended to read:

23           ATCP 11.55(4) **IMPORT PERMIT REQUIRED.** No person may import a cervid into  
24  
25 this state without a written import permit under s. ATCP 11.03. The department may not  
26 issue a permit until the department receives a certificate of veterinary inspection that  
27 complies with sub. (1).

28           **SECTION 4.** ATCP 11.56(1) and (2) are repealed and recreated to read:

29           ATCP 11.56(1) **MOVING LIVE CAPTIVE CERVIDS FROM HERDS IN THIS STATE.**

30 Except as provided in sub. (2), no person may move a live captive cervid from a herd in  
31 this state unless all the following apply:

1 (a) The cervid is accompanied by a certificate of veterinary inspection. A  
2 Wisconsin certified veterinarian shall sign the certificate, and shall certify that he or she  
3 is the herd veterinarian for the herd of origin.

4 (b) The certificate of veterinary inspection under par. (a) certifies that the cervid  
5 tested negative on a single cervical tuberculin test, or another tuberculosis test approved  
6 by the department, within 90 days before the cervid is moved. This requirement does not  
7 apply to any of the following:

- 8 1. A cervid less than 6 months old.
- 9 2. A cervid moved directly to a tuberculosis isolation and testing facility under  
10 sub. (4), pursuant to a department permit under s. ATCP 11.60(4).
- 11 3. A cervid that originates from an accredited tuberculosis free herd.

12 (c) The certificate of veterinary inspection under par. (a) certifies that no cervid  
13 in the herd has shown signs or symptoms of chronic wasting disease in the last 12  
14 months.

15 (d) The herd is currently enrolled in the chronic wasting disease monitoring  
16 program under s. ATCP 10.58.

17 (2) EXEMPTIONS. Subsection (1) does not apply to any of the following:

18 (a) A captive cervid moved directly to slaughter, if all the following apply:

- 19 1. The cervid is accompanied by a slaughter movement permit (APHIS form  
20 VS 1-27).
- 21 2. The cervid, if at least 16 months old, is tested for chronic wasting disease.

22 (b) The cervid is moved between 2 locations operated by the same herd owner,  
23 and covered by the same farm-raised deer herd registration.

1 (c) The cervid is moved by or under the control of the department of natural  
2 resources.

3 (d) The cervid is moved between institutions that are accredited by the American  
4 association of zoological parks and aquariums.

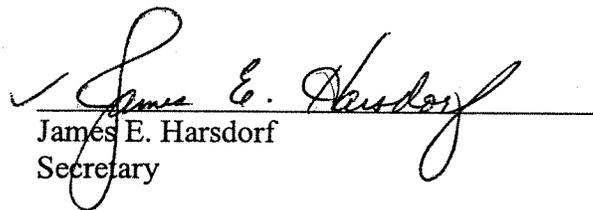
5 **SECTION 5.** ATCP 11.56(2)(note) is created to read:

6 **NOTE:** Section ATCP 10.57(1)(a) requires that specimens be collected for  
7 chronic wasting disease testing from every captive cervid if the cervid was  
8 at least 16 months old and the carcass or any part of the carcass leaves the  
9 herd premises.

10  
11 **EFFECTIVE DATE:** This emergency rule shall take effect on the day it is published  
12 in the official state newspaper, and shall remain in effect for 150 days, as provided in s.  
13 227.24(1)(c), Stats. The department may seek to extend this emergency rule as provided  
14 in s. 227.24(2), Stats.

Dated this 3 day of April, 2002.

**STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE  
AND CONSUMER PROTECTION**

  
James E. Harsdorf  
Secretary