

**2019 HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE**

**HB 1232**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau Room, State Capitol

HB 1232  
1/18/2019  
31048

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Kathleen Davis
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### Explanation or reason for introduction of bill/resolution:

a bill relating to taxidermist and meat processor certifications for transporting big game animals in the state from areas with documented cases of chronic wasting disease

### Minutes:

Attachment 1, 2, 3, 4, 5
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**Chairman Porter:** called the hearing to order on HB 1232 and the clerk took roll call.

**Rep. Ruby:** presented Attachment 1.

**Chairman Porter:** questions? Further support?

**5:40**

**Brian Kadrmas:** There are methods which we can handle these things. There are already certifications that take place which I am qualified to send throughout the world. We should be able to take something from MT, bring it here and dispose of properly under guidelines set forth by Game and Fish. I do not think this is an unrealistic request. We have hunters coming into the state that have shot something from out of state from a CWD and disposing it improperly. We must do something to save our businesses and to protect our wildlife resources. I hope you look at this seriously. USDA has guidelines, certifications, inspections to make sure individuals are following through. Working together we should be able to reach a consensus.

**Chairman Porter:** Do you know of any other states that have guidelines for bringing in to their state?

**Kadrmas:** I heard yesterday there are 5-6 states that have guidelines on CWD. Most of the stuff we work with coming from overseas has to do with avian species, swine species and primates. Many of the techniques to certify that stuff going overseas or coming into our country or state, would be the same process we'd do with CWD. We'd have a waste issue with spinal columns and brain tissue we need to find a solution for.

**Chairman Porter:** further testimony?

**Julie Schwanic, Dakota Skulls, Minot, ND:** presented Attachment 2

**Rep. Lefor:** You're losing business from out of state, why?

**Julie Schoneck:** More and more states are tested for CWD, mostly recently MT. We started losing business a few years ago as states were added to the CWD list and as hunters couldn't bring skulls back to ND. It's growing and snowballing as CWD shows up in more places. Weekly we get calls and ask if they can bring it in and I have to ask where is it from.

**Rep. Lefor:** Are we more restrictive than other states?

**Julie Schoneck:** Yes it is implemented in other states. When we try to come up with a common sense solution and not cost prohibitive, this was developed. Recently we realize some states have something almost identical to what we're proposing.

**Rep Bosch:** What would it take for you to put a plan in place? Is it a big expense?

**Julie Schoneck:** Depends on guidelines set up, certification process probably a one-time thing, make sure things are processed properly, disposed of properly. We feel we can put it in place.

**Greg Schoneck, Dakota Skulls, Minot, ND:** presented Attachment 3.

**22:00**

**Rep. Lefor:** What process would you use to insure an out of state carcass didn't spread disease?

**Greg Schoneck:** Under this new bill that would be allowed. If this bill passes the state vet will develop a program to understand proper disposal, handling of possible CWD material and much of it wouldn't be CWD. Other states are considering proper disposal is taking it to an approved fenced landfill or buried. Burying seems to be a preferred method but I'm not certain what's going on across states with that.

**Rep. Lefor:** How many taxidermists in ND? Do you have a state association? Can you work with ND Game and Fish?

**Greg Schoneck:** We do have an association and we have tried to work with ND Game and Fish and they will not work with us, their feet are planted. I have spent countless hours trying to work with G&F. An easier route and time was already attempted.

**Rep. Lefor:** It doesn't matter what has gone on in the past, but what happens in the future. I would like to move on from what happened in the past and move forward.

**Greg Schoneck:** I'm not certain, no compromise on CWD. My opinion there will be no compromise from that position.

**Rep Heinert:** What are the threats to other animals when transported from other states? Why did we implement the rule?

**Greg Schoneck:** CWD coming in from another area has a potential for that area to become infected. CWD is a ground borne disease, goes into the ground, very difficult to eradicate if at all. Concern is disposing the parts, the backbone, spinal column, lymph nodes, the head. We can easily take care of this unwanted waste better than current regulations are doing. Guys find out they're not supposed to have this and throw it out behind in a tree row where it won't be found by G&F. Consequently, hoping to prevent the spread is spreading it.

**Rep. Devlin:** Can you tell me those 5 states.

**Greg Schoneck,** 5 states I can get that information to you.

*(emailed after the meeting: Illinois, Indiana, Missouri, Wisconsin, Wyoming)*

28:00

**Chairman Porter:** Inside of the USDA, how are they handling things coming across the border with customs?

**Greg Schoneck:** I'm unfamiliar with that. Brian Kadrmas is quite familiar with import export and may be able to answer that.

**Chairman Porter:** The current process is to keep CWD in the affected area. By bringing them out in a regulated fashion into an unaffected area, isn't there a risk we're burying it and infecting a new area?

**Greg Schoneck:** There's a possibility. Minot's land fill is fenced as are most. Unless there evidence that CWD can be spread from the ground up through the plant into the animal, may or may not even be true. Typically, is not spread that way is what we understand, so we're not certain.

**Chairman Porter:** I'm worried about ground water. I'm concerned there are other transmission routes that could happen.

**Greg Schoneck:** Unquestionably there is some risk. Is the risk worth the livelihood of ND residents? The likelihood is far less than if the carcass is left where the animal was taken or harvested. Yes, we're concerned. Current regulations insist the spinal column remain there, if the head or skull cap it has to be cleaned within that state. As the animal is there within days the birds, coyotes are on it and CWD does not disintegrate through the digestive system. By leaving that carcass we're creating just as much trouble for our neighbor states as we could be for our own. If we take that animal and contain it, we're helping the environment and spread.

**Chairman Porter:** There's methods out there. I'm aware how to deal with contagious infectious diseases. Are there methods from the taxidermy standpoint, they get a carcass that increases your work but isn't going to be a subsequent spreading?

**Greg Schoneck:** There may be but I am not aware. Cost effective on other ways to dispose, kill CWD. We are reacting, reacting quickly and without a broad understanding, the business aspect.

**Chairman Porter:** Last session in another committee we talked about lye process of cremation used at large universities. The point is you as the recipient of the carcass, there has to be a method of proper disposal that meets G&F regulations and that it will not spread.

**Greg Schoneck:** Certified taxidermist and meat cutters are affected. It needs to be effective. The state vets to come up with a program that certifies taxidermists and meat cutters.

**40:00**

**Brian Kadrmas,** owner of Dakota Taxidermy, Bismarck.

Three methods to kill disease. (1) We can boil the trimmings for 20 minutes and dispose of in the landfill, (2) soak for 24 hours in sodium bicarbonate, and (3) a chemical in table or power I get from USDA, mix with water, dip in there for 20 minutes, it's now disease free. Check with the state vet is one of these methods will kill CWD. I do it on a yearly basis for the European Union and USDA, what needs to be done and treated. I do have a good working relationship with USDA ND Game and Fish. I do own a company in British Columbia also. They've asked me to bring back brain samples for UND, we're trying to fight some diseases. I believe there's a solution that's not that complicated or time consuming. This is not a costly solution.

**Chairman Porter:** further in support? Opposition?

**Casey Anderson, ND Game and Fish:** presented [Attachment 4](#).

**49:00**

**Rep. Ruby:** The aquatic nuisance species (ANS) education was highly successful. How much money did you spend on the aquatics' education program compared to CWD?

**Anderson:** We don't have an estimate but could pull some numbers.

**Rep. Ruby:** How do you mitigate and enforce for out of state taxidermists to bring back in?

**Anderson:** Once it's done out of state, the diseased parts are removed. We have info on our websites. Obviously one suggestion is use a taxidermist in that area. Once it's done, minimal or no risk.

**Rep Heinert:** If an animal is brought in from out of state, how is it spread into ND?

**51:50**

**Anderson:** The CWD prion is a very complicated disease. It's not a virus, not bacteria, it's not a living thing that we can kill. It's a protein. It accumulates at high levels in spinal tissue and lymph nodes. If brought back, disposed of in the landscape and it's picked up through

the landscape. Spread by a live diseased deer through urine, saliva, and feces or dead material on the landscape. Obviously to keep it from getting in that area is to not let it get there. This is a risk management disease; we don't know how to eliminate it.

**Rep Heinert:** That doesn't answer it. A taxidermist in another state can process it but they can't bring to a local taxidermist for fear it might get spread?

**Anderson:** Yes. If the disease parts get on the landscape, it's introduced in the new area.

**Rep Heinert:** If a carcass is in the back of a pickup, you can't say it's going to be in the land unless it's introduced into the land, correct?

**Anderson:** That's correct. And not every carcass is diseased.

**56:00**

**Rep. Lefor:** You keep saying the landscape. Is it airborne?

**Anderson:** I may have to defer to our state wildlife Vet on this. Typically, they're picking it up from the landscape.

**Rep. Lefor:** I'm in MT, bring my deer carcass back it to my taxidermist here in ND, low risk? No risk? Until it's disposed of?

**Anderson:** Yes. If all risky parts were contained, then yes the risk would be fairly low.

**Chairman Porter:** If there was precertification the individual hunter received a tag to attach to the animal, the individual is bringing the whole carcass to a taxidermist, there's a responsibility that taxidermist to make sure it happens in the law. Could that potentially work?

**Anderson:** Hard to say because prion is extremely difficult to neutralize. It's not a living thing. The big risk is once it's introduced you can't get rid of it. Hopefully with education we can keep this under control. We are continually trying to get the education out on this.

**Rep. Keiser:** I hear you saying this is one of the most significant diseases to our deer population and zero tolerance is your stance. If we could have a little tolerance but because it's devastating, if we allow a small tolerance we create a risk in the uninformed and we infest our deer for years to come.

**Anderson:** CO and WS have this disease all over

**Rep. Devlin:** Mr. Kadrmas testified to ways of destroying other diseases. Will that not work? It sounded like there were reasonable approach.

**Anderson:** Those practices do not kill CWD. Every other disease we work with has a living cell. CWD is not living so you can't kill it.

**Chairman Porter:** We need to hear more about this protein and rendering it inactive and the risks.

1:07:00

**Dr. Charlie Dr. Bahnson, DVM, ND Game and Fish:** Prion, is a new frontier in infectious diseases. Consider what works best, incineration above 1800 degrees in a crematorium. Most burn at 1200 degrees. Even when you disintegrate tissue, you have to dispose of ashes because of a level of affectivity in the ashes. No way to sterilize prion organic matter. Alkaline hydrolysis, still have to dispose of that waste product. First approach is containing it. Landfills are an option. Seagulls- it's well documented that prion's not deactivated by passing through scavengers.

**Chairman Porter:** questions

1:12:00

**Rep. Eidson:** Is there ongoing research how to take care of this in the future?

**Dr. Bahnson:** No plausible way to eradicate it. Once it's in an area is to slow down how fast it spreads.

**Rep. Keiser:** How easy is it to detect? Test before you bring it into the state and then process it?

**Dr. Bahnson:** It's a complicated process, collect lymph nodes and send to an approved lab. Plausible way but 3-week lag time to get the results back. The test is good but not perfect. Infected and then dying period is 18-20 months.

**Chairman Porter:** No rapid on sight test of specific tissue?

**Dr. Bahnson:** Exactly.

**Rep Heinert:** You made a comment about the gold standard of the destruction of the animal. What other standards may work?

1:15:30

**Dr. Bahnson:** It's all a matter of reducing risks. Alkaline hydrolysis. Proper composting is extremely difficult. Disposal through an approved landfill.

**Rep. Zubke:** If we stop deer from congregating, people feeding deer, that would help this process a little bit?

**Dr. Bahnson:** We try to slow down how it gets into a herd. The department has implemented a baiting ban to help slow the spread. We think the percentage that has it is below 1%.

1:17:00

**Rep. Keiser:** Is there any evidence that there's risk to humans?

**Dr. Bahnson:** No reviewed scientific research that has a direct link between consuming contaminated meat and developing human disease.

**Chairman Porter:** Have there been test that cooking the meat to a certain temp that show from the muscle tissue or is it still present?

**Dr. Bahnson:** It's been shown that prions can be in muscle.

**John Bradley, executive director of ND Wildlife Federation,** presented Attachment 5:

**Rep Bosch:** Why is it better to process those animals out in the field and leave them lay there and taking them to a processing meat market or taxidermy?

**John Bradley:** It comes down to that geographical location. You hunt, harvest, debone the meat there in that location, leave the carcass in that spot versus putting it in the back of the truck and driving it. Your truck can go farther than a deer that sniffs that. It keeps it contained and goes, we don't have that control.

1:25:00

**Mike McEnroe, ND Chapter of the Wildlife Society:** We support the Game and Fish in their position. Regarding zero tolerance- go to a taxidermist or meat processor. Most of my carcasses have gone to the landfill in Bismarck or Fargo where I lived and I process my own meat. Some have gone to friends who say we like to use them for coyotes. We know not all out of state animals will be processed at a meat processor or taxidermist.

**Chairman Porter:** Further testimony in opposition to HB 1232?

**Rep. Ruby:** Do you have a number of how many people you have stopped from bringing into ND a carcass? In WS there are 55 affected counties. Of those, 25 are designated due to having a wildlife positive deer, 16 are within 10 miles of a wild CWD and 14 counties within a captive. Not all have CWD within 10 miles.

**Anderson:** We sent all MT hunters a letter. In 2017, gave out 2 warnings and 9 citations. In 2018 6 warnings and 10 citations.

**Rep. Ruby:** That's out of how many ND people that hunted MT?

**Anderson:** Around 3000 is the number MT Game and Fish gave us.

**Rep. Marschall:** Who's doing the studies you reference?

**Anderson:** Numerous places are doing the studies.

**Chairman Porter:** closed the hearing.



# 2019 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau Room, State Capitol

HB 1232  
1/25/2019  
31496

☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Kathleen Davis
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### Explanation or reason for introduction of bill/resolution:

a bill relating to taxidermist and meat processor certifications for transporting big game animals in the state from areas with documented cases of chronic wasting disease

### Minutes:

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**Chairman Porter:** called the hearing to order on HB 1232. Discussion?

**Rep. Zubke:** I move a do not pass on HB 1232.

**Rep. Roers Jones:** second.

**Rep. Ruby:** When we had testimony I was asked to get information on the other 5 states that have some sort of program. They include:

Illinois,

Ohio,

Indiana- does not have CWD;

Wisconsin- we didn't base this language on it but resembles theirs. They have it in the southern part.

Same with the state below that. (not named) There hasn't been enough evidence this is spreading it. Even if that was the case we'd be completely ignoring hunters that bring deer in anyway. G&F says ND hunters had 3000 MT tags and 10,000 in MN. Out of all out of state tags they caught 20 people. It ignores the fact that not every deer has CWD. So there's deer coming back and getting tossed in the back coulees, trees, for coyote bait. If we were talking amendment, the double tag idea. If you get a tag out of state, you stop where you're going to, or bring the deer back to and get a tag, and double tag your deer. That insures by the taxidermist or meat processor that the deer came back. If we toss this out and rely on a quarantine that isn't working we're going to see more that are going out back. Colorado is the first state that had CWD, and have it everywhere, not a county that doesn't have it. We keep hearing how it's going to decimate the deer population. Every year they have raised their deer tags. In this last year, 600,000 deer tags. 1967 is when the discovered CWD and hasn't been obliterating to the deer population. We are completely ignoring the deer that just get tossed out back.

**Chairman Porter:** I'm sympathetic to the situation and to the individuals that came and testified. I understand it's a concern. I think the science on this disease has not caught up to it and that G&F is taking the only responsible approach they possibly can. They have the ability inside of their rule making and management to adopt and adapt at any time they can figure out and come up with something better. I don't think us passing this law down to them and telling them this will work is prudent on our behalf, at this point in the disease. I learned a lot and why restricting baiting in areas is important. It's not really what I'd call a disease as much as a substance being in the ground that is at some point, we could see a total decimation of our heard, at the point people quit buying hunting licenses because they don't want to risk the human side of that prion disease. They still aren't sure that even that is transferable.

Discussion? The clerk will call the roll on a Do Not Pass on HB 1232.  
8 yes    5 no    1 absent    Rep. Zubke is carrier.

Date: 1-25-19  
Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1232**

House Energy and Natural Resources Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Rep Zubke Seconded By Rep Roers Jones

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep. Lefor		✓
Vice Chairman Damschen	✓		Rep. Marschall		✓
Rep. Anderson		AB	Rep. Roers Jones	✓	
Rep Bosch		✓	Rep. Ruby		✓
Rep. Devlin		✓	Rep. Zubke	✓	
Rep. Heinert	✓				
Rep. Keiser	✓		Rep. Mitskog	✓	
			Rep. Eidson	✓	

Total (Yes) 6 No 5

Absent 1

Floor Assignment Rep. Zubke

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1232: Energy and Natural Resources Committee (Rep. Porter, Chairman)**  
recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING).  
HB 1232 was placed on the Eleventh order on the calendar.

**2019 TESTIMONY**

**HB 1232**

## HB 1232

Good Morning Chairman Porter and Committee,

My name is Matthew Ruby and I represent District 40 in Minot. HB 1232 presents an alternative to the current practices to prevent the spreading of Chronic Waste Disease. Currently Game and Fish quarantines any unit within ND or any state that has had an animal test positive for CWD. Meaning if you shoot a deer in one of those areas, you have it processed or have it taxidermized there before any part can come home with you. The main issue with the quarantine plan is that deer wander and share bait piles which is the main pathway for the spread of disease. Another issue is that many hunters aren't aware of the restrictions and bring carcasses to their home unit or to a processor or taxidermist. Often the carcasses aren't disposed of correctly and it can lead to the spread of the disease even more.

What the bill does is creates an elective certification for taxidermists and meat processors with a focus on sterilization techniques and proper disposal practices to help prevent the spread. This would open up a niche market for the processors and taxidermists while at the same time provide and outlet for hunters to bring game from areas with CWD positive tests. Seeing how many hunters just bring them home now, having this outlet would lead to more contaminated carcasses being disposed of properly. Within the bill it is stated that the parts of the animals that CWD is found, the lymph nodes, spinal column, and brain matter, must be disposed of by the meat processors because they are more equipped to handle the sterilization process.

This bill also allows for a taxidermist in another state to send parts of carcasses to one of these certified taxidermists for wholesale taxidermy. This would be especially beneficial to those shops that deal specifically in European mounts.

There is a reporting requirement in this bill that says that an individual who is transporting this animal must let the state veterinarian know who the carcass is being taken to as well as what state or unit the animal was taken from.

I would recommend a couple changes to this bill. First, I would include a reporting requirement for the taxidermist or meat processor to ensure that the individual transporting the carcass follows through with the intent. I would also codify a penalty of \$500 for being in violation of this bill. I think the fine would be a deterrent for hunters taking animals to their home rather than going to a taxidermist or meat processor.

We have no interest in spreading CWD across the state. Hunting is a big part of my life and I want to continue that passion. The bottom line is most hunters aren't out there looking to break the law. If we can shed more light on these issues we will have a better chance at keeping this lifestyle alive. This isn't a new concept as other states have begun looking at ways and a following speaker will highlight that. Thank you for your consideration.

## Support for CWD Bill

HB 1232  
1.18.19  
Attachment 2

Good Morning Everyone. Thank you for your time. As bookkeeper and financial manager of Dakota Skulls, our taxidermy business, I would like to inform you how the current CWD legislation has impacted us financially. We are a family owned and operated skull cleaning business ~~we family refer to ourselves as wildlifecleaners~~. Unlike most taxidermy shops, 98 % of our work is skull cleaning. A large percentage of that comes from subcontracting skull work for other taxidermists. To build a larger clientele over the years we have traveled to shows and worked hard at building professional relationships with in and out of state taxidermists. As the states surrounding us were added to the CWD list we began to see the impact on our business. From Nebraska alone, we have lost an average of \$9000 a year. <sup>(estimate)</sup> Then there is also SD, Wy, MN and MT just to name our neighbors. ND's averages are harder to compute because of the funnel effect. As ND Taxidermists cannot take out of state skull work, that many would pass on to us, it hurts us. As individual sportsmen cannot bring us their out of state trophies to process, it hurts us. I understand and expect the normal ebb and flow of business clientele but this is much more dramatic, permanent but most importantly unnecessary!

On a more personal note, Dakota Skulls is a business we built as a family starting in 2005. It ~~is~~ provided for us financially and taught our now grown children many valuable skills they will carry throughout their lives. They are skills our oldest son Jesse, who is now a Marine, has told me have been integral in his succeeding at his job. This is also true of our 2<sup>nd</sup> son Levi who now works for us full time. He has given all his working life to excelling at this trade. <sup>pottery</sup> Our daughter Sarah would tell you the same, but would add, she doesn't miss the smell at all. The intent of bringing business home was because we highly value family and a strong family is built by sharing all of life together. The good and the bad, the work and the play. This is our legacy and inheritance to our children, which is now being threatened. And, when the well-being of her family is threatened, mama bear rises up, otherwise I would definitely not be up here today.

So, I am not asking you to somehow repay all that we've lost because of the current CWD laws, I will leave that to God. What I am asking is that you give us and other families that rely on full time taxidermy a fighting chance to maintain and grow our family businesses by passing this bill. I would appreciate your support. Thank you!

On August 2, 2018 Governor Burgum signed a ND Game and Fish proclamation making Montana the 25<sup>th</sup> state to fall under CWD regulations. Even as I was writing this, I had to inform yet another customer that I could not process his out of state deer. I'm not sure which is worse, CWD or the current regulations stealing my Taxidermy business. There has to be a better way to manage this disease.

Current regulations prohibit the transport of carcass or carcass parts (uncleaned skull, skull cap and antlers) of deer, elk and moose into ND from areas with confirmed CWD. This list now includes 25 states, 5 countries, one unit inside ND (3F2) and soon to be more. Unless all tissue and flesh is removed, you could face a \$200. fine and likely confiscation of your trophy.

Game and Fish has a solution listed in the regulations. Have out of state Taxidermists do the work. This is no solution either for me or the other Taxidermists of ND. My business survived the extreme downturn in deer licenses in ND in recent years with the sharp increase in out of state hunting. The out of state trophy's brought needed relief at a critical time. As of August 2018, every state that borders ND is under the carcass transport rule.

House bill 1232 will win powerful allies in the fight against CWD. The very people that are being alienated by current financially choking regulations will be empowered to serve in the army fighting CWD.

15 other states have far less restrictive legislation in place. 5 of those 15 states have legislation almost identical to this bill. Regulations that trust taxidermists and meat processors to be part of the solution.

The financial incentive alone implies no other group in ND has more motivation to get this right. Let's use the infrastructure already in place and at no cost to ND to achieve far greater benefit than will ever be realized by regulation.

While researching state laws regarding cwd I was hit by Colorado's turn around in cwd management.

*In January 2008 the Colorado Wildlife Commission struck the regulation on transportation of carcass parts and encouraged an educational effort focused on disposal of carcass trim.*

What..... education over regulation, sounds a little like our governors mantra: innovation over regulation.

It is time to fight CWD with realistic, common sense approaches that go beyond quarantine.

North Dakota, lets grab hold of innovation and education thereby leaving the miry pig pen of regulation behind us.



I have never considered ND as big government. Throwing its power around recklessly. Washington yes but not ND. At least not at a level seen in Washington. On Wednesday morning this week I was thinking this through. Asking myself; how does Government get big in the first place?

I was helped along with this question back in August while visiting with ND Game and Fish about the current CWD regulations and their financial impact on Taxidermy. I proposed we certify Taxidermists to handle and dispose of possible cwd waste.

The response was an incredulous laugh followed by; "We couldn't trust taxidermists to do that!"

We have a problem in ND that is far, far bigger than the certain spread of CWD.

We have a culture in authority that no longer trusts those it is empowered to serve.

We have a government entity that is no longer for the people.

You can not be for those you do not trust.

Big government has nothing to do with size.

Big government happens when those in authority no longer choose to trust those under their authority.

When those in power choose not to trust those under their power.

Big government is a heart issue.

You can't legislate the heart.

You can however legislate the effects of the heart.

That is what this bill is all about.

Trusting those with the ability and motivation to be a part of the solution.

It is time to take the high road.



House Energy and Natural Resources Committee  
Testimony on HB 1232

North Dakota Game and Fish Department  
Casey Anderson  
Assistant Chief, Wildlife Division  
January 18, 2018

Chairman Porter and members of the House Energy and Natural Resources Committee, my name is Casey Anderson and I'm the Assistant Chief of the Wildlife Division for the North Dakota Game and Fish Department (Department). I am testifying today in opposition of HB 1232.

Chronic wasting disease (CWD) is a serious threat to the future of North Dakota's deer, moose, and elk hunting. This prion disease has been shown to exist for decades on the landscape once introduced and is invariably fatal to cervids that contract it. The disease, if left unmanaged, can get to a prevalence level in a population that will reduce the overall population significantly. So far North Dakota has minimal CWD infections. Only two areas of the state have tested positive for CWD, hunting unit 3F2 (13 since 2009) and unit 3A1 (2018). Our current objective is to minimize the likelihood of CWD being introduced to other areas of the state. In 2009 the Department, through proclamation, added importation regulations on carcasses from all states and countries with CWD, as well as transportation of carcasses out of hunting unit 3F2. In 2018 the Department added Montana because of their first detection in late fall of 2017. The regulations in North Dakota currently state that:

It shall be unlawful to transport into or within North Dakota the whole carcass or carcass parts of white-tailed deer, mule deer, moose, elk, from deer hunting unit 3F2 in North Dakota and states or provinces with documented occurrences of CWD in wild populations or farmed cervid, except for the following portions of the carcass:

- Quarters or other portions of meat with no part of the spinal column or head attached.
- Meat that has been boned out.
- Meat that is cut and wrapped either commercially or privately.
- Hides with no heads attached.
- Clean (no meat or tissue attached) skull plates with antlers attached.
- Antlers with no meat or tissue attached.

- Upper canine teeth, also known as “buglers”, “whistlers”, or “ivories”.
- Finished taxidermy heads.

(2) Any harvested cervids coming from states, provinces or countries that have free-ranging or captive deer, moose or elk diagnosed with CWD, and importation of harvested elk, mule deer, white-tailed deer, moose, or other cervids or their parts are hereby restricted.

One of the few ways available to reduce the risk of CWD getting into a new area of the state is to restrict the movement of those parts of carcasses most likely to contain the CWD prion. Any exemptions to this add risk to our deer herd. Adequate sterilization and disposal of the CWD prion is time consuming, expensive, technically difficult, and in some settings, not feasible. Assurance that an individual will use the knowledge and skills detailed in Page 1, lines 11-14 to appropriately mitigate the risk of bringing infected carcass parts into CWD-free areas would be extremely challenging to enforce.

It is the Department’s responsibility to look out for the health of North Dakota’s cervid populations as well as the future opportunities of hunting. The regulations currently in place are a proactive way to reduce the risk of CWD getting transported to a new area of the state. The Department does not necessarily want to write tickets for this infraction. Instead we want to keep high risk carcass parts from being distributed on the landscape. HB 1232 would make carcass transportations enforcement reactive instead of proactive. Therefore the North Dakota Game and Fish Department is asking for a do not pass recommendation from this committee.

## What is CWD?

Chronic wasting disease is a transmissible, progressive, fatal disease of the nervous system of species in the cervid family. White-tailed deer, mule deer, elk and moose have all been naturally infected with the disease. In addition, it's been found to infect caribou, muntjac and sika deer. CWD belongs to a group of diseases known as Transmissible Spongiform Encephalopathies (TSEs), which are caused by prions. Although CWD shares similarities with other TSEs like bovine spongiform encephalopathy (BSE or mad cow disease), scrapie in sheep and goats, and Creutzfeldt-Jakob Disease (CJD) in humans, it is a distinct disease. CWD has been shown to cause long-term population declines and reduce population age structure if left unchecked.

## What causes CWD?

CWD is caused by a prion. Prions are abnormal forms of cellular protein commonly found in the central nervous system and lymphoid tissue. These abnormal proteins will accumulate in a wide range of tissues throughout the body. CWD is not caused by a virus, bacteria, fungus or nutritional imbalance.

## Where is CWD found?

In North Dakota, CWD was first identified from a hunter-harvested mule deer in deer hunting unit 3F2 in 2009. Since then, additional infected mule deer and white-tailed deer have been found in 3F2, primarily in Grant and Sioux counties. CWD was first recognized in a Colorado elk research facility in 1967, a few years later in a similar Wyoming research facility and subsequently in wild deer, elk and moose. As of this writing, CWD has been detected in free-ranging deer, elk, and moose in 25 states and provinces and in free-ranging cervids in Norway and Finland. Additionally, it has been found in farmed deer or elk herds in 19 states and provinces.

## How common is CWD?

CWD prevalence varies by state and region. For example, in North Dakota deer hunting unit 3F2, prevalence is estimated to be around 0.3 percent, while in Wisconsin prevalence in endemic areas is as high as 45 percent and rising. In a farmed deer operation in Iowa, the prevalence was approaching 80 percent when the herd was depopulated. In areas where CWD is found in a higher proportion of animals, there is evidence of slowed population growth and recently areas in Colorado and Wyoming have experienced population declines.

## What are the signs of CWD?

CWD is an insidiously slow, progressive disease. Clinical signs are often not seen until upwards of 12-18 months post infection and could take up to 3 years to manifest. The disease attacks the nervous system of deer and more specifically the brain. The damage to the brain causes animals to stop foraging, leading to emaciation. They display abnormal behavior, lose coordination, become weak and eventually die. Many of the noticeable clinical signs are nonspecific and are shared with other diseases, but include excessive salivation, loss of appetite, progressive weight loss, excessive thirst and urination, listlessness, teeth grinding, lowering of the head and drooping ears.

## How is CWD transmitted?

Research has shown the most likely route of transmission is via oral ingestion of infectious prions. There is also evidence of trans-placental transmission from mother to offspring. CWD prions have been detected in saliva, urine and feces. Exposure to these materials through normal behaviors, such as mutual grooming or through environmental contamination, is the most likely method of transmission from animal to animal. Prions have also been found in central and peripheral nervous system tissues, muscle,

lymph nodes throughout the body, spleen, liver and lungs and can be detected in circulating blood. In general, most parts of the infected animal are considered to contain infectious materials. CWD does not break down under normal environmental exposure to heat, cold or sunlight. Once in the environment, the prions will survive and remain infectious indefinitely. Some soil substrates make the prions more infectious.

## How do you test for CWD?

The only sure and practical way to diagnose CWD is through microscopic examination of the brain stem or lymphatic tissue collected from animals after death. Tests for live animals, involving the removal of tonsils and rectal mucosal tissue, are currently in experimental and research stages. Currently, research indicates that testing tonsils for prions appears reliable for mule deer and white-tailed deer, but not elk. However, removing tonsils from a live animal may not be practical and may predispose the animal to getting CWD through the injured tissue during sampling. Until more research and testing is done with the tonsil and rectal mucosal test, testing the brain stem and lymph nodes are the most practical and reliable tests available.

## Is there a treatment for infected deer and elk?

There is no current treatment or vaccine for CWD. A wild cervid displaying clinical signs consistent with CWD should be euthanized and tested by Game and Fish Department personnel. Removing infected animals may help prevent spread of prions and subsequent infection.

## Is CWD transmissible to humans?

There have been several studies concerning the zoonotic potential of CWD to humans.

There has been no conclusive link proving that CWD can be transmitted to people, but more research is underway to answer this question. According to the Centers for Disease Control, although there has not been conclusive evidence of transmission of CWD to people, consumption of meat from an infected animal is not recommended. Another prion disease known as BSE (mad cow disease), a disease in cattle, has been linked to cases of new-variant Creutzfeldt-Jakob disease in humans in Great Britain.

## Is CWD transmissible to domestic livestock?

There is no evidence that CWD can be naturally transmitted to livestock or animals other than cervids. Livestock, pronghorns and bighorn sheep have not contracted the disease, even though they have been exposed under research conditions.

## What precautions should hunters take when handling or processing deer, elk and moose?

At present, there is no conclusive scientific evidence that CWD naturally affects humans. As a general precaution, the North Dakota Game and Fish Department advises hunters to take the following steps when handling and processing deer or elk:

- Avoid sick animals. Do not shoot, handle, or consume any animal that appears sick. Contact local wildlife agency personnel about animals that appear sick.
- Wear rubber/latex gloves when field dressing carcasses.
- Do not consume, and minimize handling the brain, spinal cord, eyes, spleen, tonsils and lymph nodes of any deer or elk. (Typical field dressing, coupled with boning out



a carcass, will remove most, if not all, of these body parts. Cutting away all fatty tissue will remove remaining lymph nodes.)

- Bone out the meat from the animal.
- Thoroughly wash hands, knives and other tools used to field dress the animal.
- Request that your venison is processed separately from other deer.
- Bones and offal should be disposed of through burial, landfill or incineration if possible.

### **What should you do if you see a deer or elk that looks sick, emaciated or lethargic?**

Note the location and as much information as possible about the animal and situation. Call the North Dakota Game and Fish Department at 701-328-6300. Arrangements will be made to investigate the report.

### **What is the North Dakota Game and Fish Department doing about CWD?**

The Department has worked cooperatively with hunters to increase surveillance to detect presence or absence of CWD in North Dakota.

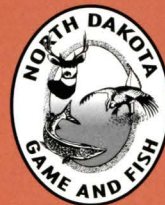
Game and Fish conducts targeted surveillance throughout the state, which entails recognition, collection and submission of samples from wild deer, elk and moose that are suspect or showing signs consistent with CWD. Approximately 35,000 animals have been tested for CWD since the start of the targeted surveillance program in 1996. Beginning in fall 2002, the Game and Fish Department started sampling hunter-harvested deer in selected management units across the state to detect the prevalence of CWD. This is an ongoing monitoring program to track disease trends. Eliminating CWD in free-ranging cervids may be impossible, given its permanence in

the environment once established and the lack of effective management tools or treatments.

In addition to surveillance, the Department has tried to reduce the duration and intensity of unnatural big game concentrations by enacting regulations against hunting big game over bait in hunting units of concern, to reduce the risk of the disease spreading from one animal to another. To protect the deer herd in North Dakota in areas that CWD has not been found, the Department has limited carcass transportation out of North Dakota's deer hunting unit 3F2 as well as the movement of carcass parts from other states, provinces and countries that have found CWD. These regulations prohibit the possession or transportation into North Dakota of a whole carcass or carcass parts of white-tailed deer, mule deer, elk or moose from areas within North Dakota or other states, provinces and countries with documented occurrences of CWD in wild or captive cervid populations except for:

- Quarters or other portions of meat with no part of the spinal column or head attached.
- Meat that is boned out.
- Meat that is cut and wrapped either commercially or privately.
- Hides with no head attached.
- Clean (no meat or tissue attached) skull or skull plate with antlers attached.
- Antlers with no meat or tissue attached.
- Upper canine teeth, also known as buglers, whistlers, or ivories.
- A finished taxidermy head.

A number of states have also recently established regulations on the transportation of hunter-harvested deer, elk and moose. Out-of-state hunters should be familiar with the regulations in the state in which they hunt and reside.



#### **For More Information Contact:**

##### **• NORTH DAKOTA GAME AND FISH DEPARTMENT**

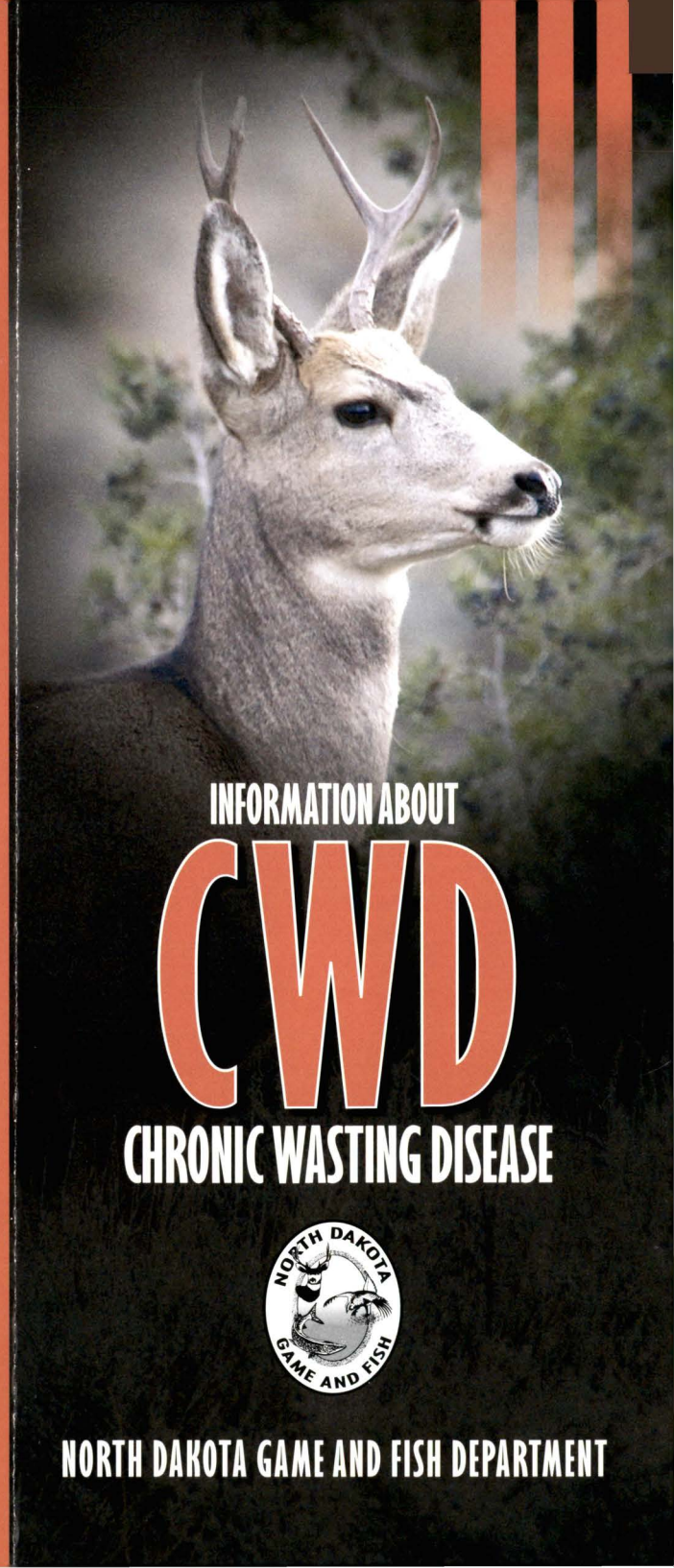
100 N Bismarck Expressway  
Bismarck, ND 58501  
701-328-6300  
gf.nd.gov – ndgf@nd.gov

##### **• BOARD OF ANIMAL HEALTH – NORTH DAKOTA DEPARTMENT OF AGRICULTURE**

600 E Boulevard Ave. Dept. 602  
Bismarck, ND 58505  
701-328-2655  
800-242-7535

**The threat of CWD is a serious concern to North Dakota and its natural resources. All known practical steps to minimize the risk of the disease spreading to the state have been evaluated and the North Dakota Game and Fish Department is implementing plans to prevent spread and introduction into new areas. CWD will not likely be fully understood without the assistance, cooperation and commitment of big game hunters throughout the nation. As we learn more about the disease and its impacts on wildlife, we will keep the public informed.**

The NDGFD receives Federal financial assistance from the US Fish and Wildlife Service. In accordance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972, the NDGFD joins the US Department of the Interior and its Bureaus in prohibiting discrimination on the basis of race, color, national origin, age, disability, sex (in education programs or activities) and also religion for the NDGFD. If you believe you have been discriminated against in any program, activity, or facility as described above, or you desire further information, please write to: ND Game and Fish Department, Attn: Chief Administrative Services, 100 N. Bismarck Expressway, Bismarck, ND 58501-5095 or to: U.S. Fish and Wildlife Service, Attn: Civil Rights Coordinator, 4401 N. Fairfax Drive, Mail Stop: MBSP-4020, Arlington, Virginia 22203. The TTY/TTD (Relay ND) number for the hearing or speech impaired is 1-800-366-6888.



## **INFORMATION ABOUT CWD CHRONIC WASTING DISEASE**



**NORTH DAKOTA GAME AND FISH DEPARTMENT**



# North Dakota Wildlife Federation

Ensuring abundant wildlife, wildlife habitat, and access to wildlife recreational opportunities



**TESTIMONY OF JOHN BRADLEY**  
**NORTH DAKOTA WILDLIFE FEDERATION**  
**HOUSE BILL 1232**  
**HOUSE ENERGY AND NATURAL RESOURCE**  
**COMMITTEE**  
**JANUARY 18, 2019**

Chairman Porter and members of the House Energy and Natural Resource Committee:

For the record, I am John Bradley, Executive Director of the North Dakota Wildlife Federation. I'm here today representing our 1,500 members in 15 affiliated wildlife and sportsmen's clubs across North Dakota that make up the North Dakota Wildlife Federation.

The North Dakota Wildlife Federation supports the Department of Game and Fish in opposition to House Bill 1232. Simply put, this bill would increase the likelihood of hunters spreading Chronic Wasting Disease (CWD) through the moving of animal carcasses.

Chronic Wasting Disease is a disease of deer, moose and elk that is always fatal and not treatable. It is a cause of decline in deer populations and once on a landscape, it remains indefinitely. For these reasons, CWD poses a major threat to North Dakota deer, elk and moose and the future of hunting these animals.

Currently, CWD is only found in a limited portion of North Dakota and the disease is not widespread in these areas. This provides a unique opportunity where it is still possible to limit the impact of CWD and slow the spread to new portions of the state. This bill would allow the movement of carcasses from CWD infected areas to non-infected areas



increasing the likelihood that CWD gets spread across the state. It would only take one mishandling of a infected carcass from hunter, taxidermists or meat processor to spread this disease.

The Association of Fish and Wildlife Agencies (AFWA) offer best practices to reduce the risk of spreading CWD. See attached document.

“Prohibit the importation of intact cervid carcasses (e.g. carcasses with spinal column and brain tissue) from all states and provinces. This restriction would allow cut/wrapped meat, deboned meat, cleaned skulls or skull cap with no brain material, shed antlers, hides, canine teeth, and finished taxidermy mounts to be imported from a hunter-harvested cervid. Restricting the interstate/province movement of all potentially infective neural tissue from CWD infected states and provinces, and states and provinces with unknown or no known detection of CWD, will greatly reduce the risk of moving CWD between states and provinces.”

-AFWA Technical Report on Best Management Practices for Prevention, Surveillance, and Management of Chronic Wasting Disease

This bill would put tremendous financial and social pressure on the Game and Fish Department and the state veterinarian. This bill, if passed, will increase the risk to our elk, moose, and deer populations, putting our hunting and outdoor heritage at risk. Creating an even larger impact to economy. We urge a Do Not Pass vote.

Thank you and I would stand for any questions the Committee may have.

## **AFWA Technical Report on Best Management Practices for Prevention, Surveillance, and Management of Chronic Wasting Disease**

Association of Fish and Wildlife Agencies, Washington, D. C.

### **4 - Movement of Hunter-Harvested Cervid Carcasses and Tissues**

**Best Management Practice for reducing the risk of CWD transmission and establishment of CWD via movement of hunter-harvested cervid carcasses and tissues:**

- **Prohibit the importation of intact cervid carcasses (e.g. carcasses with spinal column and brain tissue) from all states and provinces.** This restriction would allow cut/wrapped meat, deboned meat, cleaned skulls or skull cap with no brain material, shed antlers, hides, canine teeth, and finished taxidermy mounts to be imported from a hunter-harvested cervid. Restricting the interstate/province movement of all potentially infective neural tissue from CWD infected states and provinces, and states and provinces with unknown or no known detection of CWD, will greatly reduce the risk of moving CWD between states and provinces. An interstate/province import ban on high risk carcass parts originating from captive or shooter facilities from all states and provinces regardless of CWD status would reduce risk of importing CWD contaminated tissues into a state/province. Agencies would need to provide a program for hunters to report that their meat is from a CWD positive animal and provide directions or a means for destroying the meat or other materials from that animal.

The following list describes several additional and alternative scientifically grounded management practices for reducing or eliminating risk of disease transmission. Implementation of any of these practices will depend on a range of factors in each state, including acceptability of the proposed practice to hunters, decision-makers and the general public.

- **Allow importation of quartered carcasses with no central nervous system tissue (spinal column or brain tissue), in addition to the permitted items above.** This restriction would provide additional flexibility for hunters but would increase risk of importation of CWD from carcass part disposal issues associated with waste bone from quartered animal parts.
- **Prohibit the intrastate/intraprovincial movement of intact cervid carcasses from CWD infected areas.** This restriction would allow only cut/wrapped meat, deboned meat, cleaned skulls or skull cap, shed antlers, hides, canine teeth, and finished taxidermy mounts to be moved outside known CWD-infected areas. Restricting the intrastate/intraprovincial movement of potentially infective neural tissue from a CWD area to a new CWD-free environment, will limit short and cumulatively more significant movements of the prion across the landscape. Agencies



would need to provide a program for hunters to report when their meat is from a CWD positive animal and provide directions for destroying the meat or other materials from that animal.

- **Implement an import ban on all parts, including meat and antlers, from CWD-positive states/provinces/territories.** This alternative will restrict movement of all carcass parts and reduce the risk of moving prions from known CWD positive areas to uninfected environments. An interstate/province/territory import ban on carcasses including high risk carcass parts originating from captive or shooter facilities from CWD positive states and provinces would reduce risk of importing CWD contaminated tissues into a state/province/territory.

- **Prohibit importation of intact cervid carcasses from the states and provinces where CWD has been detected in captive or free-ranging cervid populations.** This restriction would allow cut/wrapped meat, deboned meat, cleaned skulls or skull cap, shed antlers, hides, canine teeth, and finished taxidermy mounts to be imported from a hunter-harvested cervid from a CWD positive state. However, with this practice, challenges exist for agencies because of the dynamic nature of CWD discoveries (both wild and domestic) involving the potential undetected movement of CWD to new areas and the non-uniform sampling effort by which states and provinces conduct surveillance. Many states currently employ this practice however, it does present more risk than a more comprehensive prohibition, leaving states with decisions on how much risk they are willing to accept. Agencies would need to provide a program for hunters to report that their meat is from a CWD positive animal and provide directions or a means for destroying the meat or other materials from that animal.

- **States, provinces, and territories without documented cases of CWD could implement a blanket import ban on harvested cervids inclusive of meat and antlers, from all areas, regardless of CWD status.** This alternative would provide the greatest reduction in the risk of importation of CWD. However, its implementation has the greatest economic and political impacts to states/provinces impact to states/provinces, along with reduced hunter opportunity by restricting or eliminating non-resident hunting. While this is an option, it would likely be considered the least acceptable alternative, given the consequences. A blanket import ban would simplify import regulation of carcasses for agencies and enforcement purposes. However, the regulation will be unpopular with the state's hunting public who enjoy hunting in other states and particularly those hunters who hunt as nonresidents in non CWD areas. In addition, such restrictions would significantly impact states, provinces, and territories economically, due to direct economic losses from a decrease in non-resident license sales and indirect expenditures (e.g., hotels, fuel, and groceries). An interstate/interprovincial carcass import ban on carcasses originating from captive or shooter facilities would also reduce risk for importing CWD contaminated tissues from these sources.

**In addition, states and provinces should consider adopting the following regulations and policies:**

- Provide educational material (online videos) for hunters on how to field-dress and debone carcasses and prepare skull caps or taxidermy mounts to ensure they are in compliance with CWD regulations.
- Require all meat be processed in the state where the animal was harvested, especially when hunting in CWD-enzootic states. Regulations may be required to ensure that local butchers do not process animals from out-of-state.
- Ensure consistent enforcement of regulations with carcass seizures and penalties for violations.
- Provide information about CWD-positive counties, state, provinces, and countries on wildlife agency websites that are updated regularly.
- Provide web resources showing how and where a hunter can have their animal tested.
- Provide a web resource that has a better user interface to display such as, Cervid carcass regulations by state - Michigan DNR where hunters can search by their destination state/province and their residence state /province to ensure they are in compliance.
  - o All states, provinces, and territories should provide a notification protocol for CWD positive animals harvested by a non-resident hunter. This would include direct notification to the state/provincial agency of a nonresident hunter and the hunter. This procedure allows for contact between the home state/provincial agency and the hunter to determine 1) if the carcass was legally imported and 2) if the carcass, parts, or game meat can be recovered for proper disposal by incineration or digestion.
- States and provinces positive for CWD should notify all non-resident hunters at time of license purchase or thereafter, that they likely are prohibited from importing carcass parts or entire carcasses to their home states and provinces. In some jurisdictions this may not be feasible.

### **Additional Considerations**

- States and provinces that may restrict importation of carcasses or parts should consider allowing through passage of appropriately cut/wrapped meat, quarters with no part of the brain or spinal column attached, deboned meat, cleaned skulls or skull cap from CWD positive states/provinces.
- State /province/territory could consider allowing importation of whole cervid carcasses, provided the carcass is accompanied by a 'not detected' CWD test. This may be difficult to implement, due to the turn-around time required for CWD testing.

### **Supporting Strategies and Evidence**

States, provinces, and territories should develop carcass transportation recommendations and regulations that are uniform and consistent in order to, 1) stop movement of prions across the landscape, 2) simplify carcass importation laws to reduce confusion to hunters, and 3) minimize inconsistencies with regulations from other states and provinces. CWD has been found at varied, albeit reduced levels in meat and other tissues (Angers et al. 2006, Kramm et al. 2017).

Movement of infected cervid carcasses is one of the known risks for introducing CWD prions to new areas. Individual state/provincial/territorial wildlife agencies retain authority for regulation of carcass movement from hunter-harvested North American wild cervids, both intra- and interstate or province. However, regulations vary across states, provinces, and territories, ranging from complete import bans on whole carcasses from any state or province to a ban on importation from known CWD-affected areas (either entire states or identified zones/areas within states and provinces), while others lack any carcass movement restrictions. Several states/provinces restrict the importation of high risk parts such as brain material and spinal columns.

Management strategies and management units/areas of wild cervids varies among states and provinces. Depending on the size of the state, hunting population, harvest numbers, distribution of animals challenges the ability of state/provincial/territorial wildlife agencies to comprehensively test wild cervids for CWD and is often dependent on such factors as current CWD status, agency staffing, budgets, and political influences. Without detailed and current information provided by agency websites, it may be difficult for a nonresident hunter to determine if he/she is in a CWD-affected zone and the import restrictions that apply from their home state/province/territory. The information required for a hunter to remain compliant with CWD regulations, coupled with the increased geographic distribution and prevalence of CWD across North America, requires a more consistent and precautionary approach to cervid carcass movements.

## **Literature Cited and References**

Angers, R. C., S. R. Browning, T. S. Seward, C. J. Sigurdson, M. W. Miller, E. A. Hoover, and G. C. Telling. 2006. Prions in skeletal muscles of deer with chronic wasting disease. *Science*, 311(5764), 1117-1117.

Kramm, C., S. Pritzkow, A. Lyon, T. Nichols, R. Morales, and C. Soto. 2017. Detection of prions in blood of cervids at the asymptomatic stage of chronic wasting disease. *Science Reports*, 7(1), 1–8.