

1 **Explanation For Proposed Rule(s):** The General Assembly by way of Session Law 2015-263 moved regulatory
2 and rulemaking authority over farmed cervids from the Wildlife Resources Commission to the Department of
3 Agriculture and Consumer Services. The Department, under G.S. 106-549.97, has the duty to regulate the
4 production, sale, possession, and transportation, including importation and exportation, of farmed cervids. One key
5 goal is to limit the possibility of the spread of Chronic Wasting Disease to North Carolina's farmed cervid industry.
6 02 NCAC 52L .0101-.0402 creates the necessary framework and enforcement mechanism for the Department to be
7 able to carry out this mission. These rules also follow the USDA Standards and 9 C.F.R. Part 55 and 9 C.F.R. Part
8 81. Amendments to 02 NCAC 52B .0213 are also necessary for implementing an effective farmed cervid regulatory
9 program. The Department is recommending the repeal of 02 NCAC 52C .0701 because the tuberculosis provisions
10 are no longer necessary as North Carolina is currently a tuberculosis free state. Moreover, provisions governing
11 testing and record requirements are covered under proposed rules 02 NCAC 52L .0101-.0402.

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13 **Written Comments may be submitted to Tien Cheng, Attorney, 1001 Mail Service Center, Raleigh, NC 27699-**
14 **1001, or email at tien.cheng@ncagr.gov.**
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16 02 NCAC 52B .0213 is proposed for amendment as follows:
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18 **02 NCAC 52B .0213 IMPORTATION REQUIREMENTS: ~~CERVIDAE~~FARMED CERVIDS**

19 (a) ~~No cervidae may~~ farmed cervids shall be imported into North Carolina ~~from~~from:

- 20 (1) a herd located in a county or its equivalent, if not within the United States or in a territory without
21 counties, in which Chronic Wasting Disease CWD("CWD") has been diagnosed ~~or from~~;
22 (2) a herd located in a county ~~which~~ or its equivalent, if not within the United States or in a territory
23 without counties, that is contiguous to a county or its equivalent, if not within the United States or
24 in a territory without counties, in which CWD has been ~~diagnosed~~ diagnosed; or
25 (3) a CWD-positive, exposed, or suspect farmed cervid facility.

26 (b) Any imported farmed cervid that fails to comply with G.S. 106-549.97, Subchapter 52L of the North Carolina
27 Administrative Code, or this Rule, shall be deemed a CWD-suspect animal until further investigation by the Veterinary
28 Division.

29 (c) No CWD susceptible farmed cervids, as identified by the Veterinary Division or the USDA, shall be imported
30 into North Carolina, without first being tested negative for CWD using an ante mortem test approved by the USDA.

31 (d) ~~All cervidae~~ farmed cervids entering North Carolina ~~must~~shall be accompanied by all of the following:

- 32 (1) ~~an official health certificate issued within 30 days prior to arrival;~~ an interstate certificate of
33 veterinary inspection ("ICVI") that shall be maintained by the farmed cervid owner for a period of
34 five years, subject to inspection and copying by the North Carolina Department of Agriculture and
35 Consumer Services' Veterinary Division, as defined and required by 9 C.F.R. Part 86, which is
36 hereby incorporated by reference including any later amendments and editions, and available free
37 of cost at <https://www.gpo.gov/fdsys/granule/CFR-2014-title9-vol1/CFR-2014-title9-vol1-part86>;
38 (2) ~~individual animal identification, identification such as a bangle type ear tag, with lettering two~~
39 ~~inches or greater that can be viewed from a distance~~ as required by 02 NCAC 52L .0112 and noted
40 on the ~~health certificate~~ ICVI;
41 (3) ~~an importation permit issued by the North Carolina State Veterinarian. The request for an~~
42 ~~importation permit must be made by a licensed, accredited veterinarian, as defined in 02 NCAC 52B~~

1 ~~.0401, and must be accompanied by a copy of the official health certificate and a copy of the~~
2 ~~captivity permit issued by the North Carolina Wildlife Resources Commission; a valid transportation~~
3 ~~permit issued by the Veterinary Division;~~

4 (4) the following statement ~~must~~shall also appear on the ~~health certificate-ICVI~~: "All cervidae on this
5 certificate originate from a Chronic Wasting Disease (CWD) monitored or certified herd in which
6 these animals have been kept for at least one year or were natural additions. There has been no
7 diagnosis, signs, or epidemiological evidence of CWD in this herd or any herd contributing to this
8 herd for the previous five years.";

9 (5) proof of a negative test for brucellosis for all animals six months of age or older within 30 days prior
10 to arrival. The herd of origin ~~must~~shall have had no diagnosis of brucellosis in the 12 months
11 preceding shipment; and

12 (6) proof of a negative ~~single cervical test for~~USDA approved tuberculosis test for animals six months
13 of age or older conducted within 60 days prior to arrival if the animal originates from a tuberculosis
14 accredited ~~or qualified~~ herd. If the animal is six months of age or older and originates from a herd
15 of unknown status, two negative ~~single cervical~~USDA approved tests for tuberculosis ~~will~~shall be
16 required with the second being greater than 90 days from the initial test and within 60 days prior to
17 arrival. If the animal is less than six months of age and from a herd of unknown status, one negative
18 ~~single cervical~~USDA approved tuberculosis test willshall be required. The herd of origin and
19 commingled susceptible species ~~must~~shall have had no diagnosis of tuberculosis in the 36 months
20 preceding shipment.

21 (e) The State Veterinarian of North Carolina may issue orders prohibiting the importation of certain farmed cervids
22 or issue moratoriums pending the investigation of any threat of disease based on his or her expertise and experience
23 that will pose a risk of spreading disease that will damage or harm the North Carolina farmed cervid industry, including
24 the control or spread of CWD.

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26 *Authority G.S. 106-307.5; 106-317; 106-400; 106-401; 106-549.97(a2).*