

FSP 1 - CWD Enforcement Protocol

Failure to sample and submit a farm-raised deer for CWD testing in compliance with s. 10.52, Wis. Adm. Code, is a level 2 violation, per the division of Animal Health's Uniform Enforcement Guide.

Entity history for prior offenses will be reviewed for the previous five year period. If there are no violations in the previous five years a current offense will be treated as a 1st offense. Exceptions may be made for egregious violations. Violations of farm-raised deer keeper rules other than missed testing will be taken into account and may elevate penalty assessment to the next level.

Enrolled herds are required to test a 100% of all farm-raised deer that leave the herd by death, escape or slaughter in any census year, including farm-raised deer whose remains were not testable because of deterioration when found. Compliance action on these herds will be taken when fewer than 90% are sampled and for CWD.

1st Offense¹

Enrolled Herds: Program generates case for an inspector to investigate the deer that was not tested². The program will attach the letter which provides for the action of suspension or replacement: This letter will be delivered by an inspector who will talk through the options with the herd owner and what they need to do to retain status. Official warning notice issued.

Non-enrolled herds: Animals that died or were killed and the farm-raised deer and valid CWD testing is not completed to rule requirements, a Warning Notice is issued, may result in re-inspections or higher level compliance if multiple violations.

2nd Offense

Enrolled Herds: Compliance Specialist case is generated. The program will attach the letter which provides for the action of suspension or replacement: Discuss corrective action that can

¹ An offense indicates it is the first time they have been found in violation of the law, it does not speak to the number of counts. For example, in 2011 a herd owner is inspected and it is found that they have not tested 3 farm-raised deer for CWD. If they have no prior history of missed testing this is the first offense – with 3 counts.

² If samples were collected and the test, when submitted was returned as untestable, that will be considered along with herd history in determining compliance action appropriate.

be taken to ensure that compliance can be achieved. Corrective actions may result in a conditionalization of the farm-raised deer herd registration. Corrective actions may be used in combination with each other and include but are not limited to:

- Increased reporting – submit census every six months rather than annually, monthly report of deaths, etc.
- Require that a veterinarian attempt to sample all farm-raised deer that die – a statement issued by the veterinarian that the animal is untestable.
- Re-inspection to verify compliance (inspect animals and records)

Non-enrolled herds: Inspector refers case for compliance. Compliance Specialist case: Discuss viable corrective action that can be taken to ensure that compliance can be achieved. Corrective actions may result in a conditionalization of Farm-raised Deer Keeper registration. Corrective actions may include but are not limited to:

- Increased reporting – submit census documents.
- Require that enough deer are killed to bring the herd into compliant levels of testing.
- Re-inspection to verify compliance (inspect animals and records)

Actions may be combined.

3rd Offense

Enrolled Herds: Compliance Specialist case: The department will seek civil forfeitures and take appropriate actions on the entities CWD enrollment. Civil forfeiture will be recommended at \$200 for minimum forfeiture or \$100 per violation whichever is greater. Civil forfeitures will be in addition to conditions on continued enrollment in the program.

Non-enrolled Herds: Inspector refers case for compliance. Compliance Specialist case: Civil forfeitures will be recommended at \$200 for minimum forfeiture or \$100 per violation whichever is greater. Civil forfeitures will be in addition to conditions on continued enrollment in the program.

4th offense in five years –

Enrolled or non-enrolled herds: Program status revocation, civil forfeiture to be recommended at \$200 per violation, or \$400 minimum, whichever is greater.

Other conditions or revocation of the farm-raised deer keeper registration may be added as appropriate.

Egregious Violations

For egregious violations, such as destroying an entire herd with no CWD testing, regardless of if first time offense, civil forfeitures will be recommended at \$200 for minimum forfeiture or \$100 per violation whichever is greater, unless there is a prior offense on record which resulted in civil forfeiture – then civil forfeitures will be recommended at a minimum of \$200 per violation – minimum assessment \$400.

Conditions on continued licensure or program enrollment should be considered if the entity in violation remains in business.

Effective Date: 12/19/12

Signed:  _____

Dr. Robert G. Ehlendorf, State Veterinarian