

**S. 1366, THE CHRONIC WASTING DISEASE  
FINANCIAL ASSISTANCE ACT OF 2003,  
AND TO CONSIDER VIEWS ON THE SUBJECT  
OF CHRONIC WASTING DISEASE**

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**HEARING**

BEFORE THE

SUBCOMMITTEE ON FISHERIES, WILDLIFE,  
AND WATER

OF THE

COMMITTEE ON  
ENVIRONMENT AND PUBLIC WORKS  
UNITED STATES SENATE  
ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

APRIL 6, 2004

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ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

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**TUESDAY, APRIL 6, 2004**

U.S. SENATE,  
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,  
SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 9:34 a.m., in room 406, Senate Dirksen Building, Hon. Michael D. Crapo (chairman of the subcommittee) presiding.

Present: Senators Crapo and Allard.

**OPENING STATEMENT OF HON. MICHAEL D. CRAPO,  
U.S. SENATOR FROM THE STATE OF IDAHO**

Senator CRAPO. This hearing will come to order.

This is a hearing on the Subcommittee on Fisheries, Wildlife, and Water of the Environment and Public Works Committee. Today we will be dealing with S. 1366, the Chronic Wasting Disease Financial Assistance Act of 2003, and to consider views on the subject of chronic wasting disease.

The purpose of this hearing is to be sure that we are doing all we can to determine the extent of this disease and to manage it. States and Federal agencies have started on this mission, in some cases, by diverting existing resources. This shows how seriously all are taking the threat, but I want to be sure that our efforts are sustainable.

Chronic wasting disease is a national problem. It has existed in Colorado and Wyoming for 40 to 50 years and has since been found in 11 other States and two provinces in Canada. Although CWD is not yet found in Idaho, my home State, Idaho is bordered by Montana and Wyoming, two States with known positive animals.

CWD poses serious problems for wildlife managers. Surveillance is costly and draws resources from other wildlife management needs. Public concerns and perception about human health risks may degrade hunters' confidence in their desire to hunt in areas where CWD occurs. This could have substantial economic implications for States where hunting and wildlife watching contribute significantly.

The lack of understanding of CWD transmission and whether it can cause disease in humans or other animals is of grave concern. Management of this disease is hindered, in part, by the fact that

testing is not possible on live animals. Due to scheduling conflicts, Senator Feingold could not testify today. However, I would like to submit his testimony for the record.

Without objection, so ordered.

[The prepared statement of Senator Feingold may be found on page 33.]

Senator CRAPO. Today we are going to hear about the status of existing efforts and a review of a bill that I am proud to cosponsor with my friend, Senator Allard, Senator Feingold, and Senator Domenici.

[The prepared statement of Senator Michael D. Crapo follows:]

STATEMENT OF HON. MICHAEL D. CRAPO, U.S. SENATOR FROM THE STATE OF IDAHO

The purpose of this hearing is to make sure we are doing all that we can to determine the extent of this disease and manage it. States and Federal agencies have started on this mission using—in some cases, diverting—existing resources. This shows how seriously all are taking the threat, but I want to be sure that our efforts are sustainable.

Chronic Wasting Disease (CWD) is a national problem. It has existed in Colorado and Wyoming for 40 to 50 years and has since been found in 11 other states and two provinces in Canada.

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Senator CRAPO. With that, we will turn to you, Senator Allard, for your opening statement.

**OPENING STATEMENT OF WAYNE ALLARD, U.S. SENATOR  
FROM THE STATE OF COLORADO**

Senator ALLARD. Thank you, Mr. Chairman.

I have spoken out strongly that we must deal with chronic wasting disease, also known as CWD. It gives me great pleasure to work with you. I appreciate your willingness to get involved in both bills before us today and for holding this hearing.

I would like to welcome all the witnesses here today. I sincerely appreciate the opportunity to learn more about the more recent developments in research, management, and the eradication of this disease.

I extend a special welcome to my friend, Russell George from Colorado, the executive director of the Colorado Department of Natural Resources. I welcome you to the subcommittee, Director. Your expertise and leadership on this matter will provide tremendous insight to the members of this subcommittee and those listening today.

In 1967, one year before I received my Doctorate of Veterinary Medicine at Colorado State University, scientists just a few miles up the road were grappling with a strange, new wasting disease that had decimated their deer population. The discovery launched researchers at the foothills campus into the field of prion research, a heretofore unknown field of science that even today little is known about.

Three decades later, tragically chronic wasting disease was discovered outside the fences of the campus in both wild and captive cervid populations. As scientists work to unravel the mystery of the folded proteins, State departments of resources and agriculture scramble to get a handle on the spread of the disease.

For agriculture, chronic wasting disease posed difficult problems for the captive deer and elk farming industry. For resource managers, the disease posed grave consequences for the wild cervid population, as well as to communities across the United States whose economies depended on deer and elk hunting.

In an all-out attack against the disease, tens of thousands of animals were destroyed. In the meantime, State wildlife management of budgets were quickly depleted as the demands of testing and eradication siphoned off millions of unbudgeted dollars. A perfect example: In just 2 years in Colorado, chronic wasting disease funding jumped from \$700,000 to \$4 million.

While there was never any doubt that the States retained undisputed primacy over wildlife, the economic and scientific demands forced them to turn to the Federal Government for assistance. The financial strain of management efforts, coupled with the unique scientific demands, assure a limited role for the Federal Government.

Through the Department of Agriculture's emergency powers, millions of dollars were provided for culling and indemnification. The Animal and Plant Health Inspection Service, Agriculture Research Service, and the U.S. Geological Service reacted to the need for chronic wasting disease research and management funding through their yearly budget processes.

As the level of involvement at Interior and Agriculture increased, it became quite clear that a coordinated plan was needed to prevent duplication of services and research, improve communication, and streamline Federal efforts with more direction. A task force convened and a plan emerged. Unfortunately, the plan has never been finalized, and no reason has been provided as to why it never reached final approval. The plan contained funding estimates and needs. To date, despite congressional mandates, the plan remains on the shelf collecting dust.

Nor have the Agencies presented specific reasons to Congress that the efforts that they are undertaking and the funding that they are requesting are in line with the plan. Without a funding plan from the Federal Government, especially one that included grants for CWD research, monitoring, and control, the States continue to suffer financially.

In two separate hearings before the House Resources Committee, State officials made it very clear that additional resources were needed regardless of the plan's status. As a result, I, along with Senators Campbell, Crapo, Feingold, and several other colleagues, introduced S. 1036 and S. 1366. S. 1036 deals with the layers of

Federal CWD responsibility and S. 1366 deals with State and tribal funding for research, monitoring, and eradication of the disease.

During this morning's testimony, I will be listening for ways to improve S. 1366 so that we can put in place a reliable funding mechanism that will allow the States an opportunity to secure the funding they need, while hopefully preventing a parade of congressional earmarks for CWD through the appropriations process.

I also believe that S. 1366 is important because without it there is no incentive to keep money dedicated to chronic wasting disease. Your input and support of this bill is critical. The States desperately need assistance. We have waited far long enough to provide them with it.

As we discuss various agency and departmental roles, I will also be listening for ways that the Government is implementing the yet-to-be-released CWD implementation plan. How are current plans aligning with the implementation strategy? Is money being spent as the plan suggested? How do budget requests reflect the suggested budget amounts in the implementation document? Through the task force, have the Agencies achieved a level of cooperation and communication needed in order to avoid duplication of services, responsibilities, and research?

This hearing is also important because it provides a forum and platform for subject experts to provide the latest updates on CWD. How has the disease changed? Are monitoring efforts working? What does the best available science indicate about the continued spread and transmissibility of the disease? If CWD is more prominent in the buck, how does this impact the gene pool?

Finally, this hearing is important because of the implications that CWD has on the economy. Colorado's resource-based Western Slope was heavily dependent on deer and elk hunting, a \$599 million industry to the region.

Nationally, if chronic wasting disease were to become endemic it could create severe problems for game management and producers. It could potentially cost the national economy \$100 billion, according to Andrew Sidelin, associate professor at Colorado State University. A strong coordinated front against the disease will prevent a devastating blow to wildlife and the economy.

Thank you, Mr. Chairman. I look forward to hearing from the witnesses and continuing to work with you.

Senator CRAPO. Thank you very much. We appreciate your attention to this issue, Senator Allard.

[The prepared statement of Senator Allard follows:]

STATEMENT OF HON. WAYNE ALLARD, U.S. SENATOR FROM THE STATE OF COLORADO

In 1967, one year before I received my Doctorate of Veterinary Medicine at Colorado State University in Fort Collins, scientists just a few miles up the road were grappling with a strange new 'wasting' disease that had decimated their deer population. The discovery launched researchers on the foothills campus into the field of prion research, a heretofore-unknown field of science about which, even today, little is known. Three decades later, tragically, Chronic Wasting Disease (CWD) was discovered outside the fences of the CSU campus, in both wild and captive cervid populations.

As scientists worked to unravel the mystery of the folded protein, several States' departments of resources and agriculture scrambled to get a handle on the spread of the disease. For agriculture, CWD posed difficult problems for the captive deer and elk farming industry. For resource managers, the disease threatened grave consequences for the wild cervid population as well as for communities across the



United States whose economies depend on deer and elk hunting. In an all-out attack against the disease, tens of thousands of animals were destroyed. In the meantime, State wildlife management budgets were quickly depleted as the demands of testing and eradication siphoned off millions of un-budgeted dollars. A perfect example: in just 2 years in Colorado, CWD funding jumped from \$700,000 to \$4 million.

While there was never any doubt that the states retained undisputed primacy over wildlife, the economic and scientific demands forced them to turn to the Federal Government for assistance. The financial strain of management efforts coupled with the unique scientific demands assure a limited role for the Federal Government. Through the Department of Agriculture emergency powers, millions of dollars were provided for culling and indemnification. The Animal and Plant Health Inspection Service, Agriculture Research Service and the U.S. Geological Service, reacted to the need for CWD research and management funding through their yearly budget processes.

As the level of involvement at Interior and Agriculture increased, it became quite clear that a coordinating plan was needed to prevent duplication of services and research, improve communication and streamline Federal efforts. A task force convened and a plan emerged. Unfortunately, the plan has never been finalized and no reason has been provided as to why it has never received final approval. The plan contained funding estimates and needs. To date, despite Congressional mandates, the plan remains on the shelf collecting dust. Nor have the agencies presented specific reasons to Congress that the efforts they are undertaking (and the funding they are requesting) are in line with the plan.

Without a funding plan from the Federal Government—especially one that included grants for CWD research, monitoring and control—the States continued to suffer financially. In two separate hearings before the House Resources Committee, State officials made it very clear that additional resources were needed, regardless of the plan's status. As a result, I, along with Senators Campbell, Crapo, Feingold, and several other colleagues, introduced S.1036 and S.1366. S.1036 deals with the layers of Federal CWD responsibility and S.1366 deals with State and tribal funding for research, monitoring and eradication of the disease.

During this morning's testimony, I will be listening for ways to improve S.1366 so that we can put in place a reliable funding mechanism that will allow the States an opportunity to secure the funding they need, while I hope to prevent a parade of Congressional earmarks for CWD through the appropriations process. I also believe S.1366 is important because without it, there is no incentive to keep money dedicated to Chronic Wasting Disease. The States desperately need assistance and we have waited far long enough to provide them with it.

This hearing is vitally important because of the impact CWD has on the economy. Colorado's resource-based western slope is heavily dependant on deer and elk hunting, a \$599 million industry in the region. If Chronic Wasting Disease were to become endemic, it could create severe problems for game management and producers on a nationwide scale, potentially costing the U.S. \$100 billion, according to Andrew Seidl, an associate professor at Colorado State University. A strong, coordinated front against the disease will prevent a devastating blow to wildlife and the economy.

Senator CRAPO. Our first panel today will be Dr. John Clifford, the Assistant Deputy Administrator of the National Animal Health Policy and Programs at the USDA, and Mr. Chip Groat, Director of the U.S. Geological Survey in Reston, VA.

Gentlemen, and to the rest of the witnesses who will testify in our second panel, I want to remind you that we have a time clock. If you are like me and most other witnesses, the clock will run out before you have finished saying everything you have to say. I encourage you to pay attention to the clock, though, because we need to maintain our schedule.

Senator Allard and I want to have an opportunity to engage in dialog with you. If you do not get through everything you wanted to say in your initial 5 minutes, you will have plenty of opportunity during the questions and answers to supplement what you have to say.

Your written testimony has been entered in the record in its entirety. It has been reviewed thoroughly by us. We appreciate your

summarizing it in the 5-minutes allotted for your initial presentation. If you do forget the clock, I will lightly rap the gavel up here to remind you to watch it and encourage you to wrap up as quickly as you can when your time does expire.

With that, we will go ahead.

Dr. Clifford, please proceed.

**STATEMENT OF JOHN CLIFFORD, ASSISTANT DEPUTY ADMINISTRATOR, NATIONAL ANIMAL HEALTH POLICY AND PROGRAMS, U.S. DEPARTMENT OF AGRICULTURE, WASHINGTON, DC**

Mr. CLIFFORD. Thank you, Senator Crapo.

Mr. Chairman and members of the subcommittee, thank you again for the opportunity to speak on behalf of USDA about chronic wasting disease. CWD is a transmissible spongiform encephalopathy of deer and elk, in the same family of disease as bovine spongiform encephalopathy and scrapie.

It has been diagnosed in farmed elk and deer herds in eight States. CWD has also been identified in free-ranging deer and elk in areas of Colorado, Illinois, Nebraska, New Mexico, South Dakota, Utah, Wisconsin, and Wyoming. The origin and mode of transmission of CWD are unknown.

To ensure a coordinated and cooperative Federal approach to assisting States, a task force, including USDA, the Department of the Interior, along with universities and State wildlife management and agricultural agencies, drafted the plan for assisting States, Federal agencies, and tribes in managing CWD in wild and captive cervids. The plan was shared with Congress in June 2002. The national plan's components include action items for surveillance, diagnostics, and research, among other things.

All agencies have been working together as budgets allow to implement the plan. From fiscal year 2003 through fiscal year 2005, the President's budget, Department funding for CWD has increased by 41 percent from \$16.4 million to \$23.1 million. In fiscal year 2004, USDA-APHIS received \$18.5 million which, after congressional earmarks, is being divided roughly equally between the captive cervid program and assistance with addressing CWD in wild deer and elk.

An additional \$3.2 million was provided for USDA research activity in 2004 for a total of \$21.7 million. The fiscal year 2005 budget includes \$23.1 million, of which \$20.1 million is for APHIS, and \$3 million is for research. However, funding decisions must be made on an annual basis, taking into consideration resource constraints and the many program needs that compete for these resources.

In January, a working group, composed of many of the same people that put the national plan together held a progress meeting in St. Louis. This working group is currently compiling a CWD progress report. By examining each action item set forth in the national plan the progress report highlights accomplishments and further needs. In addition to working with other agencies on CWD, USDA is moving ahead to address CWD in both captive and wild deer and elk populations.

We are continuing the development and implementations of its national voluntary certification program to eliminate CWD from

farm cervids. On December 24, 2003, we published a proposed rule on the certification program. We received 120 comments on those and are evaluating those comments now. We anticipate publishing a final rule soon with a goal of implementing the program by the end of this year.

Our goal is nothing less than the eradication of the disease in the farm cervid population. We also are assisting tribes in dealing with the wildlife aspects of the disease. USDA plans to make approximately \$5.75 million available to tribal nations and State wildlife agencies for this purpose.

The funding will be distributed via cooperative agreements according to a formula initially developed in conjunction with the International Association of Fish and Wildlife Agencies and through a cooperative agreement with the Native American Fish and Wildlife Society, regional tribal biologists have also been hired to help improve CWD surveillance on tribal lands.

Our Wildlife Service Program has been assisting State wildlife agencies with their activities. Our personnel have assisted with the harvesting of wild deer in Illinois and Wisconsin, and both deer and elk in Colorado for CWD testing. Additionally, we have assisted State wildlife agencies in collecting CWD samples from hunter-harvested deer at check stations in 10 States.

Our Center for Veterinary Biologics continues to approve new diagnostic test kits for CWD. Currently, there are four tests that have been approved. These diagnostic test kits are only available to APHIS-approved laboratories contracted for CWD disease surveillance, and are only licensed for use in wild deer and elk.

The immunohistochemistry remains the internationally recognized method of choice for testing for TSEs and is being used for confirmation of positives as well as surveillance in captive deer and elk.

Research in the area of CWD has continued as well. Our National Wildlife Research Center is researching the possibility of CWD vaccines, as well as to identify improved barriers and repellents to keep wild deer and elk separated from captive herds and other livestock.

Thank you, Mr. Chairman. I would ask that my complete testimony be included in the record in its entirety.

Senator CRAPO. Without objection, so ordered.

Thank you very much. I see that you noticed the clock very carefully. We will pursue the rest of your testimony with you in questions and answers.

Mr. Groat.

**STATEMENT OF CHARLES G. GROAT, DIRECTOR,  
U.S. GEOLOGICAL SURVEY, RESTON, VA**

Mr. GROAT. Thank you, Senator.

It is a pleasure to be here to present some views of the Department of the Interior on your proposed legislation and on CWD in general. The Department continues to be concerned with the current and future effects of chronic wasting disease on free-ranging deer and elk, which is where the Department of the Interior's expertise is focused.

We support strongly the concept embodied in these bills, particularly the recognition and facilitation of the key role that State wildlife management agencies, universities, and non-governmental organizations play in the struggle with the disease.

While we recognize that States, particularly, and others have a preeminent role, we also recognize, as do they, to successfully combat CWD is going to take a joint effort and a collaborative approach among the States, Federal agencies, universities, and other organizations. Using this approach, the Department of the Interior is conducting research into the biology and management of the disease. We provide wildlife-related laboratory services. We offer technical advice and assistance to the partners. We work closely in cooperation with the States.

In fiscal year 2004, the Department of the Interior has committed \$4 million, which is up from \$3 million, to investigate and combat the chronic wasting disease. These funds were used by the USGS and to expand research and deliver technical assistance and pertinent biological information about the disease to both Federal agencies and the States.

Over the past year, the Department has embarked on an aggressive program of research into the biology of CWD, its hosts, and its transmission pathways. In addition, the USGS and its partners are working to develop methods needed to identify diseased animals before the designs of the disease are apparent.

During fiscal years 2000 and 2004, the USGS committed a total of \$2.7 million to the Chronic Wasting Disease Program. The Fish and Wildlife Service has been assisting the States in CWD monitoring and surveillance, a key part of the program, as it develops field guidelines at a national level for coordinated monitoring and surveillance. These guidelines are being designed collaboratively with the States to help determine CWD distribution and movement.

As an example of the commitment to cooperate with the States, USGS has recently developed a program to work cooperatively with six States affected with CWD—Colorado, Wisconsin, Wyoming, Nebraska, South Dakota, and Utah. The \$300,000 has helped to initiate projects that will develop crucial information on issues ranging from deer movements and the ecology of therapeutic agents.

In December 2002, we coordinated an effort with State, Federal, and university partners to develop a strategy to assist in the development of surveillance programs. This document, "Surveillance Strategies for Detecting Chronic Wasting Disease in Free-Ranging Deer and Elk" represents another important part of the cooperative effort.

Let me close with some comments, as did Dr. Clifford, on the status of the plans and proposed legislation. I concur with what Dr. Clifford said about the implementation program. While, as you pointed out, Senator Allard, that program sits on a shelf somewhere as far as formal approval, the review that took place with the States and Federal partners does do a decent job of portraying where things are because we have not sat still and waited for that plan to be approved.

We have moved within available funding to carry out the key elements of that plan. I think you will find when that progress report

is released, some very useful information in terms of the effort on each part, as well as the dollars that are needed to carry out the efforts that the plan portrays.

Both pieces of legislation that you referenced include grant structure which, to some degree, does duplicate structural capabilities already existing at least in the Department of the Interior. However, the funding is, in any grant program whether it is new or old, a key part of getting this work done.

As Dr. Clifford pointed out, the efforts that are ongoing have had a significant commitment of funding in the Department of Agriculture and, to a degree, we have funds available as well. But I think we would both concur that more funding is going to be needed to carry that out.

We think the concepts of the legislation are sound. What you have intended the money to support are sound. We are particularly supportive of the modeling program in S. 1036. I think that is going to be a key part of understanding the patterns and migration of the disease, and also the development of a national data repository so we can all share in information about the disease among State and Federal agencies.

Finally, you said a key word, Senator Allard, and I think we say it often in connection with CWD, and that is "unknown." We know so little about this disease. We know very little about how the disease itself works and the work that Agriculture is doing on the nature of the disease and its characteristics is critical, but also the ecology of the disease, as it relates to free-ranging herds.

The natural environment and its impacts, the transmittal of the disease, mechanisms and patterns, the habitat effects, the life cycle and early detection are all things in which much more work is needed. Many people are working very hard on it. We have a long way to go, Senator. I do not think there will be any quick fix. Unless the kind of sustained efforts that you support in your legislation are there, we will not get there.

So we endorse the concepts of the legislation put forward. We look forward to continuing the collaborative effort among States, Federal agencies, and NGO's to deal with this tragic disease.

Thank you. I would ask that my complete testimony be included in the record in its entirety.

Senator CRAPO. Without objection, so ordered.

Thank you very much, Mr. Groat.

I will ask a couple of questions first before turning it over to Senator Allard.

This is to either of the two of you. Explain to me in a little more detail the difference between the national plan, which was presented to Congress in June 2002, and the implementation document which was dated October 2002.

Mr. GROAT. I will make one comment, Senator. The progress plan that was referred to tracks the actual plan itself. It is, in effect, to see how implementation is proceeding along each of the elements. There are discrete parts of that plan. So it does report efforts and dollars that are currently being spent.

Senator CRAPO. That is the implementation document?

Mr. CLIFFORD. Yes, I would concur with Mr. Groat on that. That is exactly what we are doing.

Senator CRAPO. So basically you are just tracking the national plan step-by-step to assure its implementation?

Mr. CLIFFORD. There may be some variations because APHIS had initially already started before this activity started with the captive cervid program. So that program and those dollars both track that plan. We spend about half our dollars on that and half on the wildlife. There may be small variations in that.

Senator ALLARD. Mr. Chairman, he used "captive cervid program." Are you talking just about farming cervids or are you talking about cervids that are also used in research?

They are also captive. Is there a distinction?

Mr. CLIFFORD. I am talking about farm cervids.

Senator ALLARD. OK.

Senator CRAPO. How closely, and again to either of you, has the Administration's budget followed the budget in the implementation plan? In other words, has the Administration provided the necessary budget dollars that the plan contemplates?

Mr. CLIFFORD. In my opinion, it follows it pretty close.

Mr. GROAT. I would say in our part the money that we spend tracks the needs in the plan as far as the Department of the Interior has capabilities to do them. On the other hand, I saw a draft of the plan which talked about a total need over 3 years of something over \$100 million to support the effort. Of course, we are not coming anywhere close as far as the amounts of money that they feel are necessary.

Senator CRAPO. Thank you.

Senator Allard.

Senator ALLARD. On the finalization of the plan, why hasn't OMB finalized it? I want to be clear on that. It is sitting over there in OMB; is that not the understanding?

Mr. CLIFFORD. I do not know that I can speak to that, Senator.

Mr. GROAT. That is my understanding, Senator. I think because it involves both Federal and State agencies, and because it is Federal involved, the OMB is taking a look at it. I am not sure what the reasons are for where it is.

Senator ALLARD. It involves both agencies. Have they come and ask you about input or anything like that?

Mr. CLIFFORD. There have been questions that we have responded to, yes, to OMB.

Mr. GROAT. There have been questions to the Budget Office.

Senator ALLARD. Are there differences between the two agencies? Is that why OMB cannot act on it?

Mr. CLIFFORD. I do not know, Senator; not that I know of.

Mr. GROAT. I do not either, Senator. I cannot respond to that.

Senator ALLARD. As far as you know, you do not differ on any of the issues that would be in that plan?

Mr. CLIFFORD. No, sir.

Senator ALLARD. OK.

Mr. CLIFFORD. We were all at the table to help put it together.

Senator ALLARD. OK. On APHIS and the Department of Agriculture and what not, there is a veterinary role ordinarily when animals are shipped interstate.

Mr. CLIFFORD. Yes, sir.

Senator ALLARD. There are health certificates that a private practitioner would write. When we fill out that health certificate, we become an agent for the state of origin. Do many States require health certificates on farm cervid?

Mr. CLIFFORD. Yes, sir; they do. A number of the States do.

Senator ALLARD. Is there an exemption on research cervid, or do those same rules and regulations apply to research cervid?

Mr. CLIFFORD. There can be certain exemptions. As far as interstate movement, then that would be coordinated with both the receiving State as well as the State that is moving. Plus, we would have to meet the Federal requirements as well.

Senator ALLARD. But a health certificate is not necessarily required on a research cervid?

Mr. CLIFFORD. It would probably move on a health certificate, Senator.

Senator ALLARD. The fish and wildlife agencies do move cervids around some; I would assume?

Mr. GROAT. Are you talking about the State agencies,

Senator ALLARD. Yes.

Mr. GROAT. I am not certain of how they would do that.

Senator ALLARD. I would assume they would. When you move your cervids around, are you required to have a health certificate? How do you know the animals are healthy when you move them around? That is my question, basically.

Mr. GROAT. From the Department of the Interior's perspective, I am not sure I know the answer to that, Senator.

Perhaps one of the State people on the next panel could answer that.

Senator ALLARD. OK. Maybe it is something that needs to be checked out.

States that do not have chronic wasting disease within their borders, how are these States been notified there is a problem? I notice Idaho did not get mentioned and they have a pretty viable deer and elk population in that State. Have States like Idaho put provisions in their animal import rules that would say, "Well, if you are coming from a state of origin, you need to have a health certificate" because if a veterinarian, for example, wrote a health certificate in Colorado, I would look at Idaho's regulations. If they do not say a health certificate is required on a cervid, I would say, "Well, there is no requirement. Go ahead and just transport it."

Mr. CLIFFORD. Senator Allard, the new regulation that we will be implementing soon will address the issue for captive as well as wild cervids. Wild cervids from known endemic areas would not be able to be moved to interstate commerce.

Senator ALLARD. That is my question. Very good. OK.

On the funding for the chronic wasting disease, in the Department of Agriculture you are doing much of the research, basically? Right? I am just trying to figure in my mind how this breaks down between the Agencies.

Mr. CLIFFORD. Yes, sir. The USGS as well as doing research.

Senator ALLARD. They are doing some research. But I would think most of the research coordination would be through your Agency. They would be more on surveillance of wildlife, and what not. For example, in Colorado we have certain areas where we re-

quire head collections from hunters. Then you go ahead and test the head. Then we get the report back within a relatively short period of time. It has been shorter here lately. But it has been an issue because hunters do not like to sit around and wait for days and days to get results. They like to have the results very quickly.

Is that how that is breaking down between the Fish and Wildlife and the Department of Agriculture?

Mr. GROAT. Well, from the Fish and Wildlife Service, Geological Survey prospect, we do focus on issues related to free-ranging herds. So, for example, the life cycle of the disease, what are possible hosts and paths of transmission in the natural environment related to wildlife population. So we parallel some of the things that are going on in Agriculture, but specifically as it applies to free-ranging populations.

Senator ALLARD. OK. I think surveillance would be an important issue as far as you are concerned.

Mr. GROAT. Certainly.

Senator ALLARD. And working with the State Fish and Wildlife agency would be important. Do you do any surveillance?

Mr. CLIFFORD. Senator Allard, half of our budget goes to surveillance activities to the States for wildlife surveillance.

Senator ALLARD. Is there duplication on the surveillance?

Mr. CLIFFORD. No, sir.

Senator ALLARD. You just do surveillance on domestic herds and they would on the wild herds?

Mr. CLIFFORD. We focus on both, sir. Half of our budget is that we coordinate with the International Association of Fish and Wildlife Agencies and develop cooperative agreements with the State natural resource agency and provide dollars for them for the surveillance in the wild cervid industry. We also support that through laboratory testing as well. So over half of our dollars go to that. There is no duplication on the side of Interior and USDA on those issues.

Senator ALLARD. As far as research is concerned, the only area where it seems like we have made much progress is this. How is it that you dispose of infected tissues or potentially infected tissues? I know that the Colorado State University has developed a digester system that apparently is pretty effective in eliminating prions and what not, from what I have been told. There has been some research, but other than that we are not finding out much about method of transmissibility or much about the disease other than just that. Maybe that should be the first priority.

Where do you think we are going to go from here now as far as research is concerned?

Mr. CLIFFORD. Well, ARS, plus our Wildlife Services Division are both doing research in this area. ARS is looking at the pathogenicity of the disease. Hopefully we can make progress on that area soon. I mean, that is definitely what is needed with regard to disposal. We have three disposal methods that will vary from State to State. We are working with EPA and others on the approval of three, that is, approved land fills, incineration, and the tissue digesters.



Senator ALLARD. From any evidence that you have gained so far, there is no evidence of transmissibility between species of the transmissible spongiform encephalopathies; is that correct?

Mr. CLIFFORD. Are you including them all?

Senator ALLARD. Yes. Well, I guess the one exception would be BSE in humans.

Mr. CLIFFORD. Yes, in humans in the European population. I think that is important to make that distinction. Just in the European population.

Mr. CLIFFORD. Yes, correct.

Senator ALLARD. We have had testimony that it is a little different variety. Other than for that, as far as you know, there is no transmissibility between species?

Mr. CLIFFORD. As far as scrapie, no, and as far as chronic wasting disease, not to our knowledge at this time.

Senator ALLARD. Very good.

Mr. GROAT. Senator, I think one of the biggest challenges in the natural environment is understanding the pathways of the disease, the residence in soils, the residence in intermediate hosts, and the methods of transmittal. Other than brute force inoculations in the brains, it has been very difficult to see those patterns develop and what causes those patterns.

As I said earlier, I think we have a long way to go, but we have to get there if we are going to understand this disease.

Senator ALLARD. I agree. I think there needs to be much research on the nature of the prion. We just do not know.

Mr. Chairman, I think my time has expired. I have more questions, but I will turn back.

Senator CRAPO. Well, I will ask another couple of questions and then we can have another round if you have more questions.

Senator ALLARD. All right.

Senator CRAPO. Dr. Clifford, in your testimony, you indicated with regard to S. 1366 that because the Department is already administering funds essentially in the way that the bill implies it should be done, that the legislation is not necessary. Could you elaborate on that a little bit?

Mr. CLIFFORD. Basically, as I stated earlier, we are working through IAFWA to provide funds to the States for the surveillance activities now in the wildlife components. That is already being done through APHIS-USDA.

Senator CRAPO. So rather than establishing a new grants program, basically the solution that we need is simply to have higher appropriations of dollars for these purposes to the Agency? Is that basically the position you take?

Mr. CLIFFORD. Well, yes. The President's budget had an increase for 2005 of \$1.4 million; yes.

Senator ALLARD. Can I followup on that a little bit, Mr. Chairman?

Senator CRAPO. Certainly.

Senator ALLARD. So you say you already have a program now where you can bring money into research for chronic wasting disease. But it is pretty much left up to the discretion of the Agency. If we had authorizing legislation, it would set up a line item, and then when the money got appropriated, it would be more apt to be

allocated just for chronic wasting disease and you would not have the discretion in the Agency. That is basically the difference; correct? Did I go through that too fast?

Mr. CLIFFORD. Well, I mean we utilize all this money from chronic wasting disease, Senator. So I am not sure—

Senator ALLARD. Oh, I have no doubt that you do. But you pull it out of a general pot of money that you have available; right? It is available for your research?

Mr. CLIFFORD. No, sir; this is a line item.

Senator ALLARD. It is a line item that specifically says for chronic wasting disease in your Department?

Mr. CLIFFORD. Yes, sir; CWD.

Senator ALLARD. Is that true in the Department of the Interior?

Mr. CLIFFORD. No, sir. Our granting mechanisms are more general than that. So the mechanisms are there but they are not specifically for chronic wasting disease.

Senator ALLARD. So as far as the Agriculture budget is concerned, that is line itemed. You take a little different approach. Now, on the Department of the Interior, then, it is not line itemed and that money is a little more fungible as far as the Department is concerned.

Mr. GROAT. It is to some degree. In our research budget, for example, there is chronic wasting disease research spelled out as a line. That is pretty clear. But as far as the granting mechanisms is concerned, that is discretionary within the money made available.

Senator CRAPO. Mr. Groat, those grant mechanisms are administered through the Fish and Wildlife Service; is that correct?

Mr. GROAT. The principal ones are, although the USGS, through cooperative agreements, has provided money to State agencies and universities for research using that mechanism. But the principal means of getting support to the States for this purpose is through the Fish and Wildlife Service, yes.

Senator CRAPO. Well, I note that in your testimony as well, you indicate that the grant programs authorized by S. 1366 appear to be duplicative of that which the Fish and Wildlife Service already administers. I will followup on what Senator Allard was proposing here.

If the legislation were enacted such that there were specific line item appropriation dollars for these purposes, would that assist in making certain that we had the adequate resources to the grant programs, or do you have any problem getting those resources there now?

Mr. GROAT. Well, to be honest, Senator, I think any grant program is subject to what the most important issues of the day are, and they might change. So there is no guarantee that existing grant mechanisms or contract mechanisms would focus on chronic wasting disease.

On the other hand, the statement I made about the existing mechanisms were just that they were there. I was not intending to imply that they were there and were already doing in a regular way what you are intending to do with the bill, which is to make sure that money goes specifically for chronic wasting disease.

I think some other aspects of the legislation does do a good job, as we said, and support the idea of pointing out needs that are there, for example, modeling programs, national information systems, and those sorts of things that the bill would empower that are not currently spelled out in anything that is legislatively enacted.

On the other hand, the implementation plan does point out those things as major elements. If we, being the Federal Agencies, and the States follow that plan, then we will be doing the right thing. The question is: Will the money be going in the right place to get it done? I think that is one of the things that you are trying to address.

Senator CRAPO. In that regard, again in your testimony you indicate that the USGS is already developing a prototype wildlife disease information network that will include a CWD national data repository for scientific, technical, and geospatial information.

S. 1036 contemplates the establishment of modeling, surveillance and monitoring programs as a national internet-based repository of information.

Are we duplicating in S. 1036 or is S. 1036 going to be able to supplement and strengthen the efforts of USGS?

Mr. GROAT. Senator, I do not think it is duplicating. I think what it is doing, and I think it is good news, is that it is recognizing the importance of that activity. So some of the things that we have started through our NBII program, for example, and some of the discussions that we have had with Agriculture and with the States about the need for the national modeling surveillance and then the information system is something we are all in agreement on. This legislation points out the importance of that and would have the effect of empowering something that is already underway.

So is it duplicative in fact that something is already going on? Yes, but it gives it some incentive to proceed.

Senator CRAPO. Thank you. Dr. Clifford, do you agree?

Mr. CLIFFORD. Yes, within USDA we have our own data base system where we collect data and information that is already there from a domestic disease standpoint. We typically do not collect and keep that much data on the wildlife side. We definitely agree that this would not be duplicative.

We would add summary data from our generic data base to the USGS data base on the captive side.

Senator CRAPO. Thank you. That concludes my questions.

Senator Allard, do you have further questions?

Senator ALLARD. Yes, I do. Thank you, Mr. Chairman.

I guess we need to ask you both just this one basic question.

Do both of you support S. 1036 and S. 1366, as currently drafted?

Mr. CLIFFORD. For S. 1366, on the USDA side, as we stated in our testimony, we already have the things in place with regard to the funding for the States on the wildlife surveillance.

With the other bill, again I think we already have the authorities we need to be able to carry out this program.

Senator ALLARD. So you do not think they are necessary?

Mr. CLIFFORD. No, sir.

Senator ALLARD. What about you, Mr. Groat?

Mr. GROAT. Senator, I think the Department's position was more specifically aimed at the funding mechanisms, feeling that those could be used to accomplish what you are intending to carry out with the bill. There was no position taken on whether the other aspects that you are pointing out need to be done, and were unnecessary as such.

So the Department did not take a position in opposition to the bill in any way. We support the concept. We just felt that there was some duplication through the funding mechanism.

Senator ALLARD. OK. Are there some suggestions on improving the legislation that you might make?

Mr. GROAT. Well, I think the degree to which the legislation can reflect upon the implementation plan and the progress that has been made as a way of updating it would be helpful. Not knowing what that final progress report is going to say, I could not tell you what that is, but I think the progress report does detail that there are things being done along the lines that your bill indicates. There may be some things you may want to add or even modify based on that because that does truly reflect how the whole community feels—State, Federal, and NGO's.

Senator ALLARD. OK. I think it was you, Dr. Clifford, who talked about some budget figures. You said \$20.1 million; is that what you have in your budget?

Mr. CLIFFORD. Yes, sir.

Senator ALLARD. Is that for surveillance? Is that what that is for?

Mr. CLIFFORD. That is for both the surveillance and the wildlife, as well as the captive program.

Senator ALLARD. So when you say "surveillance in the wildlife," is that surveillance in farm cervids?

Mr. CLIFFORD. No, sir.

Senator ALLARD. It is the whole ball of wax?

Mr. CLIFFORD. About half of that money, about half of that \$20 million would be used for wildlife surveillance, not captive, not farm raised, but the wildlife.

Senator ALLARD. Now they are doing surveillance over here in the fish and wildlife in the wild. Is there a duplication between that surveillance function and the surveillance function that is happening over there?

Mr. CLIFFORD. I do not know how much money that DOI gives to the States to support actual surveillance activities. Half of our budget goes directly to the States through cooperative agreements and through support at the laboratories for the actual test and doing the actual surveillance of wildlife, which is not untypical for USDA with regards to wildlife components and other diseases as well.

Senator ALLARD. The surveillance on the Interior Fish and Wildlife side, that is for your own personal surveillance and is not necessarily grants to the States for them to do surveillance; do I have that right?

Mr. GROAT. There is funding that goes to the States to support, as we did with the handbook, development of surveillance processes and techniques. So included in money going to the States is money for that.

Senator ALLARD. So it is the development of process and techniques. Basically it is research related to surveillance procedures?

Mr. GROAT. We are focusing more on that; yes, sir.

Senator ALLARD. So then most of the money at the Department of Agriculture on that goes to the States.

You have \$3 million out of your budget that goes to research?

Mr. CLIFFORD. Yes, sir.

Senator ALLARD. And how much out of yours?

Mr. GROAT. Our total funding in 2004 for chronic wasting disease in the Department of the Interior was \$4 million. Of that, \$1.3 million that the U.S. Geological Survey spends is for research. So that is not the maximum because some of the other goes to aspects that are research, but it is a small amount.

Senator ALLARD. Between both of you, that is about \$4.2 million for research. Is that adequate?

Mr. GROAT. I come from a research organization, Senator, and research organizations are never allowed to say it is adequate. There is always more work that needs to be done.

[Laughter.]

Mr. GROAT. But as I said earlier, I think the unknowns of this disease are so critical and so important that one way to accelerate progress is for more money and another is to have the teams work together as effectively as possible. So I think more of both is needed.

Senator ALLARD. Well, how much research in the Department of Agriculture is going on for just prion diseases, like scrapie, and mad cow disease. We really cannot do mad cow disease in the United States unless we do it at Plum Island, I suppose. There are cases of scrapie in the States?

Mr. CLIFFORD. Yes, there is.

Senator ALLARD. So I assume that kind of prion research gets done here on the mainland.

Mr. CLIFFORD. Yes.

Senator ALLARD. Would you make a comment on prion research and the Department of Agriculture? Does that duplicate in with what we are talking about here?

Mr. CLIFFORD. Senator Allard, if I may, could I ask Dr. Rob Becker to respond to that for you, sir? He is from the Agriculture Research Service.

Senator ALLARD. OK.

Mr. BECKER. Senator, we do have research programs in all of those areas, TSEs, and as you know, they do overlap with each other. Not that we completely understand how they differentiate, but scrapie does lend to our understanding somewhat of chronic wasting disease. As you pointed out, TSE is related; however we have not done any research on that in the United States at the moment. We are starting to do that.

The little bit of moneys that we do have for that are sent overseas for research in England. So we do learn one from the other, although they are different from each other. I am not implying that they are the same. So our program, in that we have so much money for it, is helpful in that we can learn from one disease and extrapolate to some extent to the other. But certainly we need to

do more research, as has been pointed out, for chronic wasting disease specifically.

Senator ALLARD. It just seems to me that the \$4.2 million is rather meager concerning the implications of chronic wasting disease on wildlife and management. We need to do surveillance. That is an important part of it. I am pleased that you have the States coming in and doing it and helping out.

But I hope that there is communication. It sounds as though you are talking. That is always heartening as far as your research efforts and what not are concerned. When you have such meager resources, you have to be careful that you do not do duplication, although when you have a young disease like this, or a relatively new disease, it is very hard to know what is duplicative because you do not have much information out there.

I would encourage you to work with that.

Mr. GROAT. Senator, I think that as with any understood process or phenomenon, as is true in most research, the more people that are working on it with capabilities, the more likely we are to make progress. I think that is true in health. That is true in many areas.

So I do not think the duplication at this level of funding is a real issue. I think it is getting everybody with capabilities engaged.

Senator ALLARD. Dr. Clifford, I have one final question. What percentage of the money that you get goes to the States in the form of grants for surveillance and research? Do you have that figure?

Mr. CLIFFORD. Yes, sir. For 2003, I think it was \$18 million that we received. I am sorry, Senator. For 2004, it is \$5.75 million of the \$18 million will go directly to the States and tribal nations in forms of cooperative agreements.

Senator ALLARD. I do not know if you were the one who made the testimony, but I think there was testimony from the USDA on the House side that said: "We now have 26 laboratories that can run the IHC test."

Mr. CLIFFORD. Yes.

Senator ALLARD. "The estimated capacity is now at a quarter of a million samples, more than adequate to meet the current demand." Is that still true today?

Mr. CLIFFORD. Yes, sir; it is.

Senator ALLARD. It sounds like you almost have surplus there. If fish and wildlife needs more testing, and if you have more than enough money, is there a way of making it available to fish and wildlife agencies, maybe at the State level, so that they can do their testing programs? Is there a way that that happens or can happen?

Mr. CLIFFORD. I am not sure I understand. When you say there is "surplus"—

Senator ALLARD. Well, the testimony said there was plenty of money for testing for your 26 laboratories.

Mr. CLIFFORD. What we are saying is that we have that capacity. We are not saying that we have extra money. We have the capacity to do that. Those are contract laboratories within the State and Federal systems.

Senator ALLARD. Oh, OK. I see.

Mr. CLIFFORD. So for every test that they do, we pay them a certain amount for each test.

Senator ALLARD. So that States are happy that you have the capability to test their samples in a timely way?

Mr. CLIFFORD. Correct, yes; yes, sir.

Senator ALLARD. If it is not timely, it's just because it takes that long to take the test, not because of a backlog?

Mr. CLIFFORD. That is correct, plus we have the other four tests that are more rapid that have come on line for cervids as well.

Also, if I may, sir; of the \$18.5 million, there was some earmarked money also for some of the States in that. So it would actually be \$5.75 of something like \$16.75 million that would go directly to the States.

Senator ALLARD. Thank you.

Thank you, Mr. Chairman.

Senator CRAPO. All right. Thank you very much. We would like to thank this panel for your testimony and for the information that you have provided to us. This panel will be excused.

We will call our second panel. Our second panel is composed of Russell George, executive director, Colorado Department of Natural Resources; Gary Taylor, legislative director, International Association of Fish and Wildlife Agencies; Jack Walther, president, American Veterinary Medical Association; and Gary Wolfe, project leader, Chronic Wasting Disease Alliance.

Gentlemen, we welcome all of you, and appreciate your appearance before us today. I would like to remind each of you of the instructions I gave earlier with regard to trying to keep your eye on the clock so that we have plenty of time for questions and answers and a dialog among ourselves.

With that, let us proceed with you, Mr. George.

**STATEMENT OF RUSSELL GEORGE, EXECUTIVE DIRECTOR,  
COLORADO DEPARTMENT OF NATURAL RESOURCES, WASHINGTON, DC**

Mr. GEORGE. Thank you, Mr. Chairman and Senator Allard.

I listened closely to your opening statements and subscribed totally to the summary that each of you have given us about this increasingly larger and more complex scientific issue. Thank you for the opportunity to be here today. My goal will be to bring you current on where Colorado is on these number of issues.

Prior to 2002, we in Colorado believed with some confidence that chronic wasting disease was confined to populations of wild deer and elk in the Northeastern portion of the State. As we all now know, unfortunately, 2 years ago we detected the disease in deer and elk herds in Colorado's Western Slope, and those are the largest deer and elk herds in the West.

This required us to significantly expand our surveillance and customer service efforts, all at considerable expense. Since that time, chronic wasting disease has regrettably been detected in several other States as well. In response, Colorado has willingly shared its experiences with wildlife officials from those States in order to help them eradicate, combat, as well as to try to understand better this wildlife disease.

As a result, the knowledge that we have gained, and the programs we have initiated in Colorado are often used as a model by others. I am pleased that the pioneering CWD work done in Colo-

rado and Wyoming have allowed other States to save scarce funds and limited personnel time by enabling them to focus on initiatives, technologies, and approaches that we have already determined to be effective.

Colorado has invested heavily in tackling the challenge of CWD, and we have done so largely with State funds, primarily revenues derived from the sale of hunting licenses. Congress and Federal agencies have an important role to play in providing additional support to help the States fight this disease.

I recommend that the Federal role should focus heavily on contributing additional funding to State efforts delivered through already existing mechanisms and agencies. Earlier congressional initiatives on chronic wasting disease, including legislation, direction to Federal agencies, and critically needed funding have been helpful to many States.

I am also pleased to report that those efforts have recognized the primacy of the States in policymaking authority with regard to wildlife management, both in general terms and specifically with respect to chronic wasting disease. I thank you for that. The recognition of primacy remains critically important to the States.

We have used a screening technique now, the rapid screen test, to test more than 45,000 wild deer and elk for chronic wasting disease over the last two hunting seasons. Two years ago, it took 3 to 6 months for hunters to obtain the results of their test. This past hunting season we had that down to 2 weeks. That is critical for customer service. That is critical for the science because that reporting gives us a data base that we can share and work from across the Nation.

Despite the unprecedented actions taken by the State of Colorado and other States, it is clear much more work remains to be done. The needs of the Colorado Division of Wildlife, the Colorado Department of Agriculture, and Colorado State University are extensive and beyond the ability of our State to fully fund the loan.

We believe Federal funding for this work is a wise investment, not only for the wildlife resource, but for the thousands of jobs dependent on wildlife recreation. In Colorado alone we estimate that three-quarters of a billion dollars in economic activity is generated from hunting annually. This activity is especially important to rural towns and businesses.

I would like to emphasize that there are many opportunities for the Federal Government to assist States in chronic wasting disease management research. I urge congressional support for legislation and funding that will allow State wildlife agencies to fight the disease. I urge you to provide that assistance through the most streamlined and efficient mechanisms available, and particularly already established grant programs in both the Department of Agriculture and the Department of the Interior.

Thank you, Mr. Chairman. I would be happy to answer any questions you may have. I would ask that my complete testimony be included in the record in its entirety.

Senator CRAPO. Without objection, so ordered.

Thank you very much, Mr. George.

Mr. Taylor.



**STATEMENT OF GARY TAYLOR, LEGISLATIVE DIRECTOR,  
INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE  
AGENCIES, WASHINGTON, DC; ACCOMPANIED BY TOM  
THORNE, CHAIR, FISH AND WILDLIFE HEALTH SUB-  
COMMITTEE ON CHRONIC WASTING DISEASE, INTER-  
NATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES**

Mr. TAYLOR. Thank you, Mr. Chairman, and Senator Allard, for the opportunity to share the Association's perspectives with you. With me today is Dr. Tom Thorne, a wildlife veterinarian with the Wyoming Game and Fish Department who also chairs our Association's Fish and Wildlife Health Chronic Wasting Disease Subcommittee.

As you know, all 50 State fish and wildlife agencies are members of our Association. The Association looks forward to continuing to work with you in particular to provide the State and Federal agencies with the fiscal resources that they need to manage this disease.

In my remarks today, I will also share with you some information regarding the progress of chronic wasting disease management, as outlined in the implementation strategy deriving from the national plan. Federal and State agencies involved in this endeavor concur that collectively all the authorities that are necessary to manage this disease currently exist in law.

While we, therefore, are not convinced of the need for further authorizing legislation, the Association commends you and Senator Allard, Senator Feingold, and others for their diligence in ensuring that a coordinated State/Federal effort is directed at this issue.

What is most needed, as other speakers have mentioned, are adequate congressional appropriations to Federal agencies for both their efforts and to pass through to the State fish and wildlife agencies, State Departments of Agriculture, State universities, and other agencies to manage chronic wasting disease. We look forward to working with you to increase appropriations for this purpose.

My written statement describes the development of the national plan and the implementation strategy so I will not repeat any of that here. But let me simply observe that the budget recommendations that are reflected in the implementation strategy were very thoughtfully constructed under the constraint of reasonable and realistic. They are not "pie in the sky" requests.

I would like to thank Bobby Acord and his staff at APHIS for making funds available, as Dr. Clifford described to you, in fiscal year 2003 and anticipated in 2004, and for enlisting the State fish and wildlife agencies through our Association in designing an equitable protocol for the distribution expeditiously of this money to the State fish and wildlife agencies through cooperative agreements.

On the issue of funding, Mr. Chairman, we all agree that more is needed and we are committed to working with you and Congress to make that happen. With respect to fiscal year 2005, the Association and its member State fish and wildlife agencies, are requesting a total of \$19.2 million through appropriation to USDA-APHIS which would subsequently be granted to the State fish and wildlife agencies for managing chronic wasting disease in free-ranging cervids. This would bring the total in the President's request up to

\$29.2 million. It is approximately \$10 million more than is in the President's budget request for this line item.

The President's budget request is approximately \$19.5 million, half of which, as Dr. Clifford indicated, would likely go to management of chronic wasting disease in captive cervids. We are advocating for an additional \$10 million to be provided to the State fish and wildlife agencies for managing this disease in free-ranging cervids.

Let me share with you a little bit of some of the perspectives and information that was compiled in the progress report that both Dr. Clifford and Mr. Groat mentioned to you. This reflects work that has been done collectively by the State and Federal agencies from the period of October 2002 to September 2003. I believe we have seen considerable progress in research, surveillance, management, and information dissemination concerning this disease, but as all three speakers preceding me have indicated, significant additional work needs to be accomplished.

The implementation strategy identified budget needs of approximately \$108 million over a 3-year period. While a significant portion of these funds are expected to be congressional appropriations, State and tribal agencies have considerable financial commitment in managing this disease.

Let me share with you some expenditures from the first year's effort that reflect that commitment. First of all, from the Federal agencies in fiscal year 2003, USDA agencies expended approximately \$18.5 million. In the same fiscal year, the U.S. Department of the Interior agencies expended approximately \$3.3 million.

According to a survey conducted by our Association, 44 of the 50 State fish and wildlife agencies that responded spent a total of \$15.2 million in State money in managing this disease, and an additional \$2.7 million in Pittman-Robertson funds for a total of approximately \$18 million in fiscal year 2003.

We also have some preliminary surveillance results from 2002 to 2003 to share with you. I will quickly close with those observations. Every State is engaged in sampling free-ranging cervids and other ruminants. 265 out of 88,935 white-tailed deer tested positive for chronic wasting disease in that sampling season. 288 out of 15,937 mule deer tested positive, and 39 out of 12,843 elk tested positive. Positive tests were not manifest in several other species that were tested.

With that, Mr. Chairman, I will close. Thank you again for the opportunity to appear before you. I would be happy to answer any questions. I would ask that my complete testimony be included in the record in its entirety.

Senator CRAPO. Without objection, so ordered.

Thank you very much, Mr. Taylor.

Mr. Walther.

**STATEMENT OF JACK O. WALTHER, PRESIDENT, AMERICAN VETERINARY MEDICAL ASSOCIATION, WASHINGTON, DC**

Mr. WALTHER. Thank you, Mr. Chairman and Senator Allard. I am Jack Walther. I am a veterinarian and president of the American Veterinary Medical Association. I hail from a small town in northeastern Nevada, who is a neighbor to the chairman.

The AVMA represents 86 percent of the active veterinarians in the United States, and are over 70,000 members, most of whom at some point in their career, have treated wildlife. Today, many veterinarians are dedicating their professional skills to studying chronic wasting disease and other diseases that affect animals and humans.

Chronic wasting disease is one of the many transmissible spongiform encephalopathies. I am going to refer to those as TSEs. The AVMA and its members have been proactive for many years in addressing these important disease issues. As a result, we have developed a scientifically based position statement that supports the purposes of S. 1366.

Our position statement commits AVMA to disseminating scientific knowledge, encouraging and enhancing surveillance, monitoring, and control programs, and encouraging government support for the development of new rapid diagnostic tests and control measures.

We recognize and applaud the ongoing efforts of the Department of the Interior and the Department of Agriculture, and State and tribal agencies to implement the national plan for assisting State, Federal agencies, and tribes in managing chronic wasting disease in wild and captive cervids. Much have been accomplished, but much more needs to be done.

At the same time, we urge the subcommittee to remember the need to address not only CWD, but also other diseases impacting wildlife and livestock. Some of these diseases also affect humans as well as animals, such as brucellosis in bison and elk in the Greater Yellowstone area, brucellosis in feral swine, and tuberculosis in wild deer.

We live in a world of disease threats. TSE is one such threat. TSEs in animals include scrapie, BSE, which we all call mad cow disease, and chronic wasting disease.

Colorado Governor Bill Owens recently told a panel of experts and key stakeholders from the public and private sectors that CWD “affects every Coloradan” and has the potential to severely damage hunting, tourism, and related industries, as well as the State’s unique natural resources.

Because CWD touches so many stakeholders, it is essential that programs addressing CWD be cooperative in nature. Nowhere is cooperation more vital than between agriculture and wildlife management agencies and groups at the State, national, and international level. Disease does not respect fence lines or State or international borders. CWD already has affected deer and elk in 13 States and 2 Canadian provinces.

The AVMA supports Section 4 of the bill that provide grants to assist States in responding to CWD outbreaks. We also support Sections 3 and 5 of the bill that provide capacity-building grants to States and tribal wildlife management agencies.

The extent of testing and surveillance that is needed now and in the foreseeable future exceeds resources available to State departments of natural resources and tribal organizations. Financial support from the Federal Government will be required to comprehensively and effectively test wild elk and deer populations.

One clause in Section 4 that deserves further study, however, is the language that assigns priority for funding to States on the basis of previous State expenditures on CWD, management, and research. We agree with the idea that States should be rewarded for being proactive in managing CWD. However, States with fewer available resources, such as Nevada, may be inadvertently precluded from receiving grants. They may also be unable to fund surveillance funds and, therefore, have not been able to detect CWD in their States. These States should be given grants to support surveillance programs to determine whether CWD exists within their borders.

CWD could potentially affect the entire United States. Therefore, Congress must be sure that States and tribal governments with the greatest need receive money and a fair share of those available.

In keeping with our official policy, the AVMA has a strong presence and significant positive impact on professional and public education with respect to TSEs. Thank you very much. I would ask that my complete testimony be included in the record in its entirety.

Senator CRAPO. Without objection, so ordered.

Thank you very much, Mr. Walther.

Dr. Wolfe.

**STATEMENT OF GARY WOLFE, PROJECT LEADER, CHRONIC WASTING DISEASE ALLIANCE, MISSOULA, MT**

Mr. WOLFE. Good morning, Mr. Chairman and Senator Allard. I represent the Chronic Wasting Disease Alliance, which is a coalition of 15 organizations and businesses that are working together to positively address CWD. We really appreciate this opportunity to share our recommendations regarding chronic wasting disease, an issue which is obviously of considerable importance to our sportsmen, conservationists, wildlife managers, and the outdoor industry across all of North America.

I would like to take just a moment and provide a brief overview of the CWD Alliance. Over the past few years, the Boone and Crockett Club, the Rocky Mountain Elk Foundation, and the Mule Deer Foundation became increasingly concerned about the impact CWD was having, and may continue to have, on our wild deer and elk populations. Moreover, they were also concerned about the impact this could have upon millions of hunters' confidence to continue hunting.

These concerns led to the establishment of the CWD Alliance in January 2002. The Alliance is a collaborative project. It is not an organization. It is a project whose mission is to promote responsible and accurate CWD communications and to support strategies that effectively control CWD.

During the past 2 years other prominent organizations and businesses have joined the Alliance, and it now includes a total of 15 participating partners. My written testimony lists all those partners.

The Alliance recognizes that public information and education are vital to the resolution of the CWD dilemma and has placed a high priority on working with our State and Federal agency part-

ners in implementing the Communications section of the national CWD plan.

In that regard, the Alliance's most visible activity has been the development of a comprehensive chronic wasting disease website which has received more than a quarter of a million visits since we launched it in July 2002. The Alliance partners are very committed to this. During the last 2 years, they have committed over \$102,000 to this project and have pledged an additional \$83,000 for the activities of the Alliance in 2004.

But now turning to the Federal role and how Congress can help. The National CWD Plan lays out an aggressive and coordinated interagency strategy for managing CWD. The Plan was followed up by an implementation document that identified specific action steps and budget needs of approximately \$108 million over a 3-year period.

As an Alliance, we have had a chance to work with the State and Federal agencies, observe how they have worked together, and how they have been implementing this. We appreciate the funding that Congress has appropriated to date and the support that the Department of Agriculture and the Department of the Interior provided to the State wildlife agencies.

However, there has not been adequate funding for full implementation of the national CWD plan. State wildlife agencies are on the front lines in the battle against CWD and they need additional financial support. Several States have redirected significant funds from other wildlife programs to the chronic wasting disease effort. We are especially concerned that this redirection of limited State wildlife funds could have disastrous impacts on other important wildlife management programs and it is not adequate to fully address chronic wasting disease.

We would like to offer the following general recommendations on how Congress can best support the efforts to combat CWD. First, continued and increased funding for the national CWD plan should be a top priority. The International Association of Fish and Wildlife Agencies recently identified \$34 million of CWD funding needs for the fiscal year 2005 Federal budget. We urge Congress to give serious consideration to the International's recommendations, especially their request for \$19.2 million for grants to State and tribal wildlife management agencies.

Second, the CWD Alliance does not believe that additional legislation granting new authorities to address CWD or creating additional bureaucracy is what is needed at this point in time. We believe the respective Federal and State agencies do have the authority and the mechanisms to address this issue. There has been an exceptional level of interagency coordination and cooperation. An excellent strategy has been developed with the National CWD Plan and specific actions have been identified in the implementation document. Congress can now best assist with this effort through the appropriations process.

We would like to thank Senators Allard, Feingold, and Crapo for introducing S. 1366. It addresses many of the concerns we have regarding adequate funding for the national CWD plan and is consistent with our general recommendations. We are pleased that

this bill recognizes that States retain undisputed primacy and policymaking authority with regard to wildlife management.

We support the bill's proposed grants program to assist States and tribes in developing and implementing CWD management and control strategies. We believe that \$20.5 million of grants authorized by the bill is urgently needed and is necessary to adequately implement the national plan.

In conclusion, America's wild deer and elk populations are priceless treasures. They are a source of beauty, inspiration, and recreation for millions of Americans and they infuse billions of dollars annually into our national economy. Their health and vitality must be protected.

Once again, thank you for the opportunity to share our recommendations on this very important wildlife disease issue. I will be glad to help answer questions. I would ask that my complete testimony be included in the record in its entirety.

Senator CRAPO. Without objection, so ordered.

Thank you very much, Mr. Wolfe.

I would like to thank all the members of the panel, as well as the preceding panel. You have all been very good at succinctly summarizing your written testimony. I believe that your written testimony has been very well done. I want to thank you for the effort that has been put into this.

I also just want to make a couple of comments. I appreciate the focus on this panel of making certain that we recognize the importance of solidifying the primacy of the States in terms of managing wildlife. Often we here in Congress, whether it is water issues, wildlife issues, fisheries issues, or whatever it may be, face the tendency that is there in so many other Federal programs, to not only find a Federal solution, but to basically federalize the jurisdiction and take control over the management of the issue away from the States. I think it is critical as we address CWD that we not start down that track. I want to thank Senator Allard as well for drafting this and helping to make sure that we recognize that in this legislation.

Virtually all of the witnesses today have indicated that the authorities necessary for the wildlife agencies at the USDA and the Department of the Interior are in place for the mechanism to get resources to get to the needed research and management efforts.

Do any of you disagree with that general summary of the testimony that we have heard today?

Mr. GEORGE. No, Mr. Chairman.

Mr. TAYLOR. No, Mr. Chairman.

Mr. WALTHER. No, Mr. Chairman.

Mr. WOLFE. No, Mr. Chairman.

Senator CRAPO. Mr. Taylor, I wanted to go into a couple of points in your testimony specifically just to be sure that I understand it clearly. Any of the others that would like to can jump in on this.

In your testimony you indicate that the implementation strategy for the national CWD plan identified budget needs, excluding funding for environmental compliance activities of about \$108 million over a 3-year period.

If I correctly understood the resources that you went through that were provided, it included about \$22 million from the USDA

agencies and from the USDI agencies together, and about another \$18 million that came from 44 of the 50 State fish and wildlife agencies that have responded, I assume that that was in one year; is that correct?

Mr. TAYLOR. That is correct, Mr. Chairman; yes.

Senator CRAPO. Which is about \$40 million of effort collectively among the various agencies, State and Federal; is that correct?

Mr. TAYLOR. That's approximately correct; yes.

Senator CRAPO. If we are now seeing about \$40 million a year going into the issue, and the national plan identified a \$108 million need over a 3-year period, does that mean that we are meeting the need financially?

Mr. TAYLOR. We are, because the States have set aside priorities for other programs to spend money on chronic wasting disease management. What you see reflected there, the \$108 million, although it is not broken down like that in the implementation plan, was largely anticipated to be congressionally appropriated funds to the different agencies, much of which would be passed through to the States.

But in the absence of meeting objectives for that, the State fish and wildlife agencies in particular have found moneys by establishing a high priority for chronic wasting disease and unfortunately having to set aside some activities for other fish and wildlife management programs in order to adequately fund chronic wasting disease management and surveillance activities.

So the short answer is yes. The expenditures of funds appear to be on track with the needs, but it also reflects the commitment of the States to get the job done in spite of the fact that congressional appropriations were not adequate to address their needs.

Senator CRAPO. So if were to look to the Federal Government for that \$108 million need, the Federal Government would be falling short by about \$42 million over a 3-year period?

Mr. TAYLOR. If current levels of expenditure continue for the subsequent 2 years; yes, Mr. Chairman. That is why we, in our budget recommendations to the appropriations committees, have asked for an additional \$10 million over and above the President's request for USDA-APHIS for the chronic wasting disease line item. As I indicated, that would be specifically directed to the State fish and wildlife agencies for continued surveillance and management activities.

Senator CRAPO. Put another way, what we are seeing right now is that the States are diverting approximately \$18 million from other wildlife needs in order to meet the CWD research needs?

Mr. TAYLOR. That is essentially correct.

Senator CRAPO. Senator Allard.

Senator ALLARD. Mr. Taylor, you indicated you brought with you Dr. Thorne from Wyoming; is that right?

Mr. TAYLOR. Yes, sir.

Senator ALLARD. He works with the fish and wildlife agency?

Mr. TAYLOR. He is with the Wyoming Game and Fish Department.

Senator ALLARD. I would just point out that there, at the University of Wyoming, you have one of the top recognized experts on

chronic wasting disease in deer and elk. You have a good resource there. I hope that you work with her.

Mr. TAYLOR. Dr. Beth Williams?

Senator ALLARD. Yes.

Mr. TAYLOR. Who happens to be married to Dr. Tom Thorne.

Senator ALLARD. OK. Very good. All right.

[Laughter.]

Senator ALLARD. Beth is your top transmission of information. Very good. So that is your wife, then; is that correct?

Mr. THORNE. That is correct.

Senator ALLARD. I am just telling you what I hear out there. I have never had an opportunity to meet her.

Mr. TAYLOR. Beth does tremendous work on this. In fact, she was one of the original researchers that identified chronic wasting disease in free ranging cervids.

Senator ALLARD. Exactly. I think she was a student at CSU when she started work on it; if that is correct.

Mr. TAYLOR. Would you like to talk more about that?

Senator ALLARD. It is important work. I think you need to know that the researchers have recognized her expertise. That is good.

I would also like to recognize the rest of the panel and particularly you, Dr. Walther. I know it is not always easy to get here. I appreciate your being here and representing the Association.

I just want to make sure that we have this on record. You have all heard the testimony from the two Agencies that we had here earlier. Do you agree with everything they said? If you do not agree with everything they said, where do you disagree? Anybody here on the panel want to disagree with them?

Dr. Walther?

Mr. WALTHER. I am not sure that I disagree, Senator Allard. I think from our perspective our concern is that I heard that in fact there was a line item and then I heard in the other Agency there was not a line item.

Our concern is that the emphasis for dealing with this disease does not get shuffled off because of something else.

There is much that we do not know about chronic wasting disease and the potential for this to spread, I think, exists greatly. I think we need to be sure that we are focused on the research and the surveillance that is needed to keep this as under control as possible.

Senator ALLARD. Mr. George?

Mr. GEORGE. Senator Allard and Mr. Chairman, the observation that I would like to share with you I think goes to what you are probing for and that is the question of: Are the Federal agencies cooperating? Are they forthcoming? Are they accountable in getting the Federal dollars onto the ground and focusing on the work in the greatest efficiency as we can?

My observation is that over the last couple of years since this has really become a high priority issue is that there is a greater responsiveness, a greater interest in cooperating and partnering than I am accustomed to seeing. I think that that will continue. I really appreciate the emphasis being put on what has happened to the implementation plan, why is the national plan not moving any faster?



That plan was put together the right way. It was done quickly but seriously and it is very comprehensive. The more we can do to get that back to the top and do what it asks for, the better. I think your legislation is helping us do that. I think the interest in it shown by the two Agencies here today and their effort to be consistent with the direction put forth in the plan is all very important.

But I think the hallmark of what is happening in chronic wasting disease nationally is: Look at your NGO's who have stepped up on the education part of this. The States will always be the foundation of this because the wildlife and the domestic cervids are on the ground in the States. I think the two Federal agencies are really making an extraordinary effort to be there for us.

If we can keep that effort at partnering going the way it started, I think it will work.

Senator ALLARD. What is your greatest challenge in Colorado as far as managing the cervid population and chronic wasting disease?

Mr. GEORGE. We felt that the first thing that had to be done was to learn what we have and where is it. I guess I should back up to say that the Colorado experience, as you indicated earlier this morning, Senator Allard, started some years ago at CSU and the environs where CSU researchers for the first time identified symptoms and then eventually were able to establish that there is a disease etiology going on there.

So Colorado and Wyoming together have been working on the research side of this for a number of years. But in the most recent years that has caused us for the most part to be here today, it was the question of: Is this bigger than we thought it was? Where is it? What is happening?

So at the Colorado Division of Wildlife, our first challenge was: We need to know where it is and in what numbers. To be able to collect that kind of a data base, particularly in the wild, is an extreme challenge. We could not have done it without the cooperation of our sportsmen.

So what mattered to us was: How do we get a test available that is accurate and that the results can be returned to the sportsmen and, therefore, to the data base, quickly? Colorado State University stepped right up to the plate and said, "We will do all we can do." The Division of Wildlife put into motion an extraordinary personnel effort to be able to get out into the field and to make these tests available.

We went from a few thousand tests 3 years ago to 43,000 tests last year, and then around 23,000 this year. We went from a 6-month return time period on the results to 2 weeks in that 3-year period. We could not have done that without help from a number of sources, including our local veterinarians.

The Colorado Veterinary Medical Association membership helped us. The Colorado State University brought together the best science available in a rapid test. All of that worked. That still, I think, is the important challenge, to be able to get enough samples across the State to know where we have infectivity and at what rates.

Senator ALLARD. That is a tremendous growth in cases, or in animals that you are testing and a pretty substantial jump in im-

provement as far as getting your results back. I suppose that there is still some impatience out there amongst some of your hunters. They want results the next day or something like that. But at least it is much better than what it was.

Let me ask you this, Mr. Taylor. You represent the fish and wildlife agencies here in the United States. How are they paying for their surveillance processes? Are they like Colorado? Have they increased their license fees in order to pay for that? Are they diverting money from other dollars? Or, are they expecting the Federal Government to come in and provide most of it?

Mr. TAYLOR. I do not know any of our agencies that have raised their license fees in response to this. Most of them, as you know, are principally funded by licensees from hunters and anglers plus the Federal aid and wildlife and sport fish restoration money. That is the Pittman-Robertson funds that I mentioned.

So most of the States are paying for this probably out of license fee sources, but they are not getting additional license fees. They are diverting money from other wildlife programs in order to place high priority on this particular issue. I am sure Director George could talk with you about some of the decisions that they have had to make in order to reflect the high priority on this.

Senator ALLARD. Thank you.

Mr. Chairman, I have no further questions.

Senator CRAPO. Mr. Walther, I had a question with regard to your testimony relating to one of the clauses in Section 4 of the Act where you talk about the fact that the formula basically provides funding to the States on the basis of a previous State expenditure on CWD management and research. You had a concern there about the fact that although a State should be rewarded for focusing on CWD, that some States who do not have the resources or who have had other difficulties, may be shortchanged.

Could you expand on that a little bit?

Mr. WALTHER. I think I could maybe use Nevada as a good example. The funding for this type of surveillance in the State for chronic wasting disease probably is not available. I do not know that for a fact, but just knowing the Fish and Game Department and their budget, I would assume that.

It is certainly probable that because of the closeness, as with Idaho, that chronic wasting disease may even right now be present in Nevada, and if it is not, the chances of it occurring certainly are high. It would seem to me that as funding becomes available, that it should go to States like that that have not actually done the surveillance, but probably should be doing it. I think that funding would help them.

Senator CRAPO. All right. Thank you very much.

I do not have any other questions either.

Senator Allard.

Senator Allard. I have just one followup question. Mr. Taylor, I believe you mentioned the EPA role in funding.

Mr. TAYLOR. It was not funding, Senator Allard. It is the issue that Region 8 raised about a year ago.

Senator ALLARD. Which States are in Region 8?

Mr. TAYLOR. Well, Denver is the headquarters. I am not sure which States it covers. But it had to do with permit requirements

for laboratory facilities, testing for chronic wasting disease and whether they would be required to have a waste water discharge permit.

We believe that that has largely been solved by a recent record of decision that EPA made that characterizes the chemical agent that is used to neutralize prions as a pesticide under FIFRA, and therefore, gives EPA the authority to exempt those labs from requiring to have a waste water discharge permit. At least that is my understanding of the decision and its implications.

As I indicated in my written statement, EPA has been participating in the national CWD task force. Hopefully, we are reconciling some differences of opinions and some concerns there that we had with respect to where they were going previously.

Senator ALLARD. I think that is probably what has driven CSU to develop the digestive process that I mentioned where they had a tank. They put in a strong alkalizing agent of sodium hydroxide. Apparently that kills the prion very effectively. Ordinarily heat treatment does not do it and many other chemical treatments do not do it. If you have 43,000, that is a lot of ruminants of a carcass and a lot of heads that you have to process. I know that they have been working on that.

Thank you.

Thank you, Mr. Chairman.

Senator CRAPO. Well, thank you very much. That concludes our questions. I want to again thank this panel as well as the other panel for the excellent testimony that you have provided, both your written testimony as well as your oral testimony here today.

I want to let you know that it has helped us significantly as we evaluate this legislation and try to make sure that we bring necessary oversight to the issue so that we get the funding there as is needed by the States and maintain States' sovereignty.

Again, we want to thank everybody.

If there is nothing further, then this hearing will be concluded.

[Whereupon, at 11:05 a.m., the subcommittee was adjourned, to reconvene at the call of the chair.]

[Additional statements submitted for the record follow:]

STATEMENT OF HON. JAMES M. INHOFE, U.S. SENATOR FROM  
THE STATE OF OKLAHOMA

I would like to thank Senator Crapo for holding this hearing. As we have witnessed the devastating health, economic, ecological and environmental impacts of similar transmissible spongiform encephalopathy (TSE) diseases, such as scrapie and mad cow disease, it is disturbing to have such a serious and mysterious ailment affecting both wild and captive herds of deer and elk across our country.

I am thankful that there have not been any large outbreaks of chronic wasting disease discovered in my State of Oklahoma to date, although one captive elk herd in Oklahoma has been diagnosed with the disease. The Oklahoma Department of Wildlife Conservation first began a cooperative project in 1999 to test hunter-harvested wild deer and elk with the help of the USDA. So far nearly 400 deer and elk have been tested for chronic wasting disease and all test results have been negative.

Continued efforts to research the cause and spread of chronic wasting disease are important as well as implementation of the best methods for isolating and eliminating infected cervids. I am particularly encouraged that research in this area has been receptively facilitated by hundreds of cooperative hunters. Oklahoma plans to expand its existing surveillance program. Hopefully, with the cooperation of Federal and State agencies, private individuals and organizations, we will develop even bet-

ter practices for managing infected wildlife, controlling the spread of chronic wasting disease, and minimize its occurrences and effects.

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STATEMENT OF HON. MAX BAUCUS, U.S. SENATOR FROM THE STATE OF MONTANA

Mr. Chairman, thank you for calling this important hearing today on chronic wasting disease. I am very sorry I could not be here in person, but my Finance Committee duties have kept me away. I would like to personally welcome Dr. Gary Wolfe, of Missoula, Montana, who will be testifying on behalf of the Chronic Wasting Disease Alliance. Dr. Wolfe has done an excellent job during his time with the Alliance. I am very pleased he is here today to share his knowledge and describe the good work of the Alliance in providing and distributing accurate information about chronic wasting disease (CWD).

This hearing is very timely as there is increasing concern about CWD and the impacts it could have on our wild deer and elk populations. I know sportsmen and hunters are concerned about how CWD could impact their ability to hunt these important game animals. This in turn could hurt the important hunting and outfitting industry, particularly in states like Montana where hunting, outfitting and related businesses are vital to our economy. Montana is not currently affected by CWD like other states, but some believe it may just be a matter of time before CWD becomes a problem for us.

Given the potentially devastating impacts of CWD, I've been pleased to learn that state and Federal wildlife agencies are working well together to come up with a strategic plan for addressing the growing CWD crisis. I fully support these efforts, and I will do what I can to work with my colleagues to see that these efforts are adequately funded. Coordinating research and information on CWD is extremely important to finding the best way to maintain healthy elk and deer populations across the country.

I would like to applaud the Chairman and Senator Allard for introducing S. 1366 the Chronic Wasting Disease Financial Assistance Act of 2003. This bill has received positive testimony from today's witnesses, and I plan to study it carefully. I hope to be able to give it my full support.

Thank you Mr. Chairman.

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STATEMENT OF HON. RUSSELL D. FEINGOLD, U.S. SENATOR FROM THE STATE OF WISCONSIN

I am pleased to be able to present my views on chronic wasting disease and the challenges faced by states and tribal governments in dealing with this disease.

I would like to thank the chair of the Fisheries, Wildlife and Water subcommittee, Senator Michael Crapo, for holding this hearing on a topic of great importance to Wisconsin and allowing me to participate. I would also like to thank the ranking member of the Senate Environment and Public Works Committee, Senator Jim Jeffords, for his assistance with this legislative hearing.

Chronic wasting disease (CWD) is a serious problem affecting both wild and captive deer and elk in my home state of Wisconsin. It was first detected in my state in 2002 and has now been detected in the neighboring states of Minnesota and Illinois. Wisconsin's experience in getting Federal assistance to address this problem, though eventually forthcoming, has been extremely slow and frustrating. The Federal Government must make chronic wasting disease a higher priority, and Congress must provide the relevant Federal agencies with the additional funds and authority so that they can do so.

The state of Wisconsin completed an historic effort to test the deer in our state in 2002 and followed up in 2003. My state began intensive testing of deer after CWD was discovered on February 28, 2002. Results from more than 56,000 white tail deer tested in our state have turned up 320 CWD-positive animals. Almost all of the infected deer detected came from an eradication zone covering parts of Dane, Iowa and Sauk counties. Other counties have detected CWD within their borders including Columbia, Kenosha, Richland, Rock, and Walworth. CWD has also been found in several captive herds in my state as well.

Over 1,200 people in my state have been involved, conducting thousands of hours of work at millions of dollars of expense. Management and control of CWD has cost the state approximately \$4 to \$5 million each year in staff resources and support funds. To cover these costs, the state has been redirecting staff and funds from other programs and activities, and concerns are growing that basic wildlife programs might be impacted in the future. The state has requested assistance in securing

Federal support to ensure that CWD management does not drain excessive amounts of resources from other wildlife responsibilities.

Therefore, I am pleased to be able to present my views on S.1366, the Chronic Wasting Disease Support for States Act of 2003, which would bring critical Federal support to the effort to eradicate CWD. I have worked closely with the Senator from Colorado, Senator Wayne Allard, on this legislation in this and previous Congresses. Companion legislation has been introduced in the House (H.R. 2636) by Representatives Mark Green, Scott McInnis, and Paul Ryan. I am pleased to be working with this strong coalition to assist states and tribes in their efforts to manage, control, and eradicate CWD.

The need for these funds is overwhelming, and the process for obtaining them needs to be more certain and more transparent. This bill authorizes direct grants to states and tribal governments battling CWD to be awarded by a manner prescribed by the Secretary of the Interior. Specifically, in the bill, the Interior Department is directed to give up to \$10 million in grants to states and \$3 million in grants to tribes to help them plan and implement management strategies to address chronic wasting disease in both wild herds of deer and elk. The Interior Department is directed to provide grants totaling \$7.5 million to assist States in developing and implementing long term management strategies.

This bill is needed because state wildlife and agriculture departments do not have the fiscal or scientific capacity to adequately confront the problem. Their resources are spread too thin as they attempt to prevent the disease from spreading. Federal help in the form of management funding, research grants, and scientific expertise is urgently needed. Federal and state cooperation will protect animal welfare, safeguard our valued hunting and livestock industries, help guarantee America's food safety, and protect the public health.

This legislation is comprehensive, addressing both captive and wild animals and short term and long term needs. It authorizes a Federal chronic wasting disease program that will be administered by the United States Departments of Interior. I think it is extremely appropriate that legislators from Colorado, the state that has the longest history in chronic wasting disease, have made a concerted effort to work with Wisconsin members who are struggling with a new outbreak. I deeply appreciate the commitment of Senator Allard and others from the Wisconsin and Colorado delegations toward finding a solution that works for both our states.

In the past, the Forests Subcommittee of the House Committee on Resources has delayed action on this bill based upon promises that the Department of the Interior (DOI) and the Department of Agriculture (USDA) would be acting quickly to put together a comprehensive CWD management plan. That plan was to be delivered in two parts—a Plan for Assisting States, Federal Agencies, and Tribes in Managing Chronic Wasting Disease in Wild and Captive Cervids, released in June 2002, and an Implementation document describing specifically what actions would be taken, the agencies responsible for individual projects, project timeframes, and the projected costs of completing each project.

It has now been almost 2 years since the Forest Subcommittee's hearing, and the Implementation document has not been released. We now know generally the actions that the agencies would propose to take to assist states with the problem, but we need a better understanding of the financial resources needed to implement those actions. In correspondence dated January 22, 2003, the Department of Interior stated that the Implementation document was transmitted to the Office of Management and Budget (OMB) for review on December 18, 2002. I was successful in getting a provision included in the 2003 omnibus appropriations bill calling for the Implementation document to be released no later than May 20, 2003. That deadline has long since passed, and I have called for oversight hearings in the Senate.

Recently, on March 9, 2004, I led the Wisconsin and Colorado delegations in sending a letter to OMB's Associate Director for Natural Resources requesting the immediate publication of the Implementation document. We continue to await a response. I am submitting a copy of this letter to the Committee with my testimony.

Mr. Chairman, it is clear to me that Congress should wait no longer. Legislation is sorely needed to provide the Federal resources to address a wildlife problem that does not respect state borders. I look forward to working with this Committee to seek passage of this measure. This is a good bill, and it deserves the Committee's support.

STATEMENT OF DR. JOHN CLIFFORD, ASSISTANT DEPUTY ADMINISTRATOR,  
NATIONAL ANIMAL HEALTH POLICY AND PROGRAMS, USDA

Mr. Chairman and Members of the Subcommittee, thank you for this opportunity to speak with you on behalf of the U.S. Department of Agriculture (USDA) about chronic wasting disease.

CWD is a transmissible spongiform encephalopathy (TSE) of deer and elk, in the same family of diseases as bovine spongiform encephalopathy (BSE) and scrapie. It has been diagnosed in farmed elk and deer herds in eight States. Currently, there are only three known positive captive cervid herds in the United States: two positive elk herds in Colorado and one positive deer herd in Wisconsin. Epidemiological investigations are ongoing that follow trace animals from these and other positive herds that have been depopulated. CWD has also been identified in free-ranging deer and elk in areas of Colorado, Illinois, Nebraska, New Mexico, South Dakota, Utah, Wisconsin, and Wyoming. The origin and mode of transmission of CWD are unknown.

To ensure a coordinated and cooperative Federal approach to assisting States, a task force including USDA and the Department of the Interior (DOI), along with universities and State wildlife management and agriculture agencies, drafted the "Plan for Assisting States, Federal Agencies, and Tribes in Managing CWD in Wild and Captive Cervids" (national plan). The national plan was shared with Congress in June 2002. The national plan's components include action items for surveillance, diagnostics, and research, among other things. All agencies have been working together as budgets allow to implement the plan. The Department is committed to working with our State and tribal partners, as well as landowners and industry to implement an effective national program to combat chronic wasting disease. From fiscal year 2003 through fiscal year 2005 (President's Budget), Department funding for CWD has increased by 41 percent, from \$16.4 million to \$23.1 million. In Fiscal Year (FY) 2004, USDA-APHIS received \$18.5 million which, after Congressional earmarks, is being divided roughly equally between the captive cervid program and assistance with addressing CWD in wild deer and elk. An additional \$3.2 million was provided for USDA research activities in 2004, for a total of \$21.7 million. The fiscal year 2005 budget includes \$23.1 million, of which \$20.1 is for APHIS and \$3.0 is for research. However, funding decisions must be made on an annual basis, taking into consideration resource constraints and the many program needs that compete for these resources.

In January, a working group composed of many of the same people that put the national plan together held a progress meeting in St. Louis. This working group is currently compiling a CWD progress report. By examining each action item set forth in the national plan, the progress report highlights accomplishments and further needs. While much has been done in the past 2 years, the report illustrates that there is much left to do in the fight against CWD.

In addition to working with other Agencies on CWD, USDA is also moving ahead to address CWD in both captive and wild deer and elk populations.

USDA is continuing the development and implementation of its voluntary national herd certification program to eliminate CWD from farmed cervids. On December 24, 2003, we published a proposed rule on the certification program. We received over 120 comments on this proposal, and we are evaluating these comments now. We anticipate publishing a final rule soon with the goal of implementing the program by the end of this year. While we work on implementation of this program, we will continue to pay for all laboratory costs associated with CWD testing in the farmed cervid population, and positive and exposed farmed cervid herds will continue to be eligible for indemnity. USDA also pays the costs of depopulation and disposal. Our goal is nothing less than eradication of the disease in the farmed cervid population.

Although, as an agriculture agency, USDA's primary concern is with farmed cervids, we are also assisting States and Tribes in dealing with the wildlife aspect of the disease. USDA plans to make approximately \$5.75 million available to the Tribal Nations and State wildlife agencies for this purpose. This funding will be distributed via cooperative agreements according to a formula initially developed in conjunction with the International Association of Fish and Wildlife Agencies (IAFWA) in fiscal year 2003. That collaboration continues. Under this formula, States are classified according to Tiers. Tier 1 States, which have known occurrences of CWD in free-ranging cervids as of March 1, 2003, are eligible for the highest sums. States falling in the Tiers 2 and 3 are eligible for lower amounts. Through a cooperative agreement with the Native American Fish and Wildlife Society (NAFWS), regional Tribal biologists have also been hired to help improve CWD surveillance on Tribal lands.

Our Wildlife Services program has been assisting State wildlife agencies with their activities. Our personnel have assisted with the harvesting of wild deer in Illinois and Wisconsin, and both deer and elk in Colorado for CWD testing. Additionally, we have assisted State wildlife agencies in collecting CWD samples from hunter-harvested deer at check stations in 10 States.

Our Center for Veterinary Biologics (CVB) continues to approve new diagnostic test kits for CWD. Currently there are four tests that have been approved: one for use in elk, mule deer, and white-tail deer; another for mule deer and white-tailed deer; and two that are approved for white-tailed deer only. These diagnostic test kits are only available to APHIS approved laboratories contracted for CWD disease surveillance and are only licensed for use in wild deer and elk. These testing technologies provide wildlife agencies the ability to screen the large numbers of animals that are part of hunter harvest surveillance efforts. Immunohistochemistry (IHC) remains the internationally recognized method of choice for testing for TSEs and is being used for confirmation of positives as well as surveillance in captive deer and elk. CVB officials have placed a high priority on reviewing and evaluating other CWD test kits.

Research into the area of CWD has continued as well. Our National Wildlife Research Center (NWRC) is researching the possibility of CWD vaccines as well as ways to identify improved barriers and repellents to keep wild deer and elk separated from captive cervids and other livestock. NWRC also plans to examine new decontamination methods for CWD-affected facilities.

The Agricultural Research Service has also undertaken several research projects, including assessing the interspecies transmission of TSEs among livestock species and cervids, assessing herbivore susceptibility to TSE, and identifying and developing new methods for detecting prion protein molecules in the environment and feedstuffs.

The Cooperative State Research Education and Extension Service (CSREES) supports research projects to determine the causes and methods for control of CWD through both competitive and formula-funded programs, as well as a Congressional special grant. In fiscal year 2003, CSREES awarded \$125,000 from the Critical Issues Program to Colorado State University to study the association of micronutrients and genetics with the prevalence of CWD in captive and free-ranging Rocky Mountain elk. CSREES also awarded a \$232,180 special grant to the University of Wyoming to study the epidemiology and transmission of chronic wasting disease in deer using radiotelemetry equipment. Additionally, CSREES fiscal year 03 Hatch formula funds are supporting CWD projects in epidemiology, prion propagation, environmental persistence, and diagnostics at land grant institutions including the University of Wisconsin, the University of Illinois, and Purdue University. In fiscal year 04, several land grant and non-land grant universities, and Canadian and U.S. Federal agencies, including CSREES, have joined together to form a new multistate effort on transmissible spongiform encephalopathies (TSE's) which will include a concentration on CWD.

Now that I've summarized USDA activities on CWD, I'd like to take a moment to discuss S. 1366. S. 1366 would authorize the Department of Interior to make grants to State and Tribal governments to assist State and Tribal efforts to manage and control the spread of CWD. For the past 2 years, Congress has provided additional appropriations to the APHIS program, which we have shared with the States and Tribes through cooperative agreements. As I mentioned earlier in my testimony, APHIS worked with IAFWA to develop criteria to distribute this funding to State wildlife agencies and NAFWS to meet CWD surveillance and management needs. Because this funding template has now been established, we think it would be most efficient to continue to use our existing system to pass CWD funds through to the States and Tribes, rather than create a new system as contemplated in S. 1366. For this reason, USDA does not think that this legislation is necessary.

CWD is an important issue to USDA. There is a lot of work being done, and it will continue as we implement our herd certification program and expand our efforts to assist the States and Tribes. By continuing to work together with our Federal and State counterparts, we believe we can provide the most comprehensive approach to addressing the disease, even as the science continues to develop.

Thank you for the opportunity to comment.

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RESPONSES BY JOHN CLIFFORD TO QUESTIONS FROM SENATOR FEINGOLD

*Question 1.* Both you and Chip Groat at the Interior Department outlined the research agendas of your respective Agencies. What is the current distribution of the research funds and from what account in USDA's budget does the money come?

What is the status of the research and development of a live animal test for chronic wasting disease (CWD)?

Response. During fiscal year 2004, USDA's Agricultural Research Service (ARS) plans to invest approximately \$2.6 million into CWD research, and USDA's Cooperative State Research, Education, and Extension Service plans to invest approximately \$616,000. Through the National Wildlife Research Center, USDA's Animal and Plant Health Inspection Service (APHIS) is also investing approximately \$1 million into CWD research and methods development activities.

With regard to your research question, ARS collaborated with the Colorado Division of Wildlife and Colorado State University to develop a first generation live-animal test for CWD that is based on immunohistochemistry (IHC) of tonsil biopsies (the test is further described below). ARS continues a comprehensive research program in pathogenesis, disease transmission, and the application of novel technologies to discover and develop improved second generation diagnostics.

*Question 2.* Both you and Mr. Groat discussed efforts to develop data bases to track CWD information. Mr. Groat indicated that the data base should be developed through coordination between the Agencies. What is the status of the development of this data base at USDA? Is USDA's data base linked to any other data bases, such as that being developed by Interior? If not, what are the plans to combine the data and share this information? Who currently has access to this information, and what are the plans for future access to data?

Response. APHIS' Veterinary Services (VS) program is developing a farmed cervid data base to coincide with the launch of its CWD herd certification program in late 2004 or early 2005. Under the voluntary program, producers will submit elk or deer from their herds for CWD testing if the animals are over 16 months of age when they die. Surveillance data from these herds will be added to the VS data base and after 5 years of monitoring, a herd will be certified as low-risk if all of the animals tested were found free of CWD. VS is currently working with the US Geological Survey at the Department of the Interior to determine how information will be shared with the National CWD data base they are developing.

*Question 3.* In Mr. Groat's testimony, he indicated that: "Live animal testing efforts, using tonsillar biopsy . . . will also continue as an important management approach there." It is my understanding from conversations with Wisconsin deer farmers that there is no live animal test for CWD currently available. Is USDA using tonsillar biopsies in its management efforts, either independently or in conjunction with States and Tribal Governments? Can you provide scientific justification for the use or non-use of this test?

Response. USDA is not currently using tonsillar biopsy in our CWD management efforts because such a testing method is not practical on a wide-scale basis. The National Park Service and the Colorado Division of Wildlife, among others, are conducting some surveillance among deer using tonsillar biopsy. This surveillance is for research purposes only at this time and general anesthesia is used to collect the biopsy. The tonsil biopsy procedure was adapted for deer by Margaret Wild (now of the National Park Service) and Michael Miller of the Colorado Division of Wildlife. ARS provided assistance with tissue testing. The test, however, has some limitations. It utilizes existing technology, primarily IHC, so it is not a rapid test nor one that can produce results in the field. Tonsillar biopsy can be useful in "test and cull" programs where the disease is known to exist, such as in urban situations where killing deer is not acceptable to the public. However, it is not a practical test for large-scale surveillance programs. Neither is it particularly useful for farmed cervid surveillance as it is stressful, costly, and requires immobilization which is always risky and occasionally fatal. Mortality testing over time is a more effective surveillance tool for detecting CWD in farmed cervids. In addition, the test is not suitable for use in elk because the prion protein does not accumulate in the lymph nodes to the same degree nor as early as in white-tailed deer and mule deer.

*Question 4.* You testified that there are four diagnostic test kits available for CWD disease surveillance and that these are only available to APHIS-approved laboratories under contract. Could you provide additional clarification as to the procedures for a laboratory to be approved? What authority is USDA using to make this determination? Does USDA have any plans to approve private laboratories for prion disease testing, particularly CWD?

Response. Testing and laboratory capacity have been important issues related to CWD. USDA expanded the number of laboratories approved to perform the IHC assay for CWD after realizing an increased testing capacity was necessary. USDA now has 26 laboratories that can run the IHC test, with an estimated testing capacity of a quarter of a million samples, more than adequate to meet current demand.



Official diagnosis of CWD continues to be performed exclusively by Federal and State regulatory agency laboratories and this remains the current USDA policy. Currently, in order to be approved these State and Federal labs have to demonstrate competence with IHC techniques and have experience with TSE diseases in general. The facilities also have to have the required equipment to perform this testing and the ability to prioritize CWD testing at the request of USDA when necessary.

The exclusive use of State and Federal regulatory laboratories is consistent with existing policies and practices for the control and elimination of program diseases. The system is designed to not only ensure consistency and accuracy but also to preserve domestic and international market confidence in U.S. agricultural commodities. A “false positive”, for any disease, not just CWD, could result in unnecessary public concern and costly regulatory action. And in the case of a disease like bovine spongiform encephalopathy, a false positive could be devastating, costing the U.S. economy billions of dollars in unnecessary domestic and international market disruption from which it could take years to recover.

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RESPONSES BY JOHN CLIFFORD TO QUESTIONS FROM SENATOR ALLARD

*Question 1.* In his testimony, it was mentioned that CWD has been diagnosed in farmed elk and deer herds in eight States. You also stated that there are only three known positive captive cervid herds in the United States: two positive elk herds in Colorado and one positive deer herd in Wisconsin. Is USDA currently planning any depopulation? If so, when will it occur and where? Do you have any idea of how many animals will be involved?

Response. USDA has established animal health regulations to provide for the payment of indemnity for the voluntary depopulation of captive cervid herds known to be infected with CWD. USDA stands ready and willing to provide indemnity in order to encourage the depopulation of infected herds thus reducing the risk of spreading CWD. However, producers do have a choice between depopulating or quarantining their herd. One of the Colorado producers you reference has chosen to quarantine his herd of approximately 200 elk but is discussing a herd plan with the State of Colorado, which could allow him to try to manage out of the disease. The other Colorado producer you reference refused a previous offer of indemnity, and the Wisconsin herd owner is currently in litigation with the State of Wisconsin over the validity of tests results that found CWD-positive animals in his herd. The Colorado herd contains approximately 35 elk and the Wisconsin herd contains an estimated 150 deer. In addition, in late May, another Wisconsin herd with approximately 10 deer tested positive for CWD, and that producer has expressed interest in indemnity and depopulation. As yet, no appraisals have been obtained and no timetable set. All 4 herds are under State quarantine.

*Question 2.* You mentioned the National Plan in your statement and testimony. You also stated that the Department is committed to working with our State and Tribal partners, as well as landowners and industry to implement an effective national program to combat CWD. Congress has demanded a final plan—why has the final plan not been promulgated? What is the status of the National plan? If the problem is with OMB, can you explain their reasoning?

Response. In June of 2002, a task force of Federal agencies and State wildlife management agencies completed the “Plan for Assisting States, Federal Agencies, and Tribes in Managing Chronic Wasting Disease in Wild and Captive Cervids” and presented it as the “National Plan” to Congress. We are implementing this plan. As a followup to that plan, State wildlife agencies, universities, and Federal agencies developed a set of action items to help guide their response and direct funds to the ongoing battle against CWD. Information on these activities is contained in what is called the “progress report,” which is meant to identify progress made in fiscal year 2003 on those actions consistent with the National Plan. The report, which was reviewed by the Office of Management and Budget and sent to members on May 27, also highlights areas for future steps for the management of CWD.

*Question 3.* When discussing the National Plan, several witnesses mentioned a progress report. What is the progress report and how does it relate to the National Plan? When is the progress report due?

Response. The progress report described above was recently finalized by APHIS on behalf of USDA, the U.S. Fish and the Wildlife Service representing the Department of the Interior, and the International Association of Fish and Wildlife Agencies representing the States, after review by the Office of Management and Budget. On May 27, a copy of the report was provided to each member of the Subcommittee.

*Question 4.* Please explain in further detail (matching funding to program areas) how your spending on CWD matches the spending outlined in the draft management plan, using the recommendations and categories outlined in the final draft plan.

Response. As detailed in the "Progress Report on the Plan for Assisting States, Federal Agencies, and Tribes in Managing Chronic Wasting Disease in Wild and Captive Cervids," during fiscal year 2004 USDA is estimating that it will spend approximately \$79,000 on communications; \$114,000 on information dissemination; \$766,000 on diagnostics; \$7.428 million on disease management; \$4.216 million on research (including \$1 million for activities carried out at APHIS' National Wildlife Research Center); and \$6.92 million on surveillance. These figures do not include approximately \$2.25 million earmarked by Congress for specific State projects.

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STATEMENT OF CHARLES G. GROAT, DIRECTOR, U.S. GEOLOGICAL SURVEY,  
U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to provide the Subcommittee with the Department of the Interior's (Department) views regarding S. 1036, the "Chronic Wasting Disease Support Act of 2003," and S. 1366, the "Chronic Wasting Disease Financial Support Act of 2003." The Department continues to be concerned with the current and future effects of chronic wasting disease (CWD) on free-ranging deer and elk.

The Department supports the concepts embodied in these bills, particularly the recognition and facilitation of the critical role that state wildlife management agencies, universities, and non-governmental organizations (NGO's) play in limiting the distribution and occurrence of CWD. However, we note that several of its provisions direct the Secretary to carry out programs which appear, at least in part, duplicative of ongoing efforts within the Department. Moreover, the new funding required for implementation must compete with other priorities in the context of the President's Budget.

Before I provide specific comments on S. 1036 and S. 1366, I would like to take this opportunity to inform you of the latest efforts undertaken by the Department to understand and combat CWD.

RECENT DEPARTMENTAL ACCOMPLISHMENTS

The Department manages about one in every five acres of land in the United States and has a variety of stewardship responsibilities for our natural resources. Through the U.S. Geological Survey (USGS), the National Park Service (NPS), the U.S. Fish and Wildlife Service (FWS), the Bureau of Land Management (BLM), and the Bureau of Indian Affairs (BIA), the Department provides assistance to, cooperates with and, in some cases, co-manages wildlife with states and tribes to ensure healthy, viable wildlife populations.

Through increased surveillance and monitoring, CWD has been discovered in free-ranging deer or elk in eight states, including Colorado, Wyoming, Nebraska, Utah, New Mexico, South Dakota, Wisconsin, and Illinois. The possibility for detection of this disease in additional states, coupled with the little information we know about the nature and spread of this disease, increases the urgency and need to find effective means of detection and control.

With this in mind, we recognize that states and tribes possess primary responsibility for management of resident fish and wildlife within their borders. However, in order to successfully combat CWD, we believe we must continue to employ an approach that is built on the strengths of Federal agencies and state and tribal entities. Using this approach, the Department conducts research into the biology and management of this disease, provides wildlife-related laboratory services, offers technical advice and assistance to our partners, and works in close cooperation with the states. Additionally, we are working to foster and facilitate close working relationships with private landowners and incorporate their needs into surveillance strategies and outbreak responses.

The Department has taken an active role in fiscal year (FY) 2004 by committing over \$4 million to investigate and combat CWD. The funds are used by USGS to expand research and deliver technical assistance and pertinent biological information about the disease to Federal and state agencies. The NPS is continuing its monitoring and surveillance efforts at high risk parks and management efforts at Rocky Mountain National Park and Wind Cave National Park. This effort is carried out in concert with the Colorado Division of Wildlife efforts on adjacent State lands. The FWS is developing field guidelines for enhanced surveillance and the development

of disease contingency plans in the event that the National Wildlife Refuge System detects the disease within its borders.

Over the past year, the Department has embarked on an aggressive program of research into the biology of CWD, its hosts, and its transmission pathways. In addition, USGS and its partners are working to develop methods needed to identify diseased animals before signs of the disease are apparent. During fiscal year 2003 and 2004, the USGS committed a total of \$2.7 million to its CWD program.

The Department's land management bureaus have also contributed to the application of science in the management of Federal lands under their control. Most prominently, the NPS, which manages more than 84 million acres contained in 388 park units, is extremely concerned about CWD and the potential impacts this disease could have upon the wildlife resources of the parks and adjacent lands. To date, deer and elk with CWD have been detected in only two National Parks, Rocky Mountain National Park in Colorado and Wind Cave National Park in South Dakota.

The disease was first documented in Rocky Mountain National Park, Colorado, in 1981. Based on samples taken from live deer at the park, the prevalence of infection for deer is about 5–6 percent, roughly the same for animals in the area surrounding the park. The prevalence of the disease in elk in areas adjacent to the park was estimated by the State of Colorado at 1–4 percent, and is likely similar within the park. The park is continuing tactical management activities for CWD within the Park and collaborative efforts on research and joint strategy development with the Colorado Division of Wildlife (CDOW). The park is culling deer and elk with clinical signs of the disease and deer that test positive for CWD using tonsillar biopsy. Additionally, an Environmental Impact Statement for the park's Elk and Vegetation Management Plan is in preparation.

The first case of CWD at Wind Cave National Park, South Dakota, was detected in November 2002. The park has stepped up surveillance and live testing of deer and has to date documented CWD in five deer and two elk. The park continues a collaborative planning effort with the State of South Dakota on an elk management plan. Live animal testing efforts, using tonsillar biopsy, and removal of CWD positive deer will also continue as an important management approach there.

Due to their proximity to nearby infected wild deer and elk herds, CWD can also threaten wildlife on adjacent Federal lands, including Yellowstone National Park, in Wyoming and Montana, Dinosaur National Monument in northwestern Colorado, and Agate Fossil Beds and Scotts Bluff National Monuments in western Nebraska.

In addition to funding investigations of CWD at Rocky Mountain National Park and Wind Cave National Park with Service-wide Natural Resource Preservation and Protection project funding, the NPS received additional funds in fiscal year 2004 to address emerging diseases, especially CWD. The NPS is fielding a CWD Response Team, modeled after the highly successful exotic plant management teams which it uses to combat nonindigenous plants in park lands, to continue and expand on the NPS's ability to respond quickly to CWD issues in park units. The NPS is also continuing collaboration with researchers at Colorado State University investigating CWD epidemiology, transmission, and pathology.

The FWS has been assisting states in CWD monitoring and surveillance, as it develops field guidelines at a national level for coordinated monitoring and surveillance. These guidelines are being designed collaboratively with the states to help determine CWD distribution and movement. In addition, disease contingency plans are being coordinated with states to manage CWD in the event that the National Wildlife Refuge System detects the disease within its borders. New detections of CWD in Wyoming and expansion in Nebraska deer indicate that CWD poses a critical threat to national cervid resources. Similarly, elk and deer at the National Elk Refuge and Ft. Niobrara National Wildlife Refuge are in the path of potential CWD expansions. FWS has conducted CWD training workshops covering the eight states of its Mountain-Prairie Region, which included participation of partners and Native American tribes.

#### COOPERATIVE RESEARCH EFFORTS

As an example of our commitment to cooperate with States on this issue, USGS recently developed a program to work cooperatively with six states affected by CWD: Colorado, Wisconsin, Wyoming, Nebraska, South Dakota, and Utah. This \$300,000 effort has helped initiate projects that will develop critical information on issues ranging from deer movements and ecology to the development of therapeutic agents.

In December 2002, USGS coordinated efforts with state, Federal, and university partners to develop a strategy to assist agencies in their development of surveillance programs. This document, "Surveillance Strategies for Detecting Chronic Wasting

Disease in Free-ranging Deer and Elk” represents another important cooperative effort.

New USGS research initiated within the past year addresses the CWD problem using both laboratory and field approaches. Through the USGS National Wildlife Health Center in Madison, Wisconsin, we have initiated studies with Montana State University to develop a serum test for CWD biomarkers to facilitate early detection of the disease. These investigators are also working on a rapid, strain-specific immunoassay for CWD that will help detect differences in strains among populations and newly emerging strains that may appear over time. We are also working with the Wyoming Department of Fish and Game to establish a CWD tissue bank to provide biological tissue resources for research projects.

In addition, USGS scientists working with those at Michigan State University and the University of Wisconsin are looking at specific immune system genes that have been shown to influence transmissible spongiform encephalopathy (TSE) pathogenesis. The purpose of this investigation is to determine if there is an association between specific genes and CWD resistance in wild white-tailed deer. There are several field studies underway by the USGS Wisconsin Cooperative Research Unit in Madison, Wisconsin in partnership with the University of Wisconsin-Madison and the Wisconsin Department of Natural Resources.

Other evaluations underway include a look at the practice of feeding and baiting deer, in order to determine if this increases the risk of transmission in wild deer, and the role of small mammals and scavengers that feed on deer carcasses is being investigated in the context of the disease cycle. Also, the potential for other wildlife species to contract CWD is being studied in the intensive deer management zone in Wisconsin. Genetics relationships among deer with CWD are also under investigation. Results from these studies will ultimately be used in developing risk assessment and epidemiological models. The USGS National Biological Information Infrastructure (NBII) has established a Wildlife Disease Information Node that highlights activities and information related to CWD to assist in data sharing across organizations.

The Department has also worked in conjunction with the Department of Agriculture, as well as universities, state wildlife management and agricultural agencies, to develop a coordinated management approach to addressing CWD. This National CWD Plan approach, released in June 2002, includes strategies for communication, information dissemination, diagnostics, disease management, research, and surveillance. The Department has also recently participated with the states and Department of Agriculture in preparing the Progress Report to the National CWD Plan.

#### DEPARTMENTAL VIEWS ON S. 1036 AND S. 1366

The potential for detection of CWD in free-ranging deer and elk in additional states points out the need for continued coordination in the effort to manage this disease. S. 1036 and S. 1366 would address this need by directing the Department, through the USGS, the NPS, and the FWS, to undertake work on several fronts important to limiting the distribution and occurrence of CWD.

As previously noted, the Department supports the concepts embodied in these bills, particularly the recognition of the critical role played by state wildlife management agencies, universities, and NGO's in limiting the distribution and occurrence of CWD. I should note that, in fact, the Department has already initiated work on several of these important initiatives, and we have done so in close coordination with states, tribes, and other Federal agencies.

Generally S. 1366 would authorize the Secretary, through the FWS, to make grants to states and tribes to assist in the development of and implementation of long-term management strategies, and to state wildlife management agencies to assist in responding to CWD outbreaks in wild cervid populations. We note that the state grant programs authorized by this section appear duplicative of the Fish and Wildlife Service's existing authority to make state wildlife grants.

S. 1036 provides for a multi-agency cooperative effort against CWD by the Departments of the Interior (through Title I) and Agriculture (through II). Section 101 of S. 1036 would direct the Secretary of the Interior to allocate funds directly to state wildlife agencies for the purpose of developing and implementing CWD management strategies. The criteria provided for the allocation of funds address the need to prioritize this financial support based on the relative rate of incidence, state financial commitments to CWD programs, integration of state policies related to CWD management, and the need to respond rapidly to disease outbreaks in new areas of infection. This grant program also appears duplicative of the Fish and Wildlife Service's state wildlife grants program.

Sections 102, 103, and 104 of S. 1036 would, generally, direct the Secretary to establish a modeling program to predict the spread of CWD in wild deer and elk; using existing authorities, a CWD surveillance and monitoring program on Federal lands; and, finally, using existing authorities, a national, internet-based repository of information on CWD.

The Department supports modeling efforts, as well as the development of a national data repository. We believe the need for sharing information is critical to making informed, science-based, management decisions. Such a data base will take full advantage of our existing capabilities in biology, mapping, and scientific data base development. Maintaining CWD-related data on both wild and captive populations will facilitate integrated analyses and allow practical "lessons learned" in diagnosis, surveillance, and control to be shared rapidly among a wide range of users. In fact, through its National Biological Information Infrastructure, the USGS is already developing a prototype Wildlife Disease Information Network, which will include a CWD national data repository for scientific, technical, and geospatial information. CWD data will be collected through state and Federal agencies, tribes, and other sources. However, in terms of the data base suggested by this legislation, we believe that it should be developed in coordination with Department of Agriculture, which has oversight responsibility for captive cervids.

As discussed above, the establishment of surveillance and monitoring programs are already underway. The NPS is currently conducting surveillance programs and managing the disease on national park lands, and the FWS is finalizing a plan for surveillance on National Wildlife Refuges. The USGS has assisted both state and Federal agencies in the design considerations for surveillance, and will continue its research on critical aspects of the disease ecology and impacts.

#### CONCLUSION

The Department's role as stewards of our natural resources and our strong cooperative relationship with states and other partners have allowed us to facilitate development of a coordinated strategy to combat CWD. We fully support the concepts advanced by these bills, and offer to work with the Committee to ensure that, if enacted, these bills provide an efficient and effective use of our resources and authorities.

Mr. Chairman, this concludes my statement and I am pleased to respond to your questions.

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#### RESPONSES BY CHARLES G. GROAT TO QUESTIONS FROM SENATOR ALLARD

*Question 1.* Several witnesses at the hearing as in your statement and testimony, mentioned the national management plan. Congress has demanded a final plan—why has the final plan not been promulgated? What is the status of the national plan?

Response. In June 2002, a task force representing Federal agencies, state wildlife management agencies, academia, and other stakeholders released the "Plan for Assisting States, Federal Agencies, and Tribes in Managing Chronic Wasting Disease in Wild and Captive Cervids" (National Plan). This plan listed broad goals and actions needed to meet the many challenges posed by chronic wasting disease (CWD). A progress report on the National Plan's implementation was delivered to the Colorado and Wisconsin Congressional delegations on May 27, 2004.

*Question 2.* How has your spending aligned with the spending recommended in the draft management plan?

Response. The U.S. Geological Survey (USGS) is using the technical aspects of the National Plan to set research priorities for its \$2.7 million CWD program. Current studies address transmission of the disease, disease ecology and wild cervid populations, genetic resistance, environmental persistence and transmission, and adapting/developing rapid, live animal tests for wildlife.

*Question 3.* In your opinion, does CWD pose a greater threat for wild cervid populations or captive cervids? If the wild cervid population is more at risk than captives, do you believe the two departments are receiving adequate appropriations for their respective roles in CWD management?

Response. Due to the large number of unknowns regarding CWD, it is difficult to compare the relative risk to captive herds versus wild populations. Clearly, the disease has been a problem in both. It does appear that traditional disease intervention methods, such as those used by U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS), have been largely successful in addressing CWD within the captive cervid populations. These methods include early

detection and quarantine, as well as depopulation and indemnification of owners of affected herds.

Management options for wild, free-ranging populations of deer and elk are much more complex and need further research. As a responsible steward of the National Parks, National Wildlife Refuges, and other public lands, the Department of the Interior must balance many competing demands for its limited resources. The two Departments are working together to develop a coordinated effort to deal with this disease in both captive and wild cervids.

Regardless of whether CWD poses a greater overall risk to wild or captive cervids, it is clear that our limited understanding of this disease will continue to constrain its effective long-term management, especially with regard to wild, free-ranging populations.

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RESPONSES BY CHARLES G. GROAT TO QUESTIONS FROM SENATOR FEINGOLD

*Question 1.* USDA currently has a line item in the APHIS budget for CWD. You noted that Interior distributes funds for CWD from some larger accounts. What is the process or formula that Interior uses to make these allocations of funds? What criteria are used to rank funding priorities?

Response. The Department of the Interior is working closely with the states and the USDA to follow the recommendations set forth in the CWD National Plan. There is no set formula; instead we identify internal needs and also hold coordination meetings with states to review current information, identify priorities, and fund the more urgent needs that will deliver the greatest amount of information required for management of the disease. The coordination meetings are well received by states and have resulted in cross-state cooperation in research areas. The most recent multi-state coordination meeting, held in April 2004, resulted in plans for a workshop to bring states, USGS, and other Federal agencies together to share research results and set priorities for research and management for the next year.

*Question 2.* Both you and Dr. John Clifford at the Agriculture Department outlined the research agendas of your respective agency. What is the current distribution of the research funds and from what account in Interior's budget does the money come? What is the status of the research and development on a live animal test for CWD?

Response. USGS has a \$2.7 million effort in CWD research. All of these funds are allocated through the USGS budget, under the Biological Research and Monitoring sub activity. Most of these funds support our base program and are allocated to our science centers to conduct CWD research. A total of \$300,000 is made available to states to support cooperative research efforts.

As discussed in Question 4 below, a live animal test involving the analysis of tonsil tissue has been successfully used to detect CWD in live, free-ranging deer for several years. Because this is currently the only technique available, research is focusing on identifying sampling methods that are easier and less invasive and are more effective in elk, and on testing methods that could be performed more rapidly. For example, USGS recently began a study in cooperation with Montana State University that will evaluate the possibility of a serum biomarker for detecting CWD in early, pre-clinical stages.

*Question 3.* Both you and Dr. Clifford discussed efforts to develop data bases to track CWD information. You indicated that the data bases should be developed through coordination between agencies. What is the status of development of this data base at Interior? Is the data base linked between the agencies, such as that being developed by USDA? If not, what are the plans to combine the data and share information? Who currently has access to this information, and what are the plans for future access to the data?

Response. The National Biological Information Infrastructure (NBII) received \$250,000 in fiscal year (FY) 2004 for CWD information management initiatives. Efforts are underway to finalize both the functional and technical requirements for a web-based national CWD data clearinghouse (data base). The NBII Wildlife Disease Information Node is working closely with the USGS National Wildlife Health Center in the development of this national CWD data base. We are constructing the data base to accommodate CWD research, monitoring, and surveillance information contributed by participating state, Federal, and tribal agencies and other organizations. Our objective for 2004 is to create a prototype that includes CWD data from two to four states and other interested CWD data holders. We are working with USDA/APHIS Veterinary Services to determine how best to integrate data from captive

animals with this prototype; our technical plan is to make the USGS/NBII and USDA/APHIS CWD data bases interoperable.

Participating data providers will choose the amount and type of data they wish to provide to the prototype. Through this prototype, participating organizations will have the ability to browse, query, report, and visualize basic data, and to test it. Testers of the initial prototype will be asked to recommend changes to data collection input screen designs. We expect to demonstrate the CWD national data base prototype at the September 2004 IAFWA annual conference general session and at several committee meetings.

Once a truly national CWD data clearinghouse is developed, contributed data will be protected by a secure password system, with access to the data base itself restricted in accordance with the negotiated agreements among participating agencies and organizations.

In addition to the CWD data base, a web-based information resource containing summary data for general public use is also slated for development. Federal, state, and tribal agency participants at a June 2003 CWD data standards meeting proposed that summary data not of a sensitive nature be made available and accessible to the general public.

*Question 4.* In your testimony, you indicated that “live animal testing efforts, using tonsillar biopsy . . . will also continue as an important management approach there.” It is my understanding from conversations with Wisconsin deer farmers that there is no live animal test for CWD currently available. What is the current practice of using tonsillar biopsies in the management of CWD? What is the scientific basis for this practice and how effective is it?

Response. A live animal test utilizing immunohistochemistry (IHC) testing of tonsil tissue has been reported in peer-reviewed scientific literature and has been used successfully for several years to detect CWD in live, free-ranging mule deer and white-tailed deer before the appearance of clinical signs of the disease. The test uses the same approach developed to detect scrapie in live domestic sheep.

The National Park Service, here in the Department, and the Colorado Division of Wildlife have successfully used tonsillar biopsies as a live-animal CWD surveillance tool for wild, free-ranging deer in some instances for approximately 2 years. The process involves the capture of deer, chemical immobilization, and collection of a small sample (biopsy) of tonsil tissue. A radio transmitter is attached to each animal prior to release. The sample is submitted to a diagnostic laboratory where the tissue sample is tested for the presence of CWD-associated prions using IHC. Animals testing positive are identified and located via radio telemetry and subsequently euthanized. Tonsillar biopsies have been used in Rocky Mountain National Park, Wind Cave National Park and several states (especially suburban environments) where hunter harvest is insufficient or unavailable for herd surveillance.

Tonsillar biopsies have several benefits. The test has been useful for detecting CWD-positive deer particularly in protected areas or in populations where hunter harvest is low (i.e., not many deer are killed by hunters). Additionally, CWD-associated prions can be detected in the lymphatic system of deer, including lymphatic follicles in the tonsils, months before the onset of clinical signs of disease. As a result, infected animals can be removed from the population earlier, theoretically reducing the probability of disease spread.

While tonsillar biopsies have been used in some limited situations where intensive management is possible, it is not an ideal test for wide-scale application. Tonsillar biopsy is a relatively invasive technique and requires expertise in application to obtain a usable sample. The cost and effort required to capture free-ranging deer for tonsillar biopsy, or collection of any diagnostic sample directly from the individual, is high. Because the biopsy sample must be submitted to a laboratory for testing to determine disease status, the deer must be located again for management action if a positive sample is detected. An additional limitation to the test, and potentially other diagnostic tests that may be developed, is that the prion protein is not commonly detected in the lymphoid tissues of elk before clinical signs of the disease appear, as is the case with deer. Therefore, tonsillar biopsy is currently most applicable to deer. Finally, because CWD is a slowly progressing disease, a negative tonsil biopsy is not proof that the animal is in fact CWD-negative. Early in the disease course there is insufficient accumulation of prion protein to be detected using available technology.

In addition to other research, a recently initiated, collaborative project between the USGS National Wildlife Health Center and the University of Montana is investigating the development of a blood-based live animal test for CWD. Researchers have noted that CWD prions can be detected in the lymphatic system of infected animals many months before the onset of clinical signs. Scientists believe that meta-

bolic byproducts (biomarkers) related to early infection may exist and may be detectable in the blood of infected animals. Development and refinement of more efficient and effective tests for elk and deer will likely be long-term efforts.

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STATEMENT OF RUSSELL GEORGE, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF NATURAL RESOURCES, WASHINGTON, DC

Good morning, Mr. Chairman and distinguished members of the Subcommittee. I am Russell George, Executive Director of the Colorado Department of Natural Resources. Thank you for the opportunity to appear before you today to discuss the management of chronic wasting disease, commonly referred to as CWD, and in particular the role of the Federal Government in helping to address this disease. I appreciate the past support and leadership of Congress on the subject of CWD, an issue of considerable importance to the State of Colorado and to many other states across the country as well.

CWD IN COLORADO

Prior to 2002, we in Colorado believed with some confidence that CWD was confined to populations of wild deer and elk in the northeastern portion of our state. That assumption was based in part on more than two decades of work on CWD conducted in cooperation with our colleagues in Wyoming, at Colorado State University (CSU) and elsewhere. Unfortunately, 2 years ago we detected CWD in deer and elk herds on Colorado's western slope, requiring us to significantly expand our CWD surveillance and customer service efforts at considerable expense.

COLORADO ASSISTANCE TO OTHER STATES

Since then CWD has regrettably been detected in several other states as well. In response, Colorado willingly shared its experiences with wildlife officials from those states in order to help them understand and combat this wildlife disease. For example, we have shared with those states information not only on the disease itself, but also regarding rapid testing procedures and our protocols for surveillance and management. As a result, the knowledge that we have gained and the programs we have initiated in Colorado are often used as a model by others. I am pleased that the pioneering CWD work done in Colorado and Wyoming have allowed other states to save scarce funds and limited personnel time by enabling them to focus on initiatives, technologies and approaches that we already have demonstrated to be effective.

STATE NEEDS FOR FEDERAL ASSISTANCE

Allow me to assure you that no state understands better than Colorado the tremendous resources wildlife agencies will have to commit to CWD programs now and in the future. As I've noted, Colorado has invested heavily in tackling the challenge of CWD and we have done so largely with state funds, especially revenues derived from the sale of hunting licenses.

But I think it is now clear that Congress and Federal agencies have an important role in providing additional support to help states fight this disease. I continue to recommend that the Federal role should focus heavily on contributing additional funding to state efforts, delivered through already-existing mechanisms and agencies (e.g., USDA and Interior). I do not believe any new programs or institutions are required.

IMPORTANCE OF STATE PRIMACY

Earlier congressional initiatives on CWD, including legislation, direction to Federal agencies, and critically needed funding, have been helpful to many states. I am also pleased to report that those efforts have recognized the primacy of the States in policymaking authority with regard to wildlife management, both in general terms and specifically with respect to CWD. I thank you for that. The recognition of primacy remains critically important to the states.

HIGHLIGHTS OF COLORADO EFFORTS

I would like to take a moment to highlight some of the actions taken by Colorado over the past 3 years in response to CWD. We have:

- Coordinated with county and local governments and private landowners to reduce deer populations in areas of especially high prevalence.



- Redirected significant funding and personnel to CWD control efforts. Since 2002, we have created and filled eight new positions focused on CWD control efforts, and reallocated \$3 million in annual funding to those efforts. Those staffing and funding shifts have occurred within the limits of a largely flat budget picture and very tight personnel limits.
- Increased coordination and cooperation between the Colorado Department of Agriculture (CDOA), Colorado's Department of Public Health and the Environment, CSU and the Division of Wildlife on CWD issues.
- Initiated and completed important research on transmission mechanisms, rapid diagnostic approaches, live-animal testing, and outbreak dynamics that will be key in refining management and surveillance approaches for CWD.
- Joined with CSU and CDOW to implement an extensive CWD surveillance and testing program for wild elk and deer. We were able to offer statewide testing of hunter-killed deer and elk while helping to CSU to validate a new rapid test that provided results in hours instead of months and allowed for large-volume testing. As a direct result of that experience, we understand that the new test is now being considered by the USDA and Canada for screening large numbers of cattle for Bovine Spongiform Encephalopathy (BSE).
- Developed and implemented an electronic data capture system into our sample submission and collection system, thereby greatly improving both scientific data gathering and customer service aspects of our ongoing CWD surveillance program.
- Involved volunteers from the Colorado Veterinary Medical Associations, Federal agencies, conservation organizations and the general public in an extensive surveillance and testing program for CWD.
- With this cooperative and integrated effort, we have succeeded in testing more than 45,000 wild deer and elk for CWD over the last two hunting seasons with most results made available to the hunter within 2 weeks of receipt of the sample. The CDOA and the Division of Wildlife continue to coordinate, develop, and adopt comprehensive regulations that govern the importation, intrastate transportation and surveillance of captive deer and elk. As you can see, we already have in place programs to study, monitor, and manage CWD, in both captive and wild populations.

#### SPECIFIC COLORADO NEEDS

Despite the unprecedented actions taken by Colorado and other states, it is clear much more work remains to be done. The needs of the Colorado Division of Wildlife, the Colorado Department of Agriculture (CDOA) and CSU are extensive and beyond the ability of our state to fully fund alone. We believe Federal funding for this work is a wise investment, not only for the wildlife resource, but for the thousands of jobs dependent on wildlife recreation. In Colorado alone, we estimate that three quarters of a billion dollars in economic activity is generated from hunting annually. That activity is especially important to rural towns and businesses.

Colorado has identified several initiatives and programs that are in need of additional support if we are to be able to respond effectively to CWD in the future. And as I described earlier, the work we do in Colorado is often used by other states as well. Those needs include:

##### *Upgrading Certified Labs*

\$3.5 million to initiate the planning and construction of a new veterinary diagnostic lab on the CSU campus in Fort Collins with the potential to share laboratory space and equipment and co-house staff from the CDOW, the CDOA and the University Veterinary Diagnostic Laboratory. This new laboratory would help to address a number of regional animal health needs, including but not limited to CWD and other prion disease diagnostics. The CSU Board of Governors supports the new lab.

\$4 million to upgrade disposal processes at four CWD sampling/testing facilities—in Grand Junction, Craig, Fort Collins and Rocky Ford. I would like to emphasize that these upgrades will be necessary if “recommendations” under consideration by Region 8 of the U.S. Environmental Protection Agency (EPA) are imposed. The rules would govern our CWD labs’ waste streams and our methods of carcass disposal. We urge the EPA to continue proceeding slowly and cautiously, and only after consulting with external third party prion disease experts, other Federal agencies and all potentially affected states (including their wildlife, public health and agriculture agencies).

##### *Research*

\$2 million for research on therapeutics, live animal diagnostics, environmental detection, field diagnostics, genetic resistance and enhanced rapid laboratory tests.

\$5 million to relocate and upgrade our live animal research facility. The existing facility, which has been a key resource in understanding many important aspects of CWD, is located on property that is under a lease that will expire soon and is not likely to be renewed by the property owner. This project will provide several Colorado institutions the capability to continue a strong tradition of collaborative animal research, and is a much more cost-effective approach than creating a duplicate research effort elsewhere.

*Surveillance, Monitoring and Management of Wild Deer and Elk*

Colorado needs assistance with our annual expenses directly related to CWD operations (expanded surveillance, testing, reporting, culling, carcass disposal, etc.). Expenditures are estimated to be approximately \$3 million annually for the foreseeable future.

*Surveillance, Monitoring and Management of Captive Deer and Elk Herds*

We estimate Colorado would require \$150,000 for detecting, measuring and monitoring incidence of CWD in captive Colorado herds. We also anticipate needing as much as \$1 million for reducing the incidence of CWD in captive herds (depopulation, indemnification, and carcass disposal) should additional infected herds be found.

*Education and Outreach*

Finally, states like Colorado need support in the development of brochures, fact sheets, videos, training clinics, website enhancement, etc. for agency staff, hunters, veterinarians, meat processors, taxidermists, conservation groups and the general public.

CONCLUSION

As I conclude, I feel it is important to note that the \$3 million in funding redirected by the Colorado Division of Wildlife represent funds from our dwindling reserve balance. We are drawing on those reserve funds, in addition to diligently reprioritizing existing resources. Continuing to expend at this level will soon begin to compromise other important wildlife programs—such as species recovery, education and habitat protection.

Colorado greatly appreciates the \$240,000 in assistance received from USDA-APHIS-Veterinary Services this past year, as well as the promise of \$70,000 in additional support for ongoing CWD research from USDI, but clearly the bulk of our work is still being funded from within our state, and as I've noted, those resources are quickly disappearing.

In summary, I would like to emphasize that there are many opportunities for the Federal Government to assist States in CWD management and research. I urge congressional support for legislation and funding that will allow state wildlife agencies to effectively fight CWD. I also urge you to provide that assistance through the most streamlined and efficient mechanisms available, in particular already-established grant programs in both the Department of Agriculture and the Department of the Interior.

Thank you, Mr. Chairman, for the opportunity to share my thoughts with you and the Subcommittee. Colorado's deer and elk are among our state's most treasured natural resources. Your efforts to help us protect this valued resource are greatly appreciated.

I would be pleased to answer any questions you might have.

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STATEMENT OF GARY J. TAYLOR, LEGISLATIVE DIRECTOR, INTERNATIONAL  
ASSOCIATION OF FISH AND WILDLIFE AGENCIES, WASHINGTON, DC

Thank you, Mr. Chairman, for the opportunity to share with you the Association's perspectives on S. 1366 and the status of management of Chronic Wasting Disease (CWD) in general. I am Gary Taylor, Legislative Director of the Association, and accompanying me today is Dr. Tom Thorne, a wildlife veterinarian with the Wyoming Game and Fish Department, and Chair of the Association's Fish and Wildlife Health subcommittee on Chronic Wasting Disease. All 50 State fish and wildlife agencies are members of the Association. The Association looks forward to continuing to work with you in particular to provide the state and Federal agencies with the fiscal resources that they need to manage this disease. Further, we continue to urge that decisions with respect to management of this disease be well grounded in science. We continue to stress the need for comprehensive Federal agency cooperation and coordination to effectively manage this disease. And finally, we will share with you

some information regarding the progress of CWD management as outlined in the implementation strategy deriving from the national plan.

The International Association of Fish and Wildlife Agencies was founded in 1902 as a quasi-governmental organization of public agencies charged with the protection and management of North America's fish and wildlife resources. The Association's governmental members include the fish and wildlife agencies of the states, provinces, and Federal Governments of the United States, Canada, and Mexico. All 50 states are members. The Association has been a key organization in promoting sound resource management and strengthening Federal, state, and private cooperation in protecting and managing fish and wildlife and their habitats in the public interest.

Federal and state agencies involved in this endeavor concur that, collectively, all the authorities that are necessary to manage this disease currently exist in law. While we therefore are not convinced of the need for further authorizing legislation, the Association wishes to commend Chairman Crapo, Sen. Allard, Sen. Feingold and others in particular for their diligence in ensuring that a coordinated Federal state effort is directed at this issue. What is most needed are adequate congressional appropriations to the Federal agencies involved for both their efforts and to pass through to the state fish and wildlife agencies, state universities and state agriculture departments, to manage CWD. The Association looks forward to working with you to increase appropriations for these purposes.

Let me summarize where we are in management of this disease by reflecting on the good progress that has been made over the last almost 2 years. About 2 years ago, the US Department of Agriculture and US Department of the Interior convened a Federal task force to coordinate CWD management. Under the chairmanship of Bobby Acord, Administrator, APHIS, and Steve Williams, Director, U.S. Fish Wildlife Service, they quickly recognized the need for and utility of adding state fish and wildlife agency representatives to the Task Force. That was expeditiously done and 6 working groups each comprised of Federal, state and university representatives, ultimately drafted the national plan that the Task Force released to the public ("A Plan for Assisting States, Federal Agencies, and Tribes in Managing Chronic Wasting Disease in Wildlife and Captive Cervids") on June 26, 2002. The plan proposes goals and actions and serves as a blueprint for future activities to identify the extent of the disease and management actions needed to eliminate it or prevent its spread. Let me commend Bob Acord and Steve Williams for their patience and vigilance in overseeing it, and all participants for their dedication and diligence in completing the plan.

Subsequently, an Implementation Document for said plan was produced on October 11, 2002 by a team of 3 State fish and wildlife agency representatives, 4 USDA, and 4 USDI representatives working with input from a myriad of wildlife management and animal health professionals from across the Nation. The Implementation Document steps down the goals in the national plan to action items, assigns agency responsibilities, and identifies timelines and budgets for each of 6 categories of diagnostics, disease management, communications, research, surveillance, and information dissemination. This Implementation Plan effort chaired by Bruce Morrison, NE Game and Parks Commission, represents what we believe is the best and most current thinking with respect to what is necessary to successfully manage this disease. The budget recommendations were thoughtfully constructed under the constraint of "reasonable and realistic"—they are not "pie in the sky" requests. These budget recommendations are the basis for the Association's appropriations request that we have asked each of our State Directors to encourage their Members of Congress to support.

In April 2003, APHIS made available \$4 Million in fiscal year 2003 appropriated funds to the State fish and wildlife agencies for surveillance and management of CWD. Approximately \$5 Million will similarly be made available from APHIS in fiscal year 2004. In designing the protocol for distribution of the funds, APHIS engaged Dr. John Fischer (Southeastern Cooperative Wildlife Disease Study), Dr. Tom Thorne (WY Game and Fish Department) and myself to design an appropriate and effective process. Collectively with APHIS we arrived at a formula that established 3 tiers of States: Tier 1 includes states with known occurrence of CWD in free ranging cervids; Tier 2 includes states adjacent to Tier 1 states or states with known CWD occurrence in farmed or captive cervids; and Tier 3 includes all other states. While one could argue the need for more money in one tier versus the other, we felt this was equitable, advanced our knowledge of presence/absence of the disease which is one of the most critical pieces of information we need, and assisted with the tremendous cost of managing the disease. The solution to getting more funds to states with CWD in free-ranging cervids, of course, is to grow the appropriated dollars, a goal to which we are all committed. Many thanks to Bob Acord and his

staff at APHIS for both making these funds available and for enlisting the State fish and wildlife agencies in designing an equitable protocol that will expeditiously get money to them through a cooperative agreement.

Let me now reflect a little bit on the need for continued, comprehensive Federal agency participation in a more coordinated effort to manage CWD based on sound science. Attention to all Transmissible Spongiform Encephalopathies (TSE) has increased dramatically in the last year, not just because of CWD, but most recently due to the diagnosis of Bovine Spongiform Encephalopathy (BSE) in a domestic cow in Washington, and last year in Canada. Unfortunately there is a great deal of misinformation and anxiety among the general public that ill-founded Federal agency proposals may exacerbate.

The Food and Drug Administration (FDA) has promulgated regulations for the rendering industry regarding the "Use of Material from Deer and Elk in Animal Feed". We believe these regulations unfortunately hinder animal health and wildlife management agency efforts to identify new areas where CWD occurs and simultaneously increase, rather than decrease, the likelihood of CWD positive carcasses entering the non-ruminant animal food chain.

The Association believes the regulations are an overreaction and simply cannot be supported with good science. CWD is not BSE. BSE is known to be a food-borne disease and consumption of material containing BSE—contaminated tissues is the only known natural mode of transmission of BSE. For this reason, the use of materials derived from any ruminant, including cattle, sheep, deer and elk, cannot be fed to ruminant animals according to 21CFR589.2000. By contrast, CWD is known to be transmitted laterally from affected deer and elk to susceptible deer and elk; and there is no evidence CWD is a food borne disease transmissible to non-ruminant animals.

In addition to the inaccurate message it portrays, the Association is most concerned about the provision in the FDA regulation that would trigger a recall of feed or feed ingredients containing material from a CWD positive animal. This actually hinders our ability to find new areas where CWD occurs because it promotes avoidance of CWD testing, thereby increasing the chances for CWD to go undetected and for positive animals to enter the animal feed system. Experience has demonstrated that current CWD surveillance techniques can detect the disease in a new area while at relatively low prevalence but it takes higher prevalence before discovery if detection is delayed. Early detection offers greater opportunities to eliminate the disease and early detection depends on the cooperation of hunters, meat processors, taxidermists and renderers. We are concerned that the FDA regulations would hinder this type of cooperation.

Finally, the Association continues to be concerned about some draft recommendations that the USEPA has been working on in their Region 8 Office that could likewise seriously impede our ability to detect and manage CWD in wild and captive cervids. The Region 8 proposal would require certain standards and permits for treatment of wastewater from laboratory facilities handling animals or samples from animals with CWD. Labs wishing to continue or initiate work with CWD would incur huge costs to come into compliance or would have to cease their efforts related to CWD. Should this come to fruition, the Association is concerned that the next application of these standards and permit requirements would be to meat processors, taxidermists, and rendering plants. Once again, the Association believes this proposal is not science-based and seeks to impose a standard of "no risk" as opposed to acceptable "low risk". Action of this type would seriously affect the cooperation of hunters, meat processors, taxidermists and renderers and thereby impede our ability to detect the disease in a new area. Furthermore, these same standards do not now, nor is EPA proposing that they apply to scrapie, another TSE that has been around for centuries, and for several decades in the United States.

We are hopeful that a recent EPA Record of Decision that characterizes as pesticides under FIFRA certain chemical agents used to neutralize prions, thus allowing the EPA to grant exemptions from permit requirements for their use, will obviate the need for further regulation. We are cautiously comfortable with this approach but will continue to encourage greater coordination by EPA with the state fish and wildlife agencies, state departments of agriculture, and state departments of environmental quality.

We are further encouraged that both FDA and EPA participated in the last state-Federal CWD task force meeting.

On the issue of funding, Mr. Chairman, we all agree that more is needed, and the Association is committed to working with you and Congress to make that happen. With respect to fiscal year 2005, the Association and its member state fish and wildlife agencies are requesting \$19.2 Million through appropriation to USDA-APHIS to be granted to the state fish and wildlife agencies for managing CWD in

free-ranging cervids. This is approximately \$10 Million more than in the President's request of approximately \$19.5 million, half of which would likely go to management of CWD in captive cervid herds. We believe the needs in free-ranging cervids compels a higher appropriated amount.

With respect to expeditiously getting money to the state fish and wildlife agencies, we will work with any Federal agency, but let me suggest the utility of using an agency that has an existing mechanism for getting grant money to the State fish and wildlife agencies as the most effective mechanism. As I indicated, USDA-APHIS has executed cooperative agreements for granting CWD dollars to the State fish and wildlife agencies and we support this mechanism for funds appropriated in the Agriculture Appropriations bill. In the Department of the Interior, the USFWS has a long-standing office, machinery and process for annually granting funds from several programs to state fish and wildlife agencies. It seems to us that using these existing grant mechanisms would be the most expeditious way to deliver funds to the State fish and wildlife agencies. We are appreciative that S. 1366 recognizes the utility of using the existing grant mechanism in the USFWS for this purpose for any funds appropriated in the Interior and Related Agencies Appropriations bill.

Let me now turn to the heart of this effort: its accomplishments. The most important perspective, of course, is how we are doing on the ground with respect to managing this disease. We are near completing the progress report on the first year's effort (October 2002–September 2003) as described in the Implementation Strategy and I would like to share some information and perspectives from that with you. These 12 months have seen considerable progress in research, surveillance, management and information dissemination concerning CWD, but significant additional work needs to be accomplished.

The Implementation Strategy for the National CWD Plan identified budget needs, excluding funding for environmental compliance activities, of approximately \$108 Million over a 3 year period. While a significant portion of these funds are expected to be congressional appropriations, state and tribal agencies have considerable financial commitment in managing this disease. Despite limited funding, there has been considerable interagency collaboration and accomplishment regarding CWD surveillance, management and research.

Perhaps the quickest way to get a perspective on this is to look at some expenditures for fiscal year 2003. Details on all of these activities will be in the final progress report, expected to be in circulation shortly.

In fiscal year 2003, the USDA agencies (APHIS,ARS,CSREES) expended approximately \$18.5 Million. In the same fiscal year, the USDI agencies (NPS,USGS,USFWS) expended approximately \$3.3 Million.

According to a survey conducted by our Association, 44 of the 50 state fish and wildlife agencies that responded spent a total of \$15.2 Million in state money and an additional \$2.7 Million in Pittman-Robertson funds, for a total of approximately \$18 Million in fiscal year 2003. Surveillance and management represented the largest expenditures (over 50 percent of the total), followed by diagnostics (approximately another 20 percent).

In a query of state livestock health agencies, 22 states responding indicated that their expenditures in fiscal year 2003 were approximately \$2.0 Million.

Thus, as you can see, there is a considerable commitment by both state and Federal agencies to manage this disease.

We also have preliminary surveillance results from 2002–2003 to share with you. Every state is engaged in sampling free-ranging cervids and other ruminants. 265 out of 88,935 white-tailed deer tested positive for CWD in that sampling season. 288 out of 15,937 mule deer tested positive and 39 out of 12,843 elk tested positive. Positive tests were not manifest in the other tested species.

In conclusion, Mr. Chairman, the Association looks forward to working with you to continue to improve our capability to manage this disease. Dr. Thorne and I would be pleased to answer any questions. Thank you for the opportunity to share the Association's perspectives with you.

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STATEMENT OF DR. JACK O. WALTHER, PRESIDENT, AMERICAN VETERINARY  
MEDICAL ASSOCIATION, WASHINGTON, DC

Thank you Mr. Chairman and members of the Subcommittee for giving the American Veterinary Medical Association the opportunity to come before you today to speak in support of Senate Bill 1366.

I am Dr. Jack Walther, President of the AVMA. I was born and raised on a small ranch near Reno and now practice in Elko, Nevada.

The AVMA represents 86 percent of active veterinarians in the United States. Our membership consists of 70,000 members, most of whom have treated wildlife during their careers. In addition, hundreds of veterinarians have a primary professional focus in wildlife medicine. For the past 141 years, the AVMA has worked to advance the science and art of veterinary medicine. Veterinarians have a long history of positively impacting the health and well being of humans, animals and the environment. A few noteworthy members of my profession are Dr. Daniel Salmon, who first described salmonella in 1855, and Dr. Tracey McNamara, who first identified West Nile virus in the United States. Additionally, many of our members are public servants, such as Dr. Lester Crawford, Acting Commissioner of the Food and Drug Administration, and Dr. Ron DeHaven, Deputy Administrator of Veterinary Services at USDA. Veterinary public servants also include the Senator from my home State of Nevada, Senator Ensign, and the Senator from Colorado, Senator Alard. Today, many veterinarians are dedicating their professional skills to studying chronic wasting disease and other diseases that effect both animals and humans.

CWD is one of many transmissible spongiform encephalopathies (TSEs). These are important diseases worldwide that are of particular concern to the veterinary community. The AVMA was proactive many years ago in addressing this important disease and issue. We developed a scientifically based position statement (attached) that supports the purposes of Senate Bill 1366.

Our position statement commits the AVMA to:

- disseminating scientific knowledge;
- encouraging enhanced surveillance, monitoring, and control programs; and
- encouraging governmental support for the development of new rapid diagnostic tests and control measures.

We recognize and applaud the on-going efforts of the Department of Interior and the Department of Agriculture, and state and tribal agencies to implement the National Plan for Assisting States, Federal Agencies, and Tribes in Managing Chronic Wasting Disease in Wild and Captive Cervids. Much has been accomplished but more remains to be done. Additional funds must be allocated for state and tribal activities to ensure that the outcome of the comprehensive effort will be successful.

At the same time, we urge the Subcommittee to remember the need to address not only CWD, but also many other diseases impacting both wildlife and livestock. Some of these diseases also affect both humans and animals, such as brucellosis in bison and elk in the Greater Yellowstone area, brucellosis in feral swine, and tuberculosis in wild deer.

We live in a world of emerging disease threats. TSEs are one such threat. TSEs in animals include scrapie, bovine spongiform encephalopathy, and chronic wasting disease. They all pose serious risks to the health and welfare of animals. For states and communities that depend on income derived from outdoor activities, including hunting, these diseases pose serious economic risks.

Colorado Governor Bill Owens recently told a panel of experts and key stakeholders from the public and private sectors that CWD “affects every Coloradoan” and has the potential to severely damage hunting, tourism and related industries as well as the state’s unique natural resources.

Additionally, the most recent statistics from the Wisconsin Department of Natural Resources estimate that hunters in Wisconsin spend \$897,000,000 annually on supplies, lodging and other expenses.

CWD can have a profound effect on agriculture, wildlife, and zoo management. Because CWD touches so many stakeholders, it is essential that programs addressing CWD be cooperative in nature. Nowhere is cooperation more vital than between agriculture and wildlife management agencies and groups at the state, national and international levels. Disease does not respect fence lines or state and international borders. CWD has affected deer and elk in Colorado, Illinois, Kansas, Minnesota, Montana, Nebraska, New Mexico, Oklahoma, South Dakota, Utah, Wisconsin, Wyoming, and in the Canadian provinces of Alberta and Saskatchewan.

We must work together to find solutions. Effective solutions will require a philosophical and economic commitment to disease surveillance, to disease management, to diagnostics, and to research.

The AVMA supports Section 4 of the bill that will provide grants to assist states in responding to CWD outbreaks in wild deer and elk. Additional funding to permit rapid and effective responses is absolutely essential. We also support Sections 3 and 5 of the bill that provide capacity-building grants to state and tribal wildlife management agencies. These grants will enable implementation of long-term management strategies, including surveillance. Testing is needed in more states and tribal lands to determine whether the disease exists in new locations. If CWD does exist in other areas, additional testing is needed to define its prevalence, incidence, and distribution.

The extent of testing and surveillance that is needed now, and for the foreseeable future, exceeds resources available to state departments of natural resources and tribal organizations. Financial support from the Federal Government will be required to comprehensively and effectively test wild elk and deer populations.

As an example, Governor Doyle of Wisconsin recently directed that \$900,000 be spent to improve testing capacity for CWD in his state. This amount will support testing for research and disease management, but does not fund testing of hunter-harvested deer. Federal grants are needed to provide additional funds to enable the states to do more surveillance testing.

The "Chronic Wasting Disease Financial Assistance Act of 2003" positively and rightfully recognizes and rewards states and tribal governments that have integrated CWD wildlife and agriculture programs. The AVMA supports this prioritization.

One clause of Section 4 that deserves further study, however, is the language that assigns priority for funding to states on the basis of previous state expenditures on CWD management and research. We agree with the idea that states should be rewarded for being proactive in managing CWD. However, states with fewer available resources may be inadvertently precluded from receiving grants. They may have been unable to fund surveillance programs and, therefore, have not been able to detect CWD in their state. These states should be given grants to support surveillance programs to determine whether CWD exists within their borders. CWD could potentially affect the entire United States therefore, Congress must be sure that states and tribal governments with the greatest need receive a fair share of the available Federal moneys.

Senate Bill 1366 goes a long way in preventing any further negative impact from CWD on animal health, the environment and our national economy. The leadership, staff and members of the American Veterinary Medical Association stand ready to assist in any way that we can in this matter.

In keeping with our official policy, the AVMA has a strong presence and significant positive impact on professional and public education with respect to TSEs. We keep our members informed through two scientific journals, background materials (copy attached) on our Web site, and continuing education sessions presented during the Association's annual convention. In turn, veterinarians provide accurate and useful information to clients and the public. To further assist veterinarians in educating the public, the AVMA produced brochures dealing with CWD and BSE. More than 15,000 copies have been distributed. We regularly respond to public and media needs for information by issuing print, electronic, and audio news releases, and by participating in interviews with writers and broadcasters.

TSEs present a serious and possibly growing threat to many of our nation's animal populations, as well as to state and local economies. Senate Bill 1366 is an important step toward successful control of CWD and we are extremely pleased and proud to have been afforded an opportunity to appear before you to speak in support of its passage.

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AMERICAN VETERINARY MEDICAL ASSOCIATION POSITION STATEMENT ON  
SPONGIFORM ENCEPHALOPATHIES

Transmissible Spongiform Encephalopathies (TSEs) are important diseases worldwide. The AVMA will disseminate scientific knowledge of the etiology, epidemiology, prevention, and control of TSEs. AVMA supports and encourages enhanced national and state surveillance, monitoring, and control programs. The AVMA encourages the USDA and DHHS to support research for the development of new rapid diagnostic tests, control measures, cleaning and disinfecting procedures, and the zoonotic potential. The AVMA further encourages FDA to provide educational materials and to monitor and enforce the mammalian protein ban in ruminant feed. (EB 5/03)

CAUSATIVE AGENT

Chronic wasting disease (CWD) belongs to the family of diseases known as the transmissible spongiform encephalopathies (TSE). The causative agent of CWD has not been fully characterized, but three possibilities have been proposed: an unconventional virus, a prion (a self-replicating protein), or a virino (incomplete virus) comprising naked nucleic acid protected by host proteins. The CWD agent does not invoke a detectable immune response or inflammatory reaction in its host. On the basis of what is known about other TSEs such as bovine spongiform encephalopathy and scrapie, it is assumed the causative agent of CWD is extremely resistant to sterilization processes.

## NATURAL DISTRIBUTION

An infectious, neurologic disease, CWD develops naturally in North American deer and elk. Species found to be affected include Rocky Mountain elk, mule deer, white-tailed deer, and black-tailed deer. Chronic wasting disease was first diagnosed in a Colorado captive elk research facility in 1967, and was identified as a TSE in 1978. It was found in the mid 1980's in free-ranging deer and elk in adjoining areas of Colorado and Wyoming. In May of 2001, CWD was identified in deer residing in the adjacent portion of Nebraska. Free-ranging cervids in Illinois, South Dakota, New Mexico, Utah, Wisconsin, and the Canadian province of Saskatchewan have also been affected. The first infected farmed herd was discovered in South Dakota in 1996. Chronic wasting disease has also been diagnosed in captive cervids in Colorado, Kansas, Minnesota, Montana, Nebraska, Oklahoma, Wisconsin and the Canadian provinces of Alberta and Saskatchewan.

## TRANSMISSION

Although many years of research have been conducted, the exact mechanism of transmission of CWD is still unknown. Currently transmission is believed to be lateral (animal to animal) and to take place through contact with or exchange of bodily fluids such as saliva, urine, feces, or placental tissue. Evidence also exists suggesting that vertical (mother to offspring) and environmental transmission is possible. Feed contamination is not considered to be a likely means of transmission; however, supplemental feeding may concentrate populations of cervids and facilitate animal-to-animal spread.

## CLINICAL SIGNS OF CWD IN CERVIDS

Most cases of CWD develop in adult animals. Chronic wasting disease causes progressive degeneration of the central nervous system. The most obvious and consistent clinical sign is progressive weight loss and dehydration. Other clinical signs include changes in temperament (e.g., loss of fear of humans, nervousness, or hyperexcitability), changes in behavior (teeth grinding, walking in repetitive patterns in pens), incoordination, polydipsia, polyuria, drooping of the head and ears, and excessive salivation. Incubation period is typically 18 to 24 months, but can range up to 36 months. The health of affected animals typically deteriorates over a period of 12 months after infection. Chronic wasting disease is uniformly fatal.

## DIAGNOSIS

At the present time, CWD is diagnosed by postmortem microscopic examination of brain stem (particularly the obex portion) and lymphoid (lymph nodes and tonsils) tissues. Lesions of CWD resemble those of other spongiform encephalopathies. Immunohistochemistry (IHC) is very sensitive and specific to CWD and is used to confirm diagnosis by measuring accumulations of proteinase-resistant prion protein (PRPres) in brain tissues of infected deer and elk. Accumulations of proteinase-resistant prion protein have not been found in uninfected cervids. Positive test results are not detected until at least 3 months after infection so negative results cannot confirm the absence of disease (it is possible that the animal is infected, but the stage of the disease is so early that the prion is not detectable). Colorado researchers have developed an antemortem (live animal) tonsillar biopsy test for CWD, which appears to work well for mule deer, but not for elk.

## PREVENTION

Because transmission mechanisms are still not well understood, it is difficult to recommend measures to prevent spread of the disease. Surveillance, culling, and testing are performed in areas where cases of CWD have been identified in an attempt to contain the disease within that endemic area. Unfortunately, no vaccine or preventatives exist and there is no evidence that immunity to CWD develops.

## TREATMENT

No treatment currently exists for cervids with CWD. The disease is uniformly fatal.

## INFECTION CONTROL

The United States Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) provides assistance to state officials in diagnosing CWD and in monitoring international and interstate movements of captive animals to help prevent its spread. Several state and national appropriations bills have been



passed to provide funding for much needed research on CWD. In an effort to contain and eventually eradicate CWD, state and Federal agricultural and wildlife agencies are taking action including regulating and/or banning interstate movement of captive cervids, enforcing more stringent hunting policies, creating joint task forces, and developing state-specific guidelines.

Members of the general public, hunters, and owners of cervid game farms must be informed of the dangers CWD poses to deer and elk populations, and take precautions necessary to reduce transmission. Animals appearing to be ill should be reported to wildlife officials. Deer feeding and baiting should be limited as this is an activity that brings deer into close contact with one another. Double fencing of captive herds will lessen contact with wild animals, and vigilant surveillance and testing of these herds is recommended. Hunters should avoid harvesting deer or elk that appear sick; should wear rubber gloves while field dressing animals; should remove all bone and fatty tissue from the meat of the animals; should minimize handling of the brain, spinal cord, spleen, tonsils, lymph nodes, or eyes; should avoid consuming any animal with positive test results for CWD; and should not remove anything but pure meat (muscle) from endemic sites.

#### TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHIES IN OTHER ANIMALS

The family of transmissible spongiform encephalopathies (TSE) in animals includes scrapie, affecting sheep and goats; transmissible mink encephalopathy; bovine spongiform encephalopathy (BSE), commonly referred to as "mad cow disease," affecting cattle; and, in humans, kuru, classic and variant Creutzfeldt-Jakob disease (CJD), Gerstmann-Straussler syndrome, and fatal familial insomnia.

At the present time there is no evidence that CWD is easily transmittable to livestock or other ruminants such as sheep, cattle, or goats under natural conditions. Livestock housed with infected deer or elk, or those having ingested brain tissue of infected animals, have not developed the disease. Chronic wasting disease has been experimentally transmitted to mice, ferrets, mink, goats, squirrel monkeys, and calves.

#### IMPLICATIONS OF CWD FOR HUMANS

There is currently no evidence that CWD is naturally transmitted to humans, either through contact with affected animals or by eating meat from infected animals. The Centers for Disease Control and Prevention, however, has issued the following statement:

"It is generally prudent to avoid consuming food derived from any animal with evidence of a TSE. To date, there is no evidence that CWD has been transmitted or can be transmitted to humans under natural conditions. However, there is not yet strong evidence that such transmissions could not occur. To further assess the possibility that the CWD agent might occasionally cause disease in humans, additional epidemiologic and laboratory studies could be helpful. Such studies include molecular characterization and strain typing of the agents causing CWD in deer and elk and CJD in potentially exposed patients. Ongoing national surveillance for CJD and other neurologic cases will remain important for continuing to assess the risk, if any, of CWD transmission to humans."

Routine precautions should be taken when handling carcasses of animals that may be infected.

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#### STATEMENT OF GARY J. WOLFE, PH.D., PROJECT LEADER, CHRONIC WASTING DISEASE ALLIANCE, MISSOULA, MT

Good morning Mr. Chairman and distinguished members of the Subcommittee. My name is Gary Wolfe and I represent the Chronic Wasting Disease Alliance . . . a coalition of 15 organizations and businesses who are deeply concerned about Chronic Wasting Disease (CWD). We sincerely appreciate the opportunity to appear before you today to share our concerns regarding CWD, an issue of considerable importance to sportsmen across the country. Thank you for giving this serious wildlife disease issue your attention.

#### CWD ALLIANCE

I would like to take a moment to share with you a brief history of the CWD Alliance, as it illustrates the significant concern CWD has generated among America's sportsmen, conservationists and the outdoor industry.

In January 2002, the Boone and Crockett Club, Mule Deer Foundation and Rocky Mountain Elk Foundation (three of the nation's leading sportsmen's-based, nonprofit

wildlife conservation organizations) were becoming increasingly concerned about the impact CWD was having, and may continue to have, on North America's wild deer and elk populations. They were also concerned about the impact this disease may have upon millions of hunters' desire and opportunity to hunt deer and elk each fall, and upon their confidence to put healthful wild venison on their families' tables. In response to these concerns, these three organizations initiated a collaborative project . . . the Chronic Wasting Disease Alliance.

During the ensuing 2 years, other organizations and businesses joined the Alliance's effort. The CWD Alliance currently consists of 15 partners and sponsors: Boone and Crockett Club, Mule Deer Foundation, Rocky Mountain Elk Foundation, National Shooting Sports Foundation, Pope and Young Club, Quality Deer Management Association, Wildlife Management Institute, Bowhunting Preservation Alliance, Izaak Walton League of America, Camp Fire Conservation Fund, Dallas Safari Club, Whitetails Unlimited, Cabela's (sponsor), Bio-Rad Laboratories (sponsor), and IDEXX Laboratories (sponsor).

The mission of the CWD Alliance is to promote responsible and accurate communications regarding CWD, and to support strategies that effectively control CWD to minimize its impact on wild, free-ranging deer and elk populations.

Alliance partners pool resources, share information and cooperate on projects and activities to positively impact the CWD issue. The Alliance recognizes that appropriate public information and education are vital to the resolution of the CWD dilemma. In an effort to promote responsible, timely and accurate communications the Alliance has:

- Developed and maintained a comprehensive, informative CWD website to facilitate the public's access to basic CWD information, breaking CWD news, scientific literature, recommendations from professional wildlife management agencies, and links to other CWD information sources. The website ([www.cwd-info.org](http://www.cwd-info.org)) was launched in July 2002, and has received more than 257,000 visits.
- Co-sponsored and/or participated in CWD conferences and seminars in numerous locals throughout North America.
- Served as a resource for media sources seeking credible information about CWD.
- Published responsible and accurate CWD articles in their respective organization's member magazines.
- Collaborated on the development of a CWD information and training video for hunters.
- Participated on several interdisciplinary, multi-agency CWD task forces and committees.
- Participated as a partner with state and Federal agencies to assist with implementing the "Communications" section of the Plan for Assisting States, Federal Agencies and Tribes in Managing Chronic Wasting Disease in Wild and Captive Cervids.

Alliance partners and sponsors collectively contributed more than \$102,000 during 2002-2003 to support the CWD Alliance project, and have pledged an additional \$83,000 for the Alliance's 2004 activities.

#### NATIONAL CWD STRATEGY

The CWD Alliance has actively monitored the responses of the various state and Federal agencies to CWD, and has participated in numerous planning activities and task force meetings. We believe there has been an exceptional level of interagency coordination and cooperation in responding to this wildlife disease crisis.

In June 2002, a task force of Federal agencies and state wildlife management agencies completed the Plan for Assisting States, Federal Agencies and Tribes in Managing Chronic Wasting Disease in Wild and Captive Cervids (National CWD Plan) and presented it to Congress. The National CWD Plan lays out an aggressive, coordinated interagency strategy for managing CWD, and was followed-up by an Implementation Document that identified specific actions for addressing CWD. State wildlife agencies, universities, and Federal agencies have utilized the Implementation Document to guide their response to CWD and have directed funds to the ongoing battle against this disease.

The Implementation Document identified budget needs to address CWD, excluding funding for environmental compliance activities, of \$108,360,000 over a 3-year period. The majority of this funding was identified to come from congressional appropriations, while the remainder would be redirected funds from various Federal, state, and tribal agencies.

We appreciate the funding Congress has authorized for CWD, and the support APHIS and the USGS have provided to the state wildlife management agencies.

Considerable progress has been made, especially in terms of surveillance and management of CWD in free-ranging cervids, research, dissemination of information, and publication by APHIS of the proposed rules on Chronic Wasting Disease (CWD) Herd Certification Program and Interstate Movement of Captive Deer and Elk. However, there has not been adequate Federal funding for full implementation of the National CWD Plan.

#### HOW CONGRESS CAN HELP

Significant progress has been made addressing the challenges of managing CWD, but much more work is needed. State wildlife management agencies are on the front line of CWD management, surveillance, and research; and are the agencies in greatest need of financial support for CWD activities.

State wildlife agencies have redirected critical wildlife management funds from other programs to address CWD issues. The International Association of Fish and Wildlife Agencies (IAFWA) reports that state wildlife agencies collectively expended approximately \$15.2M on CWD in fiscal year 2003 (Progress Report on the Implementation Document for the Plan for Assisting States, Federal Agencies and Tribes in Managing Chronic Wasting Disease in Wild Cervids, October 2002–September 2003). The CWD Alliance is especially concerned that this redirection of limited state wildlife agency funds is not adequate to address the CWD issue, and will have negative impacts on other important wildlife management and conservation programs.

We would like to offer the following general recommendations regarding how Congress can support state wildlife management agencies, state agricultural agencies, tribal governments and Federal agencies in the control of CWD:

- Expanded funding for the National CWD Plan is a top priority. The International Association of Fish and Wildlife Agencies (IAFWA) recently identified \$34.15M of CWD funding needs for the fiscal year 2005 Federal budget (Appendix A). We encourage Congress to seriously consider IAFWA's recommendations when determining appropriations for the National CWD Plan in the fiscal year 2005 Federal budget, especially the suggested \$19.2M of grants to assist states and tribes.
- Additional legislation granting agencies authority to address CWD or creating additional bureaucracy is not needed. Successful control and eradication of CWD will depend upon a cooperative approach and a well-coordinated effort between Federal and state agencies. The respective Federal and state agencies have the necessary authority and mechanisms to address this issue. They have been doing an exemplary job of coordinating and collaborating with each other; an excellent strategy has been identified via the National CWD Plan; and specific action plans have been identified in the Implementation Document. Congress can best assist through the appropriations process.
- Any CWD legislation should recognize and reinforce the principle that state wildlife agencies have the primary responsibility for managing wild cervid populations. We encourage Congress to rely heavily on the recommendations of the state wildlife agencies when considering CWD legislation.
- We would like to thank Senators Allard, Feingold and Crapo for introducing S. 1366, the Chronic Wasting Disease Financial Assistance Act of 2003. It addresses many of the concerns we have regarding adequate funding for the National CWD Plan, and is consistent with our general recommendations regarding how Congress can help state and tribal wildlife management agencies deal with CWD. Specifically we:
  - Are pleased that S. 1366 recognizes that "The States retain undisputed primacy and policymaking authority with regard to wildlife management . . ." (section 2(b)(1)).
  - Support "grants to assist States in developing and implementing long term management strategies to address chronic wasting disease in wild cervids" (section 3(a)), and "in responding to chronic wasting disease outbreaks in wild cervids" (section 4(a)).
  - Support "grants to tribal wildlife management agencies to assist Indian tribes in developing and implementing long term management strategies to address chronic wasting disease in wild cervids" (section 5(a)).
  - Believe the \$20.5M of grants to states and tribes authorized by S. 1366 is urgently needed by the states, and is necessary to adequately implement the National CWD Plan.
  - Request that any CWD funding that is administered through the Federal Assistance Program of the United States Fish and Wildlife Service (section 6) not be a redirection of existing Pitman-Robertson Federal Aid funds to CWD, but newly appropriated money.

In conclusion, America's wild deer and elk populations are priceless treasures. They are a source of beauty, inspiration and recreation for millions of Americans, and they infuse billions of dollars annually into our national economy. Their health and vitality must be protected!

Once again, thank you for the opportunity to share our concerns and recommendations on this very important wildlife disease issue.

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APPENDIX A.—ASSISTANCE TO STATES, FEDERAL AGENCIES, AND TRIBES IN MANAGING CHRONIC WASTING DISEASE IN WILD AND CAPTIVE CERVIDS (RECOMMENDATIONS FROM THE INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES (MARCH 3, 2004))

States, Federal agencies, and Tribes are addressing chronic wasting disease (CWD) according to the 2002 Plan for Assisting States, Federal Agencies and Tribes in Managing Chronic Wasting Disease in Wild and Captive Cervids (National CWD Plan) and the Implementation Document for the National CWD Plan. Considerable progress has been made, especially in terms of surveillance and management of CWD in free-ranging cervids, research, dissemination of information, and publication by APHIS of the proposed rules on Chronic Wasting Disease (CWD) Herd Certification Program and Interstate Movement of Captive Deer and Elk. To date, there has been no consistent or unified Federal funding for full implementation of the National Plan. However, USDA/APHIS/Veterinary Services has provided funding toward control of CWD in the farmed cervid industry and to the 50 state wildlife management agencies for public education, as well as surveillance and management of CWD in wild deer and elk. USDI agencies have redirected limited resources toward their own CWD research and monitoring programs, and USGS has provided a small amount of funds to several States for CWD monitoring. Because of inadequate funding to all State and Federal agencies, important CWD-related activities are being implemented incrementally and with limited coordination. State wildlife management agencies are on the front line of CWD management, surveillance, and research and are the agencies in greatest need of financial support for CWD activities. To date, APHIS grants for CWD work have been the most significant and helpful sources of Federal assistance to State Wildlife Management Agencies.

*Disease Management.*—Goals are prevention, elimination, maintenance or reduction of established prevalence, and/or containment of CWD, depending onsite-specific CWD status. Needs are \$9M (through USDA-APHIS) for States, \$2M for USDA, and \$3.5M for USDI, including enhanced funding through USGS-BRD for the Southeastern Cooperative Wildlife Disease Study (SCWDS).

*Surveillance.*—Goals are development of sampling plans, early detection, determination of distribution and prevalence of CWD in free-ranging cervids and epidemiologic investigations in the case of CWD in farmed cervids. Funding needs are \$7M (through USDA-APHIS) for States, \$1M for USDA, and \$2.25M for USDI, including enhanced funding through USGS-BRD for SCWDS.

*Research.*—Goals are rapid diagnostic tests, better understanding of epidemiology and pathogenesis of CWD, management tools, and understanding human dimensions related to CWD. Needs are \$3.2M (through USDA) for States, \$1.5M for USDA, and \$3.5M for USDI.

*Diagnostics.*—Objectives are to establish sufficient laboratory capacity for testing, continue use of the immunohistochemistry technique as the gold standard, assure diagnostic sample quality, and assist with validation and application of high throughput screening tests. Funding needs are \$625K for USDA to assist State laboratories and validate new tests and \$50K to USDI for training assistance.

*Communications.*—Objectives are to increase awareness and educate target audiences, provide timely scientific information on current knowledge and advances in CWD management, and provide scientific and technical training to agency personnel regarding CWD. State and Federal (USDI) needs are approximately \$105K and \$400K, respectively.

FISCAL YEAR 2005 NEEDS TOTALS

States (through appropriations to USDA) for free ranging cervids: \$19.2M, USDA: \$5.1M, USDI: \$9.85M

STATEMENT OF P. SCOTT HASSETT, SECRETARY, WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND ROD NILSESTUEN, SECRETARY, WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE, AND CONSUMER PROTECTION

Thank you for the opportunity to present the following comments on Wisconsin's experience with Chronic Wasting Disease (CWD). We wish to express our appreciation for the \$18.6 million Congress allocated in fiscal year 2004 funding to control CWD nationwide, especially the \$1.75 dedicated to CWD control work in Wisconsin. We value our Federal partnership, and especially the vigilance of our Wisconsin congressional delegation in getting the Federal Government to help Wisconsin in our CWD management efforts.

Since the discovery of CWD in Wisconsin in February 2002, state government has done everything in its power to find out where this disease is located within our state and take actions to minimize the long term damage it might cause. Wisconsin has formed an Interagency CWD Response Team, consisting of representatives from the Wisconsin Departments of Agriculture, Trade and Consumer Protection (DATCP), Natural Resources (DNR) and Health and Family Services (DHFS). All three agencies have already directed substantial resources to identify the scope and magnitude of the problem and begin treatment—over \$1 million for DATCP and over \$16 million for DNR through December 31, 2003.

FARMED DEER AND ELK

In Wisconsin, DATCP manages CWD control efforts for Wisconsin's farm-raised deer population. As of October 20, 2003, DATCP has 827 registered cervid farms containing about 35,000 cervids.

DATCP's CWD monitoring program requires individual animal identification, detailed recordkeeping for all animals that join or leave the herd, testing, and reporting escapes. Herds must be enrolled if live animals move off the farm for any purpose other than slaughter. There are 550 herds enrolled in the monitoring program, amounting to 67 percent of registered farms. Many of the remaining farms are hunting preserves, which cannot enroll because of difficulties in keeping animal censuses, or hobby farms that do not move live animals. Wisconsin's farm-raised deer program also includes:

*Animal Movement/Import:* Deer and elk moving within Wisconsin must be enrolled in the monitoring program and meet tuberculosis testing requirements. Deer and elk entering Wisconsin must come from herds under CWD surveillance/monitoring for 5 years, and must meet brucellosis and tuberculosis testing requirements.

*Testing:* All deer and elk 16 months or older that die, go to slaughter, or are killed must be tested for CWD, regardless of whether they are in monitored herds. Since 1999 6,736 farm raised cervids have been tested. The vast majority of those have been since February 2002.

*CWD Positive Animals:* To date, DATCP has found 15 CWD-positive whitetails on farms and one CWD-positive elk. These have been in four herds:

- Buckhorn Flats, a Portage County hunting preserve, has had seven positive whitetails. DATCP has ordered the herd killed for testing, pending a decision by an administrative law judge.
- A Walworth County breeding herd received whitetails from one of the same sources as Buckhorn Flats. Early testing showed two positives; when DATCP killed the herd, they found four more.
- A Manitowoc County farm received elk from a Minnesota farm later found to be infected. A routine test turned up one positive. DATCP killed the herd for testing and found no more.
- A Sauk County hobby farm had only four whitetails, one of which tested positive in a routine test.

*Quarantines:* DATCP has 16 quarantines in place: seven related to the Portage County positives; two where herds received elk from infected Minnesota herds; one related to the Sauk County farm; and six because they are within the DNR's disease eradication zone.

We support USDA's effort to establish a nation-wide CWD herd certification program. The plan has set a goal of eradicating CWD within the farmed cervid herds in the U.S. This is an important goal and will put Wisconsin producers on equal footing with other producers around the country and keep our U.S. producers competitive internationally. We hope the committee will do what it can to assist this important effort.

## WILD DEER AND ELK

Wisconsin wildlife biologists began testing wild deer for CWD in 1999 and news of CWD in western wild and farmed deer and elk herds became more common. In February 2002 Wisconsin discovered its first confirmed cases on CWD when three deer harvested in southern Wisconsin tested positive for CWD.

To date, 317 CWD positive wild white-tailed deer have been found in Wisconsin, including 109 positives from the 2003–2004 hunting/sampling seasons. Two apparently separate foci of CWD have been identified—the approximately 800-sq. mile affected area in southwestern Wisconsin and an area spanning 3 counties in the southeastern Wisconsin that border the Illinois' CWD affected counties.

Over the past 2 years, our objectives have included:

- doing a comprehensive surveillance effort to determine where CWD was found in our wild herds;
- undertaking and assisting research to better understand the ecology of this disease;
- find better diagnostics;
- educate Wisconsin citizens about CWD; and
- prevent the spread of the disease from infected areas by reducing the size of the infected deer herds.

#### *Surveillance*

Over the past 2 years, we have tested over 56,000 wild deer in Wisconsin. In our statewide surveillance efforts we sampled with sufficient intensity in most of our counties to give us a 90 percent probability of detecting CWD if the disease was present at 1 percent level of prevalence. We have sampled more intensively in and near our known infection areas to give us information on whether prevalence is changing and better define the geographic boundaries of the infection.

As part of our surveillance efforts, we worked very hard to develop informational support systems that provides hunters with specific information on the testing results for the deer they bring in. A tracking program was developed that identifies each deer and the sample from that deer with a unique bar coded number. The testing results are then shared with the hunter, as soon as those results are available from the laboratory. Both the surveillance program and the system to track results from individual deer have been extremely valuable in determining where CWD is located in the wild herd, and in providing information many Wisconsin's deer hunters want. This information has been critical in the development of a plan for addressing CWD in Wisconsin, and in helping to assure the continuation of deer hunting as an important tradition and wildlife management tool.

#### *Research*

Wisconsin continues to invest into CWD research programs, focused on studies that will aid in management of CWD. Partnerships have been established with University of Wisconsin, the USGS-National Wildlife Health Center, USDA-ARS, and others, with a strong emphasis on sharing Wisconsin CWD data and archived deer tissues. Recent findings of significance to our management program include (1) evidence that prevalence of CWD is significantly related to density of deer, and (2) that there is significant spatial variation in deer harvest rates in the Disease Eradication Zone. We will be undertaking Human Dimension research this summer to better understand landowner attitudes regarding CWD in the infected areas. Wisconsin research played a key role in the USDA approval of an additional CWD diagnostic test in 2003.

#### *Disease management*

The best available research suggests that without management CWD will spread steadily outward from infected areas and eventually impact most of Wisconsin. In infected deer populations, the disease is projected to significantly reduce the deer population as the prevalence of the disease steadily increases. White-tailed deer are highly regarded in Wisconsin and deeply ingrained in our way of life. An estimated \$1 billion dollars of economic activity is generated from deer associated recreation. CWD represents a long-term threat to deer-related activities.

In addition to CWD impacts on the abundance and health of wild deer and elk herds, there are serious human health considerations to be considered. We are grateful that no direct human health problems have yet been attributed to CWD. We no links are ever found. However, we are confronted with the reality that World Health Organization and Center for Disease Control recommend that CWD-positive deer not be consumed. As CWD prevalence increases and the size of the infected areas grow, an increasing number of deer taken by hunters will be unsuitable for

consumption. There are very serious implications for wild herd population control, as well as testing services.

CWD is a difficult disease to control. It is especially challenging when it is found in wild herds. Our effort has required a tremendous commitment of staff resources, expertise and funding. We've reallocated significant resources from other wildlife management activities and projects in Wisconsin over the past couple years. These reallocated resources have been combined with funding received through the state budget process, and the additional funding that has been made available in the Federal budget to offset some of the costs associated with this intensive effort to manage CWD.

#### WISCONSIN NEEDS

The work we do in Wisconsin is part of a national effort to control this disease. As you can see, we have been busy in Wisconsin and still have much to do. In spite of no official recognition of the National CWD plan, much has been accomplished. We request your help in moving the Federal Government to fully embrace the National CWD Plan and more importantly provide the appropriations needed to implement the plan and effectively manage the disease.

It is crucial for the Federal Government to provide coordination and assistance on a national level with research, surveillance, disease management, diagnostic testing, technology, communications, education, and funding for state CWD programs. Federal agencies should provide tools and financial assistance to states and help develop consistent, unified approaches to CWD management.

Since May 2002, the U.S. Department of Agriculture (USDA) and Department of Interior (DOI), along with state and tribal wildlife management and agriculture agencies, have been working together on a National CWD Plan. A CWD Task Force was formed to ensure that Federal and state agencies cooperate in the development and implementation of an effective national CWD program.

Today—nearly 2 years later—we are still waiting for the release of the proposal. We seek your assistance in encouraging the Office of Management and Budget (OMB) to release the National CWD Plan. A comprehensive, multi-agency, long-term plan to fight CWD is needed with support from the highest levels of the Federal Government. Issues needing our collective attention include:

- development of a national data base to track and store information about CWD;
- expansion of Federal ability to test for CWD;
- distribution of Federal dollars to help states data entry, testing and control actions; and
- acceleration of state and other grants for the study of the disease
- incentives for private landowners to control the disease in wild herds using their land

Over the next few years, we estimate that it will cost about \$7 million annually on an on-going basis in order for the DNR to carry out the wild herd work needed to meet the goals of the CWD management plan. These costs include staff resources that are being reallocated from other areas, and there are some additional state and Federal funds that have been made available. However, there are significant gaps in the level of resources available for specific work in comparison to what is needed on an on-going basis. This includes, for example, funding to carry out the surveillance work, costs associated with herd reduction efforts in those areas where CWD has been detected, and other costs associated with disposal of unwanted carcasses and various research efforts.

Both nationally and in Wisconsin, much still needs to be done. We support S. 1036 because it provides a comprehensive blueprint to address many of these issues, as it authorizes funds for CWD management in both wild and farm-raised deer. In addition, we support the following:

- Add that private labs must report to state any positives.
- Sec. 202 should read “farm-raised” deer and elk
- Narrow the “captive wildlife” reference to “captive cervid” under Title II. Sec. 202 (2). All references to captive should probably read “farm-raised”—or perhaps “farmed and captive” to cover farms, zoos, roadside exhibitors, cervids captured for research or translocation, etc.
- For farm raised herd management, Wisconsin has sought funds to make exposed—not just infected—captive deer herds eligible for indemnity; subsidize sampling costs for CWD tests; and for a one-time buyout for herds in eradication zones.

With the discovery of CWD in the wild and captive herds of Wisconsin and other states, the farm raised cervid industry has lost substantial value. In addition, new regulatory programs are proving to costly to many herd owners. Unfortunately, the nature of the programs and the disease make it very difficult and costly to go out-

of-business and there is little incentive to do it legally. In order to prevent deer, with unknown health status, from being released into the wild or moved without record in commerce, the Federal Government should provide money for herd destruction and disposal costs to herd owners wanting to cease operating.

Additional Federal funds could also be used to help cervid farmers like Wes Ramage of Oakfield, Wisconsin. Officials in Pennsylvania and Colorado denied Mr. Wes Ramage's request to ship elk to those states—despite certification from Wisconsin officials that he had complied with Wisconsin's CWD program for farm-raised cervidae—because those states have stricter fencing requirements. Additional funds would help Mr. Ramage pay for extra fencing on his property so that other states would accept his elk.

Thank you again for your time and efforts on behalf of Wisconsin. We appreciate your consideration of this request to join with us as partners to ensure the health of our deer herd and the Wisconsin family hunting tradition that depends on it. We look forward to continuing this partnership as we work together to develop the strongest possible Federal CWD program for Wisconsin and the Nation.

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STATEMENT OF RICHARD F. BECHTEL, SENIOR LEGISLATIVE REPRESENTATIVE FOR  
WILDLIFE POLICY, NATIONAL WILDLIFE FEDERATION

Thank you for the opportunity for the National Wildlife Federation, the Nation's largest conservation advocacy and education organization, to submit testimony in support of S.1366, the Chronic Wasting Disease Financial Assistance Act of 2003. NWF can not emphasize enough the bill's central purpose of providing increased funding for State fish and wildlife agencies to manage and control the disease.

Chronic Wasting Disease is a significant threat to our free-ranging deer and elk populations, it heaps expenses upon affected State fish and wildlife departments and is forcing the departments to divert funding from important programs to surveillance, management, and research of the disease. Where Chronic Wasting Disease occurs, it can lower numbers of hunters, depress critical license revenues, and reduce the economic activity so vital to rural communities that rely upon economic contributions of hunters. Control and eradication of the disease is extremely important as over 13 million people hunt each year and spend over \$20 billion dollars pursuing the activity.

Chronic Wasting Disease (CWD) has been a priority for NWF since the early 1990s and became a major priority when the disease moved across the Mississippi River into the wild and captive herds of Wisconsin. Although the exact means of transmission is still unknown, evidence indicates a major route of transmission is from captive to wild herds. The recent spread of the disease to South Korea clearly illustrates the danger posed by moving captive cervids within the country and overseas. While control of captive herds may be difficult, management of the disease is even more difficult and expensive when it moves to wild herds.

NATIONAL WILDLIFE FEDERATION POLICY ON CWD

The National Wildlife Federation advocates disease management of free-ranging wildlife populations by wildlife professionals working under the authorities of State and Federal wildlife agencies. NWF appreciates S.1366's strong recognition of the primary authority of States and tribes in management of fish and wildlife resources. NWF supports Federal funding for research and management of wildlife through the Department of the Interior and for research and management of domestic livestock through the Department of Agriculture. However, NWF is especially heartened by the Animal and Plant Health Inspection Service's realization that CWD must be addressed in both captive and wild populations of cervids and its decision to pass through funding for management and surveillance of CWD in wildlife to State fish and wildlife agencies. Of all Federal CWD funding, this pass through has been of the most help to States in their struggle to manage and eradicate the disease. While Federal and State agencies believe they do not need additional authority to address Chronic Wasting Disease, S.1366 might be amended to codify the memoranda of agreement process that APHIS has implemented to pass these funds through to State fish and wildlife agencies. However, the funding pass thorough mechanism proposed by APHIS cannot be used to leverage or dictate management to State or Federal wildlife agencies. It must be provided to the appropriate agencies with no management strings attached that would lead to livestock style test and slaughter management of our Nation's incredible wildlife resource.

NWF opposes cervid and big game ranches because of the increased risk of disease transmission. NWF advocates physical barriers such as double-fencing be erected and be maintained at trophy big game ranches to absolutely preclude physical



contact between wild and contained animals as one mode of transmission is lateral from animal to animal. Mechanisms to clearly identify and track captive deer and elk, such as high visibility ear tags with registered numbers, are also necessary. NWF also advocates strict limits on interstate transport of cervids and other big game ranched animals until effective tests are developed to certify the health of transported animals and mandatory testing of those animals prior to transportation. Preventing the spread on CWD is a small political and financial investment in our Nation's wildlife. There is no known treatment or vaccine against CWD and this issue is a classic case of "an ounce of prevention is worth more than a pound of cure." Curing or eradicating CWD is impossible; preventing its spread is a much more achievable goal.

The proposed rule, "Chronic Wasting Disease Herd Certification Program and Interstate Movement of Captive Deer and Elk," which APHIS recently circulated for comment is a good first step in preventing CWD in captive herds and preventing transmission of the disease from captive to wild herds. However, the proposed rule contains several provisions, which breach the protection the regulation is designed to provide, especially its voluntary nature, its grandfather provisions, and its allowance of interstate transport of captive cervids before herds achieve 5-year certification.

In conclusion, the National Wildlife Federation supports the increased funding that enactment of S. 1366 would authorize for State fish and wildlife agencies. NWF also endorses CWD appropriations at the levels recommended by the International Association of Fish and Wildlife Agencies to implement the National Plan for Assisting States, Federal Agencies, and Tribes in Managing Chronic Wasting Disease in Wildlife and Captive Cervids. NWF especially wants to thank the sponsors of S. 1366 and the members of the subcommittee for providing critically needed oversight of the coordination and funding needs of Federal Chronic Wasting Disease programs. NWF also promises to work with the sponsors and members of the subcommittee to seek appropriation at these levels for State and tribal fish and wildlife agencies.

108TH CONGRESS  
1ST SESSION

# S. 1366

To authorize the Secretary of the Interior to make grants to State and tribal governments to assist State and tribal efforts to manage and control the spread of chronic wasting disease in deer and elk herds, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 26, 2003

Mr. ALLARD (for himself, Mr. FEINGOLD, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To authorize the Secretary of the Interior to make grants to State and tribal governments to assist State and tribal efforts to manage and control the spread of chronic wasting disease in deer and elk herds, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chronic Wasting Dis-  
5 ease Financial Assistance Act of 2003”.

1 **SEC. 2. DEFINITION AND FINDINGS.**

2 (a) CHRONIC WASTING DISEASE DEFINED.—In this  
3 Act, the term “chronic wasting disease” means the animal  
4 disease afflicting deer and elk that—

5 (1) is a transmissible disease of the nervous  
6 system resulting in distinctive lesions in the brain;  
7 and

8 (2) belongs to the group of diseases known as  
9 transmissible spongiform encephalopathies, which  
10 group includes scrapie, bovine spongiform  
11 encephalopathy, and Cruetzfeldt-Jakob disease.

12 (b) FINDINGS.—Congress finds the following:

13 (1) The States retain undisputed primacy and  
14 policy-making authority with regard to wildlife man-  
15 agement, and nothing in this Act interferes with or  
16 otherwise affects the primacy of the States in man-  
17 aging wildlife generally, or managing, surveying, and  
18 monitoring the incidence of chronic wasting disease  
19 in animal populations.

20 (2) Chronic wasting disease is a fundamental  
21 threat to the health and vibrancy of deer and elk  
22 populations, and the increased occurrence of chronic  
23 wasting disease in the United States necessitates  
24 government action to manage and eradicate this le-  
25 thal disease.

1           (3) As the States and tribal government move  
2       to manage existing incidence of chronic wasting dis-  
3       ease and insulate non-infected wild cervid popu-  
4       lations from the disease, it is appropriate for the  
5       Federal Government to support their efforts with fi-  
6       nancial assistance.

7 **SEC. 3. STATE CHRONIC WASTING DISEASE MANAGEMENT**  
8                                   **CAPACITY BUILDING GRANTS.**

9       (a) **GRANTS AUTHORIZED.**—The Secretary of the In-  
10      terior shall make grants to State wildlife management  
11      agencies to assist States in developing and implementing  
12      long term management strategies to address chronic wast-  
13      ing disease in wild cervids.

14      (b) **ELIGIBILITY.**—A wildlife management agency of  
15      a State whose comprehensive wildlife conservation plan in-  
16      clude chronic wasting disease management activities is eli-  
17      gible for a grant under this section.

18      (c) **FUNDING PRIORITIES.**—In determining the  
19      amount of grant funds to be provided to eligible applicants  
20      under this section, the Secretary shall prioritize applicants  
21      based on the following criteria:

22           (1) States in which chronic wasting disease has  
23      been detected and States located adjacent or in  
24      proximity to States in which chronic wasting disease  
25      has been detected.

1           (2) States that have expended State funds for  
2 chronic wasting disease management, monitoring,  
3 surveillance, and research, with additional priority  
4 given to those States that have shown the greatest  
5 financial commitment to managing, monitoring, sur-  
6 veying, and researching chronic wasting disease.

7           (3) States with comprehensive and integrated  
8 policies and programs focused on chronic wasting  
9 disease management between involved State wildlife  
10 and agricultural agencies and tribal governments,  
11 with additional priority given to States that have in-  
12 tegrated the programs and policies of all involved  
13 agencies related to chronic wasting disease manage-  
14 ment.

15           (4) States that are seeking to develop a rapid  
16 response capacity to address outbreaks of chronic  
17 wasting disease, whether occurring in States in  
18 which chronic wasting disease is already found or  
19 States with first infections, for the purpose of con-  
20 taining the disease in any new area of infection.

21           (d) AUTHORIZATION OF APPROPRIATIONS.—There  
22 are authorized to be appropriated \$7,500,000 to carry out  
23 this section.

**SEC. 4. GRANTS FOR STATES WITH CHRONIC WASTING DISEASE OUTBREAKS.**

(a) **GRANTS AUTHORIZED.**—The Secretary of the Interior shall make grants to State wildlife management agencies to assist States in responding to chronic wasting disease outbreaks in wild cervids.

(b) **ELIGIBILITY.**—A wildlife management agency of a State whose comprehensive wildlife conservation plan include chronic wasting disease management activities is eligible for a grant under this section.

(c) **FUNDING PRIORITIES.**—In determining the amount of grant funds to be provided to eligible applicants under this section, the Secretary shall prioritize applicants based on the following criteria:

(1) State expenditures on chronic wasting disease management, monitoring, surveillance, and research in response to management of an on-going outbreak.

(2) The number of chronic wasting disease cases detected in the State.

(3) The wild cervid population of the State.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$10,000,000 to carry out this section.

**SEC. 5. TRIBAL CHRONIC WASTING DISEASE MANAGEMENT GRANTS.**

(a) **GRANTS AUTHORIZED.**—The Secretary of the Interior shall make grants to tribal wildlife management agencies to assist Indian tribes in developing and implementing long term management strategies to address chronic wasting disease in wild cervids.

(b) **ELIGIBILITY.**—A wildlife management agency of an Indian tribe whose comprehensive wildlife conservation plan include chronic wasting disease management activities is eligible for a grant under this section.

(c) **FUNDING PRIORITIES.**—In determining the amount of grant funds to be provided to eligible applicants under this section, the Secretary shall prioritize applicants based on the following criteria:

(1) Tribal governments managing lands on which cervids with chronic wasting disease have been detected, or managing lands located adjacent or in proximity to lands on which cervids with chronic wasting disease have been detected.

(2) Tribal governments that have expended tribal funds for chronic wasting disease management, monitoring, surveillance, and research, with additional priority given to tribal governments that have shown the greatest financial commitment to

managing, monitoring, and surveying chronic wasting disease.

(3) Tribal governments with cooperative arrangements with Federal and State wildlife and agricultural agencies and State governments, with additional priority given to tribal governments that are working with other involved agencies on issues of chronic wasting disease management.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$3,000,000 to carry out this section.

**SEC. 6. ADMINISTRATION.**

The Secretary of the Interior shall carry out this Act acting through the Director, United States Fish and Wildlife Service. Funds appropriated to carry out this Act shall be administered through the Federal Assistance Program in the United States Fish and Wildlife Service. Not more than three percent of such funds may be expended for administrative expenses of the United States Fish and Wildlife Service to carry out this Act.

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