

Re: SF 2438 as amended

Senate Environment Climate and Legacy Committee

Chair Founq Hawj

Minnesota Deer Farmers concerns with the current language of the bill.

Background:

The provisions which are currently found in article 2 of SF 2438 as amended will have no effect on accomplishing the goal of controlling Chronic Wasting Disease in deer populations. In fact, they will have the opposite effect by forcing the captive whitetail farmers out of business and subsequently halting valuable research which is being done in conjunction with the USDA and Board of Animal Health to stop CWD through breeding for genetic resistance. Results of this program are currently producing genetically resistant deer and this program is years ahead of any other research. It has the potential to eradicate CWD in the same way that Scrapie (a disease very similar to CWD) was essentially eradicated in sheep.

The premise that CWD is a problem within the captive farms and that they are somehow responsible for CWD in the wild is also pure conjecture and not based on any factual evidence or data.

The facts:

1. In the past 20 years, only 13 deer farms have been found to have had CWD. This is out of nearly 600 farms that were registered during that time .
2. On those farms, only 54 deer have tested positive for CWD out of the many, many thousands that have been produced.
3. These facts are in sharp contrast to the rhetoric that has been put forward by anti deer farm groups and individuals. This suggests that these entities and persons have weaponized CWD in an attempt to rid the landscape of Cervidae producing, small family farms in a most sinister way.

Items of concern in the bill:

Sect. 1, Hunters may kill and keep escaped captive whitetail deer

This violates the personal property rights of the owners without compensation.

It has no provisions for acts of nature like fences that have been damaged by storms or vandalism.

It needlessly creates conflict between the hunter and farmed cervidae owner.

This provision sets up a scenario where an individual could game the system by orchestrating an escape and then harvesting a trophy animal.

Section 2, Fencing

While we appreciate the work that has been done on this language, there is no data that suggests that any changes in fencing will have any effect on CWD. Any changes in fencing requirements would have significant and potentially devastating effects on the captive cervid farming industry. The requirement to maintain fencing for 10 years, is far ahead of established prion longevity science and needlessly punitive and damaging to the property owner. Furthermore, there are no laws that require any kind of exclusionary fencing when CWD is found in the wild. This double standard is extremely noteworthy and supports the evidence that suggests a bias against cervid farms.

Section 3 No New deer farms

This provision is a death blow for the deer farming industry. It would force farms out of business by removing potential customers and also by attrition over time.

Section 4 Record with County recorder or registrar of titles when CWD is found on a farm.

In any real estate transaction, a seller must currently disclose any material facts or defects to a potential buyer. The recording portion of this provision is not needed and will create a permanent cloud on the title of the property since we are not sure that there is mechanism to omit the recording after it has expired. Current law would more than address this concern when combined with the added language in the bill which requires written disclosure of terms in (6) of the bill. Also of consideration is the fact that no such requirements are made when CWD wild deer are found on either public or private property that does not raise captive cervids.

Section 6 Importation of Cervidae or semen

Importation of semen is critical for the continuation of selective breeding for CWD resistant deer. Also, any geographic prohibition should be left up to the BAH given that many states and provinces are extremely large and CWD may not be concerning in these states and provinces where significant geographical separation exists between the imported animals or semen and any areas of CWD detection.

Section 10 Annual Testing

In this section, we appreciate the work that has been done but would suggest that the word "live" be inserted on line 51.23 between the words "in" and "white-tailed". This clarifies that the test must be administered as a live test. Furthermore, there is no evidence that testing fawns less than 6 months of age will be effective and when weighed against the damage that would be done to these small animals, the effects of testing young deer would be devastating.

Section 68 transfer of authority to DNR

The Board of Animal Health has the needed expertise and experience to continue administering the farmed cervidae program as they have done in the past. Since farmed white tail deer are defined in statute as livestock, and have been defined this way for many years, jurisdiction should remain with the BAH. Current statute gives the DNR ample authority in any deer farm related matters for which their expertise or enforcement are required.

Conclusion

Given the devastating effects that this bill would have on the captive cervid farming industry, and the long established bias against these small family farms, The time has come for the state of Minnesota to move forward with a buyout of white tail deer farms. Rather than pursuing a "Death by a thousand cuts" policy, lets do the right thing for these farmers and buy them out.

Sincerely,

Scott Fier, President Minnesota Deer Farmers Association