

## Meeting Minutes: Quarterly Board Meeting

Date: 04/21/2021

Location: Teleconference via Microsoft Teams

### Attendance

---

#### Board Members

- Dean Compart, President
- Matt Anderson, Vice President
- Erica Sawatzke
- Jim Vagts
- Peggy Anne Hawkins

#### Consultants to the Board

- Michelle Carstensen, Minnesota Department of Natural Resources
- Laura Molgaard, University of Minnesota College of Veterinary Medicine
- Stephan Schaeftbauer, USDA Animal and Plant Health Inspection Service (USDA-APHIS), Veterinary Services
- Joni Scheftel, Minnesota Department of Health
- Jerry Torrison, University of Minnesota Veterinary Diagnostic Laboratory

#### Guests

- Sarah Anderson, Minnesota Turkey Growers Association
- Amy Cordry, Member of the public
- Pam Debele, Minnesota Turkey Growers Association
- Mary Donahue, USDA-APHIS Veterinary Services
- Brenda Hartkopf, Minnesota Elk Breeders Association
- Tony Kwilas, Lobbyist, Minnesota Elk Breeders Association/Minnesota Pork Producers Association
- Peter Larsen, Minnesota Center for Prion Research and Outreach
- Daryn McBeth, Lobbyist, Minnesota Pet Breeders Association
- Michelle Medina, Minnesota Farmers Union
- Rich Meech, Minnesota Deer Farmers Association
- Todd Miller, Minnesota Deer Farmers Association
- Tamara Nelsen, Minnesota AgriGrowth Council
- Gary Olson, Minnesota Deer Farmers Association
- David Preisler, Minnesota Pork Producers Association
- Mackenzie Reberg, USDA-APHIS Veterinary Services
- Marc Schwabenlander, Minnesota Center for Prion Research and Outreach
- Julia Wilson, Minnesota Board of Veterinary Medicine

- Tiffany Wolf, Minnesota Center for Prion Research and Outreach
- John Zanmiller, Bluffland Whitetails Association

## Staff

- |                         |                         |                        |
|-------------------------|-------------------------|------------------------|
| • Beth Thompson         | • Brian Hoefs           | • Tony LaBarre         |
| • Linda Glaser          | • Michael Crusan        | • Blia Kha             |
| • Annie Balghiti        | • Kayla Pierson         | • Sue Chapman          |
| • Dale Lauer            | • Jason Cater           | • Carissa Allen        |
| • Shauna Voss           | • Tim Schulz            | • Betsy Lempelius      |
| • Stacey Schwabenlander | • Krista Lautenschlager | • Samantha Miltz       |
| • Kara Schmidt          | • Diane Englin-Elliott  | • Angela Despiegeleare |
| • Courtney Wheeler      | • Lisa Ehlen            | • Michael Herrmann     |
| • Greg Suskovic         | • Addie Evans           | • Erin Crider          |

## Call to Order/Approval of Agenda and February 24, 2021 Minutes

---

Dean Compart called the meeting to order and began by reading from the “Certificate of the Board of Animal Health; Resolution to hold Meeting Electronically:”

“It is RESOLVED that this quarterly Board Meeting shall be conducted electronically, in a manner in which all Board members can hear one another and hear all discussion and testimony. All votes shall be conducted by roll call. Members of the public may monitor this meeting remotely by the teleconference line that is noticed on the Board of Animal Health website.”

Mr. Compart moved to approve the resolution and asked for a second. Matt Anderson seconded the motion, and a vote was taken by roll call, with all voting aye.

Mr. Compart asked for any changes or additions to the agenda. He noted Dr. Thompson would be giving the legislative update as Peder Kjeseth could not attend today. Mr. Compart then asked for a motion to approve the agenda. Erica Sawatzke motioned, and Dr. Anderson seconded. A vote was held by roll call, with all voting aye.

Mr. Compart asked for any discussion on the draft minutes from the February 24, 2021 quarterly meeting. Hearing none, he called for a motion to approve the minutes. Peggy Anne Hawkins made the motion, and Ms. Sawatzke seconded it. Board members voted by roll call, and all voted aye.

## Board of Animal Health Update

---

Beth Thompson said planning for African Swine Fever (ASF) continues at the state and federal levels. She mentioned Mr. Compart was a participant in the recent ASF meeting between Minnesota and Iowa. The U.S. and Canada have established an agreement in the event that there is an outbreak of ASF in feral swine. This will involve an initial border closure, followed by a phased approach to cross-border trade. Dr. Thompson continues to participate in several groups dealing with ASF planning, including the Swine Health Information Center (SHIC), the USDA, and the U.S. Swine Health Improvement Plan (US SHIP).

The Minnesota State Fair is moving forward this year. Dr. Thompson and Dr. Brian Hoefs have been on calls with the State Fair and the Miracle of Birth Center staff, along with other state agencies, to discuss how to run the event

safely. The Board inspects and permits the state and county fairs and will be watching to follow any changes to state guidelines throughout the fair season.

Dr. Thompson participated in yesterday's USDA Veterinary Services call discussing the international importation of dogs. During the call, the USDA recognized the need for more research on the risk of animals coming from countries with foreign animal diseases like ASF. Dr. Thompson and other state vets stressed the importance of notifying state animal health officials when imported dogs are coming into a specific state. Dr. Burke Healey, head of Veterinary Services, stated they will be working on their communication with states.

Dr. Thompson finished by offering recognition of several staff members. She first thanked Patricia Freeman (Minnesota Department of Health) for her assistance in organizing the needed documents and the process to get veterinarians approved to administer COVID vaccines to people in underserved areas. She also thanked Board staff members Carissa Allen, Bliha Kha, Diane Englin-Elliott and Krista Lautenschlager for their outstanding work and kindness in collaborating with others.

## Legislative Update

---

Dr. Thompson said the Senate Agriculture Omnibus Bill included a provision stating the Board must not designate or maintain a Chronic Wasting Disease (CWD) endemic area or management zone when CWD is found in the wild. This bill also proposes requiring depopulation to occur after the federal indemnification process is complete. Current statute says depopulation after the appraisal process for indemnification is complete.

The House Agriculture Omnibus Bill proposes to change board membership to include a small animal veterinarian and a member from a federally recognized tribe in Minnesota. This bill would also modify the board member appointment procedure by removing senate oversight of the governor's choices and change the executive director position from being annually hired by the Board to appointment by the governor.

The Environment Omnibus bill includes changes affecting farmed Cervidae. There is a running-at-Large provision that makes a hunter not liable to the owner for killing an escaped animal. In addition, the owner would still be required to pay for CWD testing. Other modifications pertain to fencing and animal identification. This bill would also not allow any new white-tailed deer registrations, restrict white-tailed deer movement, and require the owner of a CWD infected premises to maintain fencing for 10 years, as opposed to the current five-year requirement. This would go into effect July 2023. Another provision would move the Farmed Cervidae duties to the Department of Natural Resources starting July 2023.

## USDA Update

---

Stephan Schaeffbauer gave a brief update on the Federal Emergency Management Agency (FEMA) mission assignment to APHIS employees to assist with human COVID vaccinations. As of this meeting, APHIS has 235 personnel dispatched in 14 states and have administered over 1 million vaccinations. Drs. Steve Just, Kent Hicks, Robyn Corcoran and Karina Burger have served on these assignments. Dr. Schaeffbauer also thanked Dr. Burger for her efforts to get Minnesota veterinarians added as COVID vaccinators.

The 2021 National Animal Health Monitoring System (NAHMS) beef feedlot study began in March. The study is focusing on cattle health and management on feedlots with at least 50 head. It will examine the prevalence of feedlot cattle diseases, antibiotic use and stewardship, and trends in management practices and disease. The NAHMS swine study is set to begin in June 2021 and will have separate surveys for small and large enterprises. Dr.

Schaeffbauer noted the timing of this survey will allow NAHMS to measure how swine producers' livelihoods were affected by the pandemic.

The USDA recently announced they are making \$5.6 million available for CWD management, education and outreach. These funds are open to state departments of agriculture, wildlife, and animal health, and to federally recognized tribal governments. APHIS may give priority to states and tribal governments that already have detected CWD or border CWD endemic areas and have either implemented, or propose to implement, surveillance programs.

Dr. Schaeffbauer introduced Christina Krueser, who is the newest Animal Health Technician (AHT) with Veterinary Services. Dr. Schaeffbauer said the remaining vacant AHT position may be filled soon. Veterinary Services extended a tentative offer, which was accepted. They are waiting to hear if the candidate accepts their final offer.

Mr. Compart asked if the NAHMS studies generally take a year to complete. Dr. Schaeffbauer said the swine study is expected to run from June 2021 to early 2022 due to the different phases of the study.

## **Veterinary Diagnostic Laboratory Update**

---

Jerry Torrison reported the Veterinary Diagnostic Laboratory (VDL) case load numbers are increasing after experiencing volatility due to the pandemic. The VDL is working through some budget shortfalls but is glad to be back on track with case load.

The VDL is in discussions with the National Animal Health Laboratory Network (NAHLN) regarding funding opportunities for stimulus dollars allocated for SARS-CoV-2. These funds could be applied to surveillance for other emerging diseases or foreign animal diseases, for remodeling at the VDL, or to pay for previous equipment purchases. The VDL is developing proposals for various projects to improve efficiency and operations while also planning for different outcomes.

The VDL implemented a strategic action plan and has established an advisory board of external partners to help them determine goals to move forward with their four objectives, which are employee engagement; staff recruiting and retention; operational efficiency, quality, and turnaround time; and client networking. Dr. Torrison discussed specific goals they plan to meet to help achieve each objective.

Dr. Thompson asked if the NAHLN funding is available for individual labs or if it could be used for the overall lab system, and if there is data management messaging that could be improved within the University or across the NAHLN system. She also asked if funding could be used to create a reagent stockpile. Dr. Torrison answered yes to all the questions. There has been discussion among the NAHLN labs on increasing regional or national efficiency, and the possibility of a national lab information system that all labs could use. However, most discussions have focused on individual lab needs. One option discussed is to spread out funding to all labs to increase operational costs over five years. Discussions on the establishment of a reagent stockpile are ongoing. Dr. Torrison expressed the importance of having a reagent stockpile, and he will be addressing this with other midwestern NAHLN labs soon.

Mr. Compart asked how the shelf life of items in a reagent stockpile would be managed. Dr. Torrison said the test kits being considered for the stockpile are for ASF, Classical Swine Fever (CSF) and Foot and Mouth Disease (FMD). Countries around the world already test for these diseases, so these kits would be kept in a warehouse and the stock would be rotated out to be used, making sure the inventory does not get outdated.

## College of Veterinary Medicine Update

---

Laura Molgaard stated the University provost and executive vice president have resumed the search for the permanent Dean of the College of Veterinary Medicine (CVM) after it was paused due to the pandemic. The search is open to all qualified candidates and has an aggressive timeline. The University has formed a new search committee, which includes Dr. Joni Scheftel of the Minnesota Department of Health (MDH).

The CVM's partnership with South Dakota State University (SDSU) (also called the "Two-Plus-Two Program") is in the process of hiring the faculty that will teach the first cohort of 20 veterinary students starting the program this fall.

The American Veterinary Medical Association (AVMA) Council on Education will be visiting the CVM for an accreditation site visit on April 25. All veterinary schools undergo an accreditation site visit every seven years. This visit will be virtual due to the pandemic, with a required site team follow-up visit within 18 months.

The CVM's white coat ceremony and commencement are coming up soon. The white coat ceremony will be held virtually, and commencement will be in person with reduced attendance. The University is providing video sites for people to leave messages for the graduates.

Funding for the Rural DVM Loan Repayment Program is now in the governor's proposed budget. The CVM and the University worked with the Minnesota Veterinary Medical Association (MVMA) to address this.

The 2021 Minnesota Dairy Health Conference will be online beginning May 6. This will be a series of four afternoon sessions focused on calf health management, transition cow and nutrition management, mastitis and practical immunology.

## Chronic Wasting Disease Research Update

---

Peter Larsen shared background on what chronic wasting disease (CWD) is and why it is a risk to the deer population and various sectors of the economy. He also gave a brief overview of the Minnesota Center for Prion Research and Outreach (MNPRO), which performs research and outreach to Minnesotans to help stop the spread of CWD.

Dr. Larsen stated MNPRO's first project was to develop RT-QuIC, a highly sensitive and robust prion detection assay that can be used on a wide variety of sample types, as a diagnostic assay for CWD. MNPRO is assisting the USDA with official validation of RT-QuIC for tissue samples by producing and providing the reagents. MNPRO is also working with the USDA and others to establish a national RT-QuIC network in the future.

Dr. Larsen highlighted several collaborations between MNPRO and other Minnesota organizations. They are working with the DNR to validate RT-QuIC. The DNR shared known CWD positive and not detected tissue samples with MNPRO, and RT-QuIC was 100 percent accurate in detecting CWD in the samples found to be positive with existing official testing. MNPRO continues to work with the DNR on additional RT-QuIC research. MNPRO is also working on establishing a tribal CWD surveillance network in Minnesota, Wisconsin and Michigan and collaborating with the Board and the USDA on collecting samples from depopulated herds from CWD-positive farms, including the recently depopulated Houston County herd.

On Monday, MNPRO announced they have developed a field-deployable 24-hour CWD test. The test will be called "MN-QuIC" to honor the state for sponsoring its development. This test uses a nanoparticle interaction that turns blue if the sample is negative; red if it is CWD positive. It is a straightforward, highly sensitive, and easy-to-use test

with a lower overall cost. Dr. Larsen thanked the DNR and USDA for sharing CWD samples to test MN-QuIC as a deployable field test.

MNPRO is now looking for opportunities to work with the Board, the DNR and the farmed Cervidae industry to take a proactive approach to preventing farm-to-farm spread of CWD. Dr. Larsen proposed a two-year pilot project that would create an RT-QuIC surveillance network. This would involve using RT-QuIC to perform herd-level surveillance. They would work with each herd owner to explore options for ante-mortem sampling to find the ideal approach for each farm.

Dr. Thompson asked for clarification on how the RT-QuIC testing would work in farmed cervid facilities. Would it be used mainly for deceased animals, or would it be paired with blood sampling, similar to whole-herd TB testing? Dr. Larsen said there are several options. In addition to the discussed tissue testing, MNPRO has protocols for blood and fecal testing. There are many post-mortem options, a growing number of options for ante-mortem testing, and additional options for environmental testing.

Dr. Thompson asked what RT-QuIC's false positive rate is, as this would be important to know when discussing movement restrictions for live animals. Dr. Larsen stated that MNPRO ran thousands of reactions on the tissue samples from the DNR and never identified a false positive. There is a possibility for false negatives depending on the sample type and progression of the disease in a particular animal. MNPRO will continue to work on determining RT-QuIC's exact sensitivity.

Ms. Sawatzke asked how long the validation process will take for RT-QuIC to become an official test. How would MNPRO and the Board respond if RT-QuIC finds a positive on a farm? Dr. Larsen could not give a timeline but said the USDA is working through the validation process. MNPRO will be conducting its own internal validation in the next four to five months. He thanked the Board and DNR for providing dead animals and tissue samples for this process. The actual process for surveillance would have to be discussed but pointed out there are existing agreements for University surveillance in the poultry and swine industries. He stressed the need for access to farms for blood or water tank sampling, as well as the importance of maintaining herd owner trust and privacy. If their surveillance shows strong evidence of CWD, MNPRO will need to work with the Board on how to proceed.

Dr. Hawkins commented that live animal testing seems to be a game changer and the current rule changes in progress should have built-in flexibility to allow for new research findings. Dr. Larsen agreed, saying now was the time for MNPRO to let the Board know that their testing technology is ready for expansion. They want to discuss this opportunity with the Board and work together.

Mr. Compart asked if the infectious dose of CWD for a white-tailed deer is known. Dr. Larsen said a recent Colorado State University paper stated the infectious dose is 300 nanograms of brain tissue. A slice of brain that weighs the same as a penny could infect millions of deer. MNPRO plans to research prions in environmental samples and their ability to infect a mouse colony in an upcoming study.

Mr. Compart asked if MNPRO would need animals at varying stages of CWD infection to conduct their research and how long their research on a farm would take. Dr. Larsen stated data from Colorado State University says CWD is detectable in the blood at one to two months after infection. As MNPRO works with MN-QuIC protocols and antemortem testing, it will become useful for live-animal testing. He stressed the period after a farmed herd tests positive and before depopulation is essential for MNPRO to work with the producer on how best to collect herd data. This will ultimately help the cervid industry now and in the future.

Dr. Thompson said interstate movement requires official testing as determined by the USDA; the Board does not have the authority to use any other test for that purpose. She asked if Dr. Larsen has been talking with cervid

producers or industry organizations about these opportunities for surveillance. He said yes. He also asked for clarification on the Board's rules concerning CWD testing with tests other than ones approved by the USDA. Dr. Glaser read from the proposed rules draft, "Other testing protocols for the detection of CWD in farmed Cervidae may be used if they are approved by the board. Testing must be completed at owner expense unless state or federal funds are available for this purpose." This is an attempt to build in the flexibility mentioned by Dr. Hawkins and gives the Board options for future testing.

Gary Olson acknowledged the importance of early CWD detection but expressed concern that this sensitive testing could unnecessarily put producers out of business. Just because prions are detected in the environment does not mean there are enough present to infect an animal. He urged the establishment of testing protocols and for all to consider the ongoing studies with CWD-positive animals with genetically resistant bloodlines. Dr. Larsen said from a scientific perspective, research into environmental and blood sampling is very promising, though he acknowledged the logistics of sampling would be difficult. However, in keeping the current CWD detection approaches, he did not know of a way forward to prevent farm-to-farm transmission and stabilize the industry while not bringing risk into the wild population. The research into genotyping and understanding resistance is very important but will take time and resources. Minnesota does not have that time; new technology must be explored.

Mr. Olson stressed the need for a legislation change regarding depopulation. He would like to see RT-QuIC used as an early detection tool to find positive animals that would then be depopulated, as opposed to current law requiring depopulation of the entire herd. Dr. Larsen said MNPRO's perspective is they can only keep a herd with a positive animal operational if they are very confident there is no prion accumulation in the environment. If the farm is positive, ethically, that farm cannot stay on the landscape due to the risk to the wild population and other farmed herds. He emphasized the need for MNPRO to work with herd owners, the Board and the DNR to gather blood, tissue and environmental samples to move forward.

Mr. Olson said the Houston County herd could have been kept alive and used for CWD research, as is done in Wisconsin. Southeast Minnesota already has CWD in the wild, so he does not see a risk in keeping a herd for testing. Dr. Larsen said the DNR is doing all they can to keep the infection rate at one percent. Monitoring a positive herd and making sure infection is not getting out would put a lot of stress on the organization in charge. He said the window of time between a positive detection and depopulation would be adequate for MNPRO to gather the samples they need for their research.

## **Farmed Cervidae Rulemaking Update**

---

### **Houston County Herd CWD Investigation Update**

Dr. Glaser began with an update on the Houston County herd CWD investigation. She briefly reviewed progress as discussed at previous Board meetings. As of the February Board meeting, the Board knew the Winona County herd had provided the Houston County herd with the infected animal that began this investigation. The Winona County herd also provided animals to a Beltrami County herd, which was granted federal indemnity for depopulation of its 11 exposed animals.

Eight of the 11 exposed animals were depopulated in March (three animals had died previously and one was too deteriorated for testing); one of the 10 animals tested was positive for CWD. The CWD infected animal was a doe born in 2018 at the Winona County farm and was housed in the same pens as the index animal that was moved to the Houston County herd and later found to be CWD positive.

The Beltrami County herd currently has 54 animals as five adult animals had died over the winter. No animals have been moved out of this herd since it was registered in 2018. The owner is requesting federal indemnity, and planning for depopulation is in progress.

The Board is focusing on the Winona County herd as the source of the CWD infection in both herds. The Winona County herd has been quarantined since the fall of 2019 and has had no positive detections in 32 animals tested, but only one of the animals tested was from the same pens where the positive animals lived. Dr. Glaser noted it took 18 months to find an additional positive animal after the initial positives in the infected Crow Wing County herd, showing CWD can be elusive. The Winona County herd currently has 89 exposed animals.

The investigation of the Winona County herd has found CWD in the surrounding wild herd to be the primary exposure or risk factor for CWD to the herd. All live cervid imported into the herd within the last five years are no longer alive and were tested with no CWD detected; the producer does not hunt in CWD endemic areas; does not practice taxidermy; has had no escapes or wild animals getting into the pens; and the breeding herd has been double fenced since 2015.

Dr. Glaser covered the Board's rules concerning CWD endemic areas. She noted there is an exception to the movement restrictions placed on herd owners in the endemic area. If a producer has prevented commingling of wild and farmed cervids with exclusionary fencing, the Board will allow the producer to move animals. Dr. Glaser also went over the definition of exclusionary fencing and approved options. She noted that the Winona County herd has one of the best options in place, eight-foot double fencing with fences at least four feet apart. As a result, this herd met the requirements for an exemption from the endemic area movement restrictions.

Dr. Glaser said the findings of this investigation concern the Board, as they indicate the likelihood of movement of CWD from one herd to another with apparently healthy animals infected with CWD. She noted this also happened between the infected Douglas and Pine County herds in 2020. The Winona County producer had prevented commingling, nose to nose contact between farmed and wild cervids, with double fencing since 2015, yet it is likely CWD got inside the fence. How that happened is unknown, but because of this case, the Board believes exclusionary fencing is not sufficient to prevent CWD exposure to farmed cervids where CWD is found in wild cervids surrounding the farm. CWD is now in Beltrami County, where there was previously no documented infection in farmed or wild cervids. To prevent the possibility of any further spread of CWD from a Board established CWD endemic area by the movement of farmed cervids, the Board seeks to remove the exemption in the rules for herds with exclusionary fencing in a CWD Endemic Area. She said the Board needs to act on this quickly. While the Board is currently going through a rulemaking process, it does not move quickly enough. She said they would like Board members to approve a Good Cause Exemption (GCE) rule making process for this rule change.

Mr. Olson asked if the Winona County herd had 89 animals. Dr. Glaser said the herd has 89 exposed animals. Mr. Olson asked if the herd owner is currently testing animals. She said they had tested 32 animals since September 2020. Mr. Olson asked how the Board knows the Beltrami County positive animal was infected in the Winona County herd, as the CWD was not detected until the animal was 18 months old. He said Dr. Larsen had just presented that CWD could be detected at two to three months after infection. Dr. Glaser noted the University's tests are not available to the Board. They must use the USDA-approved tests, which are IHC tests on obex and lymph node samples from a deceased animal.

Mr. Olson expressed concern at the Board's conclusion that the infection came from the Winona County herd, as the infected doe spent most of her life in Beltrami County, and no positives have been detected in the Winona County herd. Dr. Glaser said that this animal was from the same cohort of Winona County animals and was moved in the same time frame as the index animal in the Houston County herd. The Board is especially concerned that there is no



previous evidence of CWD in Beltrami County. She agreed it is confounding that CWD has not been detected in the Winona County herd, but the Board believes the scenario is plausible enough for concern over continuing to move animals out of a farm with exclusionary fencing.

Mr. Olson asked if the feed sources for both the Winona and Beltrami County herds are being investigated. Dr. Glaser said the Board is looking into all risk factors. The Winona County herd owner grows his own crops, and there have been 24 CWD positive wild deer found within 15 miles of his farm. The Board is still investigating at the Beltrami County farm. Mary Donahue stated the Beltrami County herd gets their hay from a local source within the county.

Mr. Olson expressed concern with the Board turning to rule making without having solid evidence that Winona County is the source of infection. Dr. Glaser stated the Board does not have all the answers, but there is strong evidence that this herd is the source of infection. The Board cannot allow potentially infected herds to continue moving animals around the state and start new areas of infection.

### **Good Cause Exemption (GCE) Rulemaking**

Annie Balghiti stated the regular rulemaking process is paused to work on the GCE rulemaking. Regarding the regular rulemaking process, the Board has been working on an updated draft of the proposed farmed Cervidae rules and a Statement of Need and Reasonableness (SONAR), which will be published on the Board's website once the regular rulemaking resumes and final drafts of the documents are ready.

Once the rules draft and SONAR are complete, Board staff will schedule special meetings with Board members. Meetings will be open to the public, and notice will be given on the Board's website and electronically at least three days before each meeting. During the meetings, the Board members will review and discuss the proposed rules draft. Once the approved rules draft and Notice of Intent to Adopt are published, the next formal step in the rulemaking process begins. This next step also opens the second formal public comment period.

Ms. Balghiti then shared [Minnesota Statutes 14.388 – Good Cause Exemption](#). A Good Cause Exempt rulemaking is a type of rulemaking an agency can use if it believes a rule needs to be amended faster than it can be amended through the normal rulemaking process. It can be amended within 14 days if an agency can successfully demonstrate to an administrative law judge that the normal rulemaking requirements for a proposed amended rule are contrary to the public interest and the proposed rule amendment is necessary to address a serious and immediate threat to public health, safety, or welfare.

She said today they are asking the Board members to review and vote on the Resolution to allow the Board to proceed with GCE rulemaking. If approved, staff will submit the draft rule change and rulemaking documents to the Office of Administrative Hearings (OAH) on Monday, April 26, all of which will be posted on the Board's website. This also opens a public comment period that will be open for five working days after the documents are filed with the OAH. People are encouraged to submit comments to the eComments site at the OAH, which the Board's website will have a link to. All comments will be forwarded to the administrative law judge, who will have 14 days to review all comments and documents and approve or disprove the proposed changes. If the GCE rules are approved, the Board would file an Order Adopting Rules with the Office of Administrative Hearings, and they would be published in the State Register. GCE rules are effective for two years from the date published.

Ms. Balghiti said Board members are only being asked to authorize the Board to proceed with GCE rulemaking; the administrative law judge will make the decision on the proposed amended rule. She asked for Board member questions.

Mr. Olson asked to see the proposed amended rule language again. Ms. Balghiti displayed it. Mr. Olson then said the Board's reasoning for this rule change is to address public health, safety and welfare. He asked if CWD is known to affect humans. Dr. Glaser said public welfare is not strictly related to health and human infectivity. The Board will be citing reasons related to moving disease to other areas of the state and increased cost to the DNR for surveillance testing in new areas of the state. The Beltrami County positive herd could also impact tribal lands and resources if the wild herd there were to become infected. The Board's mission is to protect domestic animals, and if they believe that exclusionary fencing cannot mitigate the risk of spreading CWD to farmed herds, then the Board believes movement of farmed herds from endemic areas has the potential to spread CWD to other areas of the state. The Board is not willing to take that risk.

Mr. Olson asked if that meant the Board would not allow any farmed herd within an endemic area to move animals. Dr. Glaser said the Board only has jurisdiction over movement within the state and would be restricting movement of animals from farms in endemic areas to other parts of the state.

Mr. Olson asked if the Board would still be pushing for exclusionary fencing for farms within an endemic area. Dr. Glaser said right now, the option exists for herd owners to build exclusionary fencing to continue moving animals. If the rule change were approved, the Board would not recognize exclusionary fencing as an exemption from endemic area movement restrictions.

Mr. Olson expressed dismay at the speed of the rule change and that the Board had not previously communicated with deer and elk farming groups about this proposal. He said this rule change would put farms out of business that previously met the standards for the exemption. Ms. Hartkopf agreed, saying no information was posted online before this meeting, and none of these changes were discussed with farmed cervid organizations or the Farmed Cervid Rulemaking Advisory Committee.

Dr. Thompson stated the Board of Animal Health is a state agency that serves all citizens of Minnesota. The opportunity for cervid producers and industry groups is on the same level as individuals to decide to respond or not respond. There is time before May 3, when the comment period ends, to prepare comments, science, or herd management practices to share with the administrative law judge.

Ms. Hartkopf asked if language could be added to the proposed changes, stating that if a herd owner wanted to enter into a research agreement with the University of Minnesota, they could get an exemption from movement restrictions. Dr. Glaser said the Board does not currently have access to University testing for this purpose, so they cannot make regulatory changes based on the availability of this technology. She acknowledged Dr. Larsen's proposed pilot project and expressed hope that producers would be interested in working with the University on this additional testing.

Ms. Sawatzke asked how long a Board CWD endemic area is in place, and, if the GCE rule is approved, would this rule apply to herds already in an established endemic area. Dr. Glaser replied that it would apply to any herd currently in CWD endemic areas. There are 13 herds that currently qualify for this exemption in the rules. CWD endemic areas are established when wild cases of CWD are found. If testing is conducted for 36 consecutive months and does not detect any more CWD cases, and if there is agreement, then that endemic area could be dissolved. If CWD continues to be found in the wild, then the Board will maintain the endemic area. Ms. Sawatzke asked if the DNR does the wild population testing. Dr. Glaser said yes.

Mr. Olson referred to MNPRO research on the uptake of CWD prions into hay and corn and said the Board's rule change could potentially stop the movement of crops or even non-cervid livestock out of a CWD endemic area. Dr. Larsen responded by saying in 2018, Norway banned the importation of hay and straw from CWD-positive regions.

He said MNPRO's research into prion uptake in plants is ongoing, and there is still a lot of work to do on the scientific side. Their work should help gain a better understanding on this issue.

Dr. Glaser noted that the current rule, passed in 2013, established a CWD endemic area for the purposes of restricting farmed cervid movement. With this language, the Board recognized the potential risk of CWD spread between wild and farmed cervid populations. The exemption was built into the rule, but the rule itself restricts the movement of all herds in an endemic area until they can prove they meet the exemption.

Rich Meech asked if indemnity money will be available for the farms that will be put out of business due to losing their ability to move animals under the proposed GCE rule change. Dr. Glaser said there are 44 farms operating in the endemic area, and 13 farms that qualify for the exemption with exclusionary fencing. The Board would be removing the exemption, but it would be up to each producer as to how to proceed with their businesses. Mr. Meech asked how these 13 farms are supposed to move forward with their businesses. Dr. Glaser said they should discuss it with the other 28 herd owners that are in business in the endemic area. Mr. Meech asked how many of those 28 herds were commercial herds. Dr. Glaser said she did not have that data available. Mr. Meech said if the Board restricts these herds from selling deer and forces them to no longer have commercial herds, he wanted to know how the state was going to compensate them. He said these herd owners put money into meeting the Board's standards, and now they are changing the rule to say the producers' efforts are not good enough. Dr. Glaser said this rule change only affects movement outside the endemic areas in the state; it does not affect interstate movement.

Mr. Olson asked if farms in an endemic area could receive animals. Dr. Glaser said there is no restriction on receiving deer if they are at the appropriate herd status level. The proposed amended rules would allow for herds in an endemic area to move animals to other herds in the endemic area.

Ms. Sawatzke asked if the rule change is approved, would the movement restrictions apply to all animal products. Dr. Glaser said this would only apply to moving live animals.

Ms. Hartkopf asked if the rule change is approved, would there still be room for discussion in the regular rulemaking process. Ms. Balghiti said whether the GCE rule change is approved or disproved, the Board would be amending all the rules and would be open to comments on all of the rules whether it's a rule the Board is proposing specific changes to or not. Ms. Hartkopf asked if the administrative law judge would be the same for both rule change processes. Ms. Balghiti said yes, both rulemakings are assigned to the same judge.

Mr. Meech asked for the Board's intent related to deer farming as a viable business in Minnesota. Dr. Glaser said she could share the intent of the proposed GCE rule change. The Board has epidemiological evidence that the Beltrami County herd likely received apparently healthy, but CWD infected, animals from the Winona County herd. This is very concerning to the Board because this is evidence of CWD being moved to an area of the state that did not have any previous infection. The Board's mission is to protect the health of the domestic animals in the state. They are trying to protect the health of other farmed cervids by preventing these movements because the current technology does not allow for the detection of CWD in these animals. The Board wants to get this rule change in place as soon as possible to prevent endemic area movements that could spread CWD to other areas of Minnesota.

Dr. Hawkins commented that the proposed GCE rule change process is being used out of an abundance of caution. The science on the cause of CWD infection is delayed, so we cannot know the exact cause. The Board has been going on assumptions about the effectiveness of commingling prevention. In this case, preventing commingling did not appear to prevent CWD spread. She said she sees both sides of the issue. If the Board does not approve this resolution, animals are allowed to move and there is more disease spread, farmed herds will be blamed. If this

resolution is approved, the rule change goes through, and more science or technology becomes available, this rule could still be changed through the ongoing regular rule change process.

Mr. Olson asked if producers could move animals from one endemic area to another. Dr. Glaser said currently, the Board could permit the movement of animals within an endemic area if the herd's CWD status level allows that. The Board's proposed amendments to the rule allow herd owners to move farmed cervids within an endemic area.

Ms. Sawatzke mentioned that producers within an endemic area could still move animals out of the state. Are other states allowing these movements? Dr. Glaser said each state has their own import requirements. The CWD endemic area is not very important to other states; they are more interested in the distance from CWD positive cases in the wild or in farmed herds. The Board verifies this distance for other states and will permit the movement. Todd Miller said that once a state finds out that a county has a case of CWD, it will not accept animals from that county. He said many Minnesota herds have lost the ability to move animals to other states. A few states will still allow it.

Mr. Miller commented that he does not trust the current testing protocols. He said he knew of an instance of a positive deer that had been dead for a month, while several good samples he sent in came back with location errors. Dr. Torrison encouraged Mr. Miller or anyone with such concerns to contact him directly at the VDL to discuss the details.

Mr. Compart asked Ms. Balghiti to read the proposed amended rule. She read it as follows:

**1721.0420 CHRONIC WASTING DISEASE (CWD).**

**Subp. 3. ~~Determining~~ Designating boundaries of CWD endemic areas in the state.**

~~If the board determines that CWD is endemic in the state, all locations within ten miles of a confirmed case of CWD in wild Cervidae in the state must be designated as part of the endemic area. If CWD is confirmed in wild Cervidae, the board must designate a CWD endemic area in the state if, in the board's judgment, the area is necessary to prevent the spread of CWD to farmed Cervidae. The board must designate the boundary of the CWD endemic area by including all locations within 15 miles of a confirmed case of CWD in wild Cervidae. The board shall designate larger geographic areas of the state as part of a CWD endemic area if necessary to prevent the spread of CWD. Individual farmed Cervidae herds where animals are kept on premises within a designated CWD endemic area shall be excluded from and not considered to be a part of a CWD endemic area if one of the following conditions is met:~~

~~A. the herd has been maintained in such a way that commingling of farmed Cervidae and wild Cervidae has been prevented for a continuous period of time that began no later than 180 days following the initial designation of the area as CWD endemic; or~~

~~B. the herd has been maintained in such a way that commingling of farmed Cervidae and wild Cervidae has been prevented for at least 36 consecutive months.~~

Ms. Balghiti also read the full resolution for Board members to discuss and vote on:

**CERTIFICATE OF THE BOARD OF ANIMAL HEALTH; AUTHORIZING RESOLUTION TO PROCEED WITH EXEMPT RULEMAKING UNDER MINNESOTA STATUTE § 14.388**

**Amendment to Rules Governing Farmed Cervidae, Minnesota Rules, Chapter 1721.0420**

I, Dean Compart, certify that I am a member and the President of the Board of Animal Health (Board), a board authorized under the laws of the State of Minnesota; that the following is a true, complete, and

correct copy of a resolution that the Board adopted at a properly convened meeting on April 21, 2021; that all board members were present; and that a majority of those present voted for the resolution, which has not been rescinded or modified. The Board resolved the following:

1. Chronic Wasting Disease (CWD) is a disease that affects both farmed and wild Cervidae.
2. CWD has become a serious health risk to both farmed and wild Cervidae in Minnesota.
3. The Board notes that under Minnesota Statute § 35.155, the Minnesota legislature has determined that CWD-positive farmed Cervidae herds in Minnesota should be removed from the landscape and such herds depopulated once the federal appraisal process is complete.
4. When a case of CWD is confirmed in wild Cervidae, the Board designates all locations within 15 miles of the confirmed case as a CWD endemic area. The Board applies additional movement restrictions to farmed cervids in this area due to the risk of exposure to CWD from wild deer outside the fence. This regulation was promulgated to address the risk of moving apparently healthy but undetected CWD infected farmed cervids to other locations in Minnesota, jeopardizing the health of farmed cervids throughout the state.
5. Under the current Minnesota Rule 1720.0420, subpart 3, individual farmed Cervidae herds that are located within a designated CWD endemic area are excluded from and not considered to be a part of a CWD endemic area if, under the rule, commingling of farmed Cervidae and wild Cervidae has been prevented.
6. The Board has previously approved exclusionary fencing as a method to prevent commingling of farmed Cervidae and wild Cervidae.
7. Epidemiologic investigation in response to the recent detection of CWD in a farmed Cervidae herd in Beltrami County demonstrates that a CWD infected animal had been moved into the herd from a Winona County herd located in a designated CWD endemic area. The Winona County herd had been considered to not be a part of the endemic area based on approval of exclusionary fencing intended to prevent commingling of farmed and wild Cervidae. The Winona County herd had been double fenced since 2015 and no other risk factors for CWD were determined to be the most likely cause of infection.
8. The Board recognizes that under the current Minn. Rule 1720.0420, subp. 3, farmed Cervidae in CWD endemic areas of the state may be exposed to CWD even when commingling has been prevented in accordance with the current rule. The Board believes exclusionary fencing is not effective in preventing the introduction of CWD infection to a farm located in a designated CWD endemic area when CWD infection occurs in wild deer outside the fence.
9. The Board recognizes that under the current Minn. Rule 1720.0420, subp. 3, farmed Cervidae in CWD endemic areas of the state could be exposed to CWD even when commingling has been prevented in accordance with the current rule. Under the current rule, these farmed Cervidae may then move and carry the disease outside of the CWD endemic area to other parts of the state.
10. The Board finds that CWD presents a serious and immediate threat to public health, safety or welfare. The current rule is inadequate to protect farmed Cervidae from CWD, and amending this rule through the normal rulemaking process will take too long and is contrary to public interest.
11. The Board therefore authorizes and directs the Executive Director of the Board of Animal Health to proceed with exempt rulemaking under Minnesota Statutes, section 14.388, and to approve and sign all necessary documents, in order to immediately amend Minnesota Rule 1721.0420 as reasonable and necessary to prevent the threat of CWD to farmed and wild Cervidae.

Mr. Compart asked for discussion. Hearing none, he called for a motion to approve the resolution. Mr. Vagts moved, and Dr. Anderson seconded. A vote was held by roll call, with Mr. Vagts, Dr. Hawkins, Dr. Anderson and Mr. Compart voting aye, and Ms. Sawatzke voting nay. The resolution passed.

Dr. Hawkins stated everyone has an opportunity to make comments and urged all to do so.

Ms. Balghiti said the Board would proceed with the GCE rulemaking. The proposed amended rule and the Board's documentation will be submitted to the Office of Administrative Hearings on April 26. At that time, the eComments site will be opened for public comment. Comments can also be sent to the Board, and these will be forwarded to the administrative law judge for review. Michael Crusan stated the Board will send out a press release with all of this information once the Board has filed on April 26.

Dr. Thompson asked if everyone could see all the comments on the eComments site. Ms. Balghiti said yes, all comments are available for everyone to read and respond to. Dr. Thompson stated that attendees heard a good presentation from Dr. Larsen. There is an opportunity to discuss and work with researchers to make comments on this rule change.

## H6N1 LPAI Update

---

Dale Lauer stated as of last night (April 20, 2021), H6N1 low pathogenic avian influenza (LPAI) was identified in 47 commercial turkey and breeder flocks on 31 premises in five counties. The outbreak continues to be a very active situation. The first flock in this current outbreak was identified in October 2020. Dr. Lauer said some of the positive flocks are repeat infections on the same premises, meaning after a flock with H6N1 LPAI was marketed, virus elimination activities on the premises were conducted, and the premises was repopulated. Subsequent testing on the new flocks was positive, which has been a recurring problem during this event.

Dr. Lauer showed a breakdown of positive flocks by county. Most cases are in Kandiyohi, Meeker and Stearns Counties, though positive flocks also have been identified in Murray and Swift Counties. The majority of infections have been identified using biofilm drinker swab sampling developed at the University of Minnesota. Positive test results are reported by the company poultry veterinarians to the Board, with samples collected immediately for official testing at the Minnesota Poultry Testing Laboratory (MPTL). Occasionally, pre-market serologic testing has identified positive flocks.

Dr. Lauer displayed screen shots of the Board's interactive mapping program to show the locations of the LPAI infected and non-infected commercial poultry premises in the state. Dr. Lauer noted there is a line of densely populated turkey farms from Belgrade to Litchfield, with significant potential for disease transmission to other commercial turkey or chicken flocks. The map also shows the three- and 10-kilometer buffer areas the Board would use in an H5/H7 LPAI or HPAI event.

He drew attention to the H6N1 case in Murray County, which is approximately 100 miles southwest from where most of the positive cases are located. The Murray County producer grows turkeys for an Iowa turkey processing company. The positive flock was identified as part the company's routine LPAI surveillance program. When discussing a possible timeline for virus introduction with the producer, he noted the flock had some disease issues about a month before the AI diagnosis. Samples were sent to a diagnostic lab that identified cellulitis and E. coli as the primary disease agent; however, no AI testing was done at that time. When samples were sent to the National Veterinary Services Laboratories (NVSL), the flock had the same H6N1 typing as other LPAI cases in Minnesota. Dr. Lauer also noted the H6N1 LPAI case in Swift County, which is another area separate but adjacent to the main outbreak area. The Board is concerned about continued disease transmission there as well.

Dr. Lauer said the Emergency Disease Management Committee (EDMC) continues to hold monthly meetings, including one held last Wednesday (April 14, 2021), during which the National Veterinary Services Laboratory (NVSL) reported their analysis of the H6N1 LPAI virus. Dr. Mia Torchetti reported that, based on their analysis, the virus

circulating in Minnesota was a single introduction of an H6N1 Influenza A low virulence virus of North American wild bird lineage. The outbreak continues because of ongoing farm-to-farm spread. Unfortunately, as the virus continues to circulate, it is also evolving and changing. Characteristics noted as a result of these changes is a lower dose of virus to infect birds, and the virus adaptation to turkeys resulting in easier lateral spread. No chicken premises have been affected.

Dr. Lauer described the Board's ongoing efforts to assist the industry to reduce further virus spread, including testing samples to rule out H5/H7 LPAI, testing and tracking positive flocks, sending out disease alerts, meeting weekly with poultry veterinarians, and helping with the epidemiological investigations.

He said the response to this outbreak needs to be industry driven, in contrast to a state or federal response when H5/H7 LPAI or HPAI is identified. The Board is stressing the need for strong biosecurity practices on each premises. There are labor shortages in some places, and COVID-19 has created challenges as well. However, farms need to make sure all farm workers are familiar with, and compliant with, their farm biosecurity practices. He said companies have done a good job with increased surveillance, but more effort is needed on pre-movement testing, especially with movements from brood to grow on turkey farms and from pullets to multi-age chicken egg-layer complexes due to the effect an infection would have on their operations. The MPTL has helped with communications to companies through the EDMC. In addition, Dr. Martin Smeltzer, a retired USDA avian epidemiologist, will be coming to Minnesota in early May to do some epi work and on-site evaluations to provide information and stopgaps on biosecurity.

Sarah Anderson asked how communication works between the MPTL and the diagnostic lab that did testing for the Murray County farm, given the LPAI situation in Minnesota. Dr. Lauer said this communication could use improvement but communicating test results to the Board is the responsibility of the laboratory and company veterinarian. He stated, given the time of year, it was unfortunate an AI test was not done. If a lab has a positive AI test on a Minnesota flock, they are required to report those results to the Board.

Mr. Compart asked when pre-movement surveillance begins. Dr. Lauer said that official testing has a three-week window before marketing, and they have detected some positives that way. The biofilm drinker swab sampling program is company driven, and individual companies set the weekly schedule to test certain flocks in a geographical location. He also spoke about this program in relation to the University/MNPRO proposed pilot project of CWD testing on cervid farms. He said the drinker swab program began in 2015, and it did not happen overnight. The researchers' relationships with producers, the process, the understanding of test results, and the Board's response protocol had to be cultivated over time.

Mr. Compart asked if the warm, dry weather would help the situation. Dr. Lauer said yes, but better oversight of biosecurity is going to be most effective. Producers may need to discuss controlled marketing of flocks and repopulation to eliminate the virus in some geographic areas.

Ms. Sawatzke said that during the EDMC meeting, Dr. Lauer had mentioned the epidemiological investigations being done on some of these premises. She asked if they have found a connection between two independent farms with LPAI infections. Dr. Lauer replied the Board is still working on analyzing the data, so he does not have information to share at this time. The Board hopes to learn more when Dr. Smeltzer comes to assist.

Dr. Thompson asked if any other states are seeing similar outbreaks. Dr. Lauer said he was not aware of any other LPAI outbreaks in the U.S., but he noted the cool weather and LPAI virus spread are similar to what Minnesota saw during the 2015 HPAI outbreak.

## COVID-19 MDH Update

---

Joni Scheftel shared that the latest COVID-19 research indicates the virus affects many body systems and could be a cause of new-onset diabetes and long-term tinnitus. She also stated Minnesota has seen cases plateau in the last few days after a recent increase. She expressed concern that most cases detected now are the B.1.1.7 variant, which is much more contagious and affects young people and children more often than the original strain.

Dr. Scheftel said everyone over 16 is eligible to get the COVID-19 vaccine. Individuals should sign up on the [Vaccine Connector](#). Employers, including farms, can [order an employer toolkit](#) and request a representative come to the workplace to present and answer questions. They can also work with their county to schedule an onsite vaccination clinic.

Administration of the Johnson & Johnson vaccine is currently paused due to a rare incidence of severe blood clot cases, including one death. There are no cases of blood clots in Minnesota. Dr. Scheftel explained how the Moderna and Pfizer vaccines work and said that all research has passed the required safety tests. She stressed that while possible side effects from the vaccine can last for a few days, none of these are worse than getting COVID-19. The virus can be very serious for some people, and it is impossible to know who will be severely affected.

Dr. Scheftel shared advantages of vaccination, including no quarantine for COVID-19 exposure if it has been at least 14 days since the second vaccination and there are no symptoms. When traveling, testing is not required before departure, and no quarantine is required upon return. She noted that vaccination does not change workplace COVID-19 protocols. Once case numbers go down, the state will revisit the guidelines.

Mr. Compart asked if other countries with high infection rates, like Brazil, have good access to vaccines. Dr. Scheftel said the current vaccines are not as effective against the Brazilian variant. Other countries, including European countries, do not have access to vaccines like the U.S. does. In Minnesota, demand for vaccines is dropping to the point where some counties are refusing shipments, which eventually may cause vaccine shortages in rural areas.

## Election of Board Leadership and Move to Closed Session

---

Mr. Compart opened nominations for Board President. Dr. Hawkins nominated Mr. Compart, who asked for a second on the nomination. Ms. Sawatzke seconded it. He asked for more nominations. Hearing none, a vote was taken by roll call, with Mr. Compart abstaining. All other Board member voted aye to re-elect Mr. Compart as Board President.

Mr. Compart then opened nominations for Vice President. Ms. Sawatzke nominated Dr. Anderson; Dr. Hawkins seconded it. Mr. Compart asked for other nominations. Hearing none, he took a vote by roll call. All voted aye except for Dr. Anderson, who abstained. Dr. Anderson was re-elected as Vice President.

Mr. Compart then read the following statement regarding the closed session:

“The meeting is now being closed per Minnesota Statute 13D.05, subd. 3(a), to evaluate the performance of Dr. Beth Thompson, the Board’s Executive Director. This election year, there is no qualified successor to Dr. Thompson for the position of Executive Director, and the board members will be evaluating her performance as we consider re-electing her to this position.”



## Closed Session: Appointment of Executive Director

---

Board members met in a closed session to evaluate the performance of Dr. Thompson, Executive Director of the Board, and to discuss the appointment of the executive director for the coming fiscal year. After discussion took place, Ms. Sawatzke made a motion to nominate Dr. Thompson for reappointment as the Board's executive director. Dr. Anderson seconded it. A vote was taken by roll call, with all voting aye in favor of Dr. Thompson's appointment.

Mr. Compart offered a statement that the Board members would like to recognize Dr. Thompson for her achievements during a very difficult year. He would recommend an achievement award if it were available. Dr. Anderson made a motion to approve the granting of an achievement award; Dr. Hawkins seconded it. A vote was taken by roll call with all voting aye except for Mr. Vagts, who abstained due to losing connection to the meeting.

## Next Meeting and Adjourn

---

The next quarterly meeting of the Minnesota Board of Animal Health will be on Wednesday, September 15, 2021, beginning at 9:30 a.m., location to be determined.

Mr. Compart asked for a motion to adjourn. Dr. Anderson made the motion, which was seconded by Ms. Sawatzke. All except Mr. Vagts (who lost meeting connection) voted aye to adjourn.

Respectfully Submitted,

Beth S. Thompson  
Executive Director  
State Veterinarian