

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: February 15, 2018

Agenda Item: Criteria for Exception on Ban on Ungulate Urine from Chronic Wasting Disease (CWD) Positive States (per SB173)

Division: Wildlife

Action Needed: Final

Time Needed on Agenda for this Presentation: 10 Min

Background – Senate Bill 173, passed by the 2017 Legislature, prohibits the use or sale of deer or elk urine if the urine originated in a state or province with documented occurrences of chronic wasting disease as determined by the commission. It allows the commission make exceptions to this prohibition if the deer or elk urine is produced in a facility that the commission determines meets acceptable requirements. Some requirements are listed in statute including: (a) complies with a federal or a federally approved chronic wasting disease herd certification program and any federal chronic wasting disease protocols and record requirements; (b) does not allow importation of live cervids, except in cases of catastrophic loss or herd replenishment; (c) requires that all cervids exported from the facility be tested for chronic wasting disease upon death and the results are reported to the facility; (d) is inspected annually by an accredited veterinarian, including inspection of the herd and applicable records; and (e) maintains a fence at least 8 feet high around the facility and, if the facility is located within 30 miles of a confirmed positive occurrence of chronic wasting disease, is double fenced to prevent direct contact between captive and wild cervids.

The Archery Trade Association (ATA) maintains a certification program that contains these requirements and is actively certifying facilities that produce urine that meet these criteria.

If the Commission adopts these same certification requirements, the department could exempt ATA-certified products from the ban on the use or sale of deer and elk urine from CWD states and provinces. Non-ATA-certified products would still be required to be individually reviewed and evaluated.

Public Involvement Process & Results – SB173 was vetted by the Senate Fish and Game Committee and the Legislature. It was amended to its present form with input of hunting and industry advocates. Public comment on this proposal ran from Dec. 7 to Jan. 24, and we received 12 comments. Most are opposed to allowing urine scents, but may not have fully understood the effect on the availability of these popular products and the safety when they come from ATA-approved facilities.

Alternatives and Analysis – The Commission needs to identify from which states and provinces the urine ban would apply. CWD has been documented in the wild or in game farms in 23 states and 2 Canadian provinces. If the Commission does not allow an exemption, then the sale or use deer and elk urine originating from any of the CWD positive states/provinces recommended by the Commission would be banned. The Commission could establish additional criteria beyond what is currently in statute, and then it would be incumbent upon the department to verify compliance with those criteria rather than rely on the ATA certification program.

Agency Recommendation & Rationale - FWP recommends the Commission ban the sale or use of urine from any state where CWD has been detected, and recommends the Commission adopt the ATA certification requirements as acceptable for the use and sale of deer and elk urine in Montana.

Proposed Motion - I move the Fish and Wildlife Commission adopt the list of states and provinces from where deer or elk urine would be prohibited for sale or use in Montana, as well as the proposed criteria for exceptions to the ban on sale or use of deer or elk urine originating from facilities in states or provinces with chronic wasting disease.