Overview of 2016 CWD Rules with Amendments

June 21, 2016

The following summarizes the chronic wasting disease (CWD) rules adopted by the TPW Commission on June 20, 2016.

Deer Breeder CWD Rules

Period 1 (effective date of rule thru 3/31/2019)

1. From the effective date of the rule until March 31, 2017, a facility will be movement qualified (MQ) if 20% of eligible mortalities have been tested since May 23, 2006, or if fewer than five eligible mortalities have occurred in the facility.
2. Beginning April 1, 2017, a deer breeding facility must have tested 80% of the eligible mortalities occurring in the previous report year to be MQ.
3. In order to qualify for no release site testing (TC1), a facility must:
    a. Have Certified or "5th-Year" status in TAHC Herd Certification Program; or
    b. Have tested an average of at least 80% of eligible mortalities over the previous five years, and satisfied the minimum testing requirement (sufficient tests on file to equal or exceed 3.6% of the sum of the eligible-age deer reported in the facility inventory on the March 31 of each of the most recently completed 5 report years plus the eligible mortalities during the same period); or
    c. Have ante-mortem tested 50% of herd. Note: By ante-mortem testing a minimum of 25%, a facility may temporarily attain TC1 status prior to May 15, 2017. In order to maintain TC1 status after May 15, 2017, the facility must supply the remainder of ante-mortem samples to reach the 50% testing level by no later than May 15, 2017. A facility will be able to test up to TC1 via 50% ante-mortem testing after May 15, 2017 as well, but the full 50% must be provided for the facility to be upgraded.
4. Facilities that are not TC3 (CWD trace herds), and not TC1, will be classified as TC2 and release site testing will be required at associated (Class II) release sites.
5. All TC2 release sites (Class II) must CWD-test the first 15 deer harvested per season through the end of the 2018/2019 hunting season.

Period 2 (04/01/2019 and on)

1. All deer breeding facilities are either MQ, not movement qualified (NMQ) or TC3.
2. Facilities must test 80% of eligible mortalities that occur each report year to be MQ.
3. Facilities that have not tested 80% of eligible mortalities annually will be NMQ.
4. There will be no release site testing for any facilities, except for non-compliant sites as indicated below under Release Site Provisions.

TC3 or CWD Trace Facilities

1. Irrespective of the time periods described above, CWD positive and trace facilities (TC3) will be required to test 100% of eligible mortalities in the pen, and 100% of hunter harvested deer at Class III release sites.

2. All deer released on Class III release sites must be tagged with an RFID or NUES tag.

Transition Provisions

1. 2015/2016 Class II Release Sites will be reset back to Class I if they complied with all interim release site requirements.
2. 2016/2017 Class II Release Sites that are in compliance with all release site requirements will be reset back to Class I if all TC2 facilities that contributed deer during 2016/2017 "test up" to TC1 status by ante-mortem testing 50% of the herd by May 15, 2017.
3. 2016/2017 Class II Release Sites will be reset back to Class I if all the breeder deer liberated after the effective date of the rule (approximately August 15, 2016) and prior to October 1, 2016 are harvested and CWD-tested during the 2016-2017 hunting season, and no additional deer are released from a TC2 or TC3 facility after October 1, 2016.

Release Site Provisions

1. A harvest log must be maintained on site and each deer harvested must be entered in the log the day of harvest – Applies to Class II and Class III release sites, and DMP sites that receive TC2 deer.
2. All breeder deer release sites must be high-fenced (7 ft.) and the landowner must ensure all deer remain on the release site.
3. Failure to comply with release site testing requirements will result in release site testing requirements carrying forward until testing requirements are fulfilled.
4. Failure to comply with release site testing requirements will make the release site ineligible to receive a DMP permit or additional breeder deer for release until testing requirements are fulfilled.
5. Liberated deer must have access to the entire acreage listed on the release site registration form, except that deer may be excluded from areas for safety reasons (i.e., airstrips) or for the purpose of protecting crops, orchards, ornamental plants, lawns, etc.
6. A release site owner may notify the department to modify the acreage of a registered release site and the release site requirements will expand to the new acreage.

Other Breeder Deer Provisions

1. Each breeding facility herd that has been permitted for at least 6 months on March 31 must provide a minimum number of CWD test results annually, irrespective of whether there are mortalities. The minimum number of post-mortem tests required is equal to 3.6% of the eligible-aged inventory on March 31 of a given report year plus the eligible mortalities that occurred during that report year. Ante-mortem tests may be substituted as provided for in #2 below.
2. A deer breeder may substitute ante-mortem tests for required post-mortem tests on a 3:1 basis to meet testing requirements.
3. Ante-mortem tests must be conducted on animals at least 16 months of age.

4. An individual deer may be the source of a valid ante-mortem test result no more frequently than every two years. A deer may be re-tested within the 2-year period if the initial sample produced an invalid test result (i.e., “insufficient follicles”).
5. There is no residency requirement for an animal to qualify for ante-mortem testing.
6. Ante-mortem tests may be conducted on retropharyngeal lymph node, rectal mucosa or tonsillar tissue collected by or under the supervision of a qualified licensed veterinarian.
7. After May 15, 2017, ante-mortem test results provided to upgrade to TC1 status must have been collected within the 6-month period prior to the status upgrade being sought.
8. A facility will be disqualified from being upgraded to TC1 if deer from a TC2 or TC3 facility are introduced into that facility after ante-mortem testing has begun.
9. If a facility receives deer from a facility of lower status, the receiving facility must stay down-graded for 2 years. TC1 is the highest status and TC3 is the lowest status.
10. If a TC1 facility fails to test 80% of eligible mortalities in a report year, the facility will become NMQ and be will be downgraded. The facility will have 60 days to provide substitution tests as described in #2 above to regain MQ and TC1 status, otherwise the facility will remain downgraded for 2 years. MQ status may be regained at any time.
11. A new facility will “inherit” the lowest status level from among all facilities contributing deer to that facility. Example: if a new facility receives deer from TC1 facilities, the new facility will be classified as a TC1.

DMP

1. If a DMP breeding pen receives deer from a TC2 facility or Class II Release Site, the DMP release site must CWD test the first 15 hunter harvested deer each season through the 2018/2019 hunting season, beginning the season following the release of deer from the DMP pen.
2. TC3 deer may not be transferred to a DMP facility.
3. Class 3 release sites may not conduct DMP activities.
4. If a breeder buck is commingled with does from a lower status herd in a DMP facility, and that breeder buck is returned to the breeding facility, the breeding facility status will be down-graded.

TTT

1. Prior to issuance of a TTT permit, all TTT trap sites must provide 15 valid post-mortem CWD samples collected after the Saturday nearest September 30. Exception: TTT trap sites in urban areas may utilize samples collected and tested between April 1 and the time of application.
2. All TTT deer must be tagged with an RFID button tag in addition to the existing tattoo requirement.
3. RFID numbers must be reported to TPWD.
4. No TTT trapping from any breeder deer release sites.

TTP

1. TTP Permittees must supply 15 CWD samples at the end of the season.
2. CWD samples must be provided on 100% of deer taken by TTP on Class III release sites.