



To: Chair Wilde and Members of the House Committee on General Government
From: Oregon Farm Bureau Federation
Fur Commission USA
Oregon Dairy Farmers Association
Oregon Cattlemen's Association
Animal Health Institute
Oregon Sheep Growers Association
Date: March 16, 2021
Re: Clarification to HB 3204 Regarding Zoonotic Disease Management in Livestock

Our coalition of animal agriculture interests appreciates the opportunity to share our concerns with the scope of HB 3204. Specifically, we are concerned that Section 3 creates jurisdictional conflict between the Oregon Department of Fish and Wildlife (ODFW) and the Oregon Department of Agriculture (ODA) and that this section could be interpreted to allow the State Fish and Wildlife Commission to ban certain segments of Oregon agriculture, such as the raising of domesticated fur-bearing animals.

Zoonotic disease management is important not only to the state but also to Oregon's farm and ranch families. Producers on Oregon's dairy farms, poultry farms, mink farms, cattle ranches, and sheep farms implement strict biosecurity measures to reduce the risk of spreading infectious diseases from sick animals to healthy ones or to other species. These protocols ensure that our food supply is safe as well as workers and other animals. Oregon's agricultural sector works very closely with state and federal regulators to meet biosecurity requirements on the farm and prevent the transfer and spread of disease impacting people or the agricultural sector.

The ODA has the jurisdictional authority to regulate and zoonotic diseases in livestock, but we are concerned that HB 3204 makes this jurisdiction less clear. Oregon Revised Statutes Chapter 596 provides that the ODA retains the sole authority to supervise, control, and eradicate the spread of infectious diseases affecting livestock, including those transmissible with humans. O.R.S. § 569.020(1). "Domesticated fur-bearing animals" are included in the statute's definition of "livestock," *Id.* § 596.010(3), and "[t]he breeding, raising, producing in captivity and marketing of foxes, mink, chinchilla, rabbit, caracul or ratite" are defined as "an agricultural pursuit," *Id.* § 596.020(2), subject to the strict oversight of ODA. The law makes clear that "[s]uch animals are not within the purview of the state game laws."

The ODA manages a variety of diseases in livestock, not just SARS-CoV-2, including but not limited to: Anaplasmosis, Avian Influenza, Bluetongue, Bovine Leukosis, Brucellosis (*Brucella*

Abortus), Brucellosis (*Brucella Melitensis*), West Nile Virus, Foot and Mouth Disease, Epizootic Hemorrhagic Disease, Scrapie, Tuberculosis, Rabies, Porcine Endemic Diarrhea Virus, Johne's Disease, Equine Herpesvirus, Equine Infection Anemia, Salmonella Enteritidis, Salmonella Pullorum, and Trichomoniasis. ODA's Animal Health Laboratory works with state and federal veterinarians to monitor the health of production animals in Oregon and is certified by the United States Department of Agriculture (USDA) to perform regulatory tests. The laboratory also works with the OSU Veterinary Diagnostic Laboratory to provide surveillance testing for foreign animal diseases.

In contrast to ODA's authority, ODFW is charged with the regulation of wildlife. "Wildlife," as defined in statute, includes "wild mammals" as further defined in OAR 635-057-0000. ODFW's authority to regulate such species is limited to: (1) those animals existing in a wild state or (2) those animals privately possessed, in a quantity of no more than 10, for non-commercial purposes. In such instances, ODFW may take necessary actions to control disease outbreaks that are an imminent danger to the public, wildlife, domestic animals, or livestock health. However, all other oversight pertaining to livestock and domesticated fur-bearing animals falls under the authority of the ODA.

Our coalition respectfully requests an amendment to clarify that Section 3 of HB 3204 is not intended to create jurisdictional conflict or remove authority from the ODA to manage zoonotic disease transmission in livestock. As such, we submit a new subsection (7) in Section 3 of this bill:

"(7) All species of 'livestock,' as defined in ORS 596.010(3), shall be exempt from consideration by the State Fish and Wildlife Commission for purposes of carrying out all such duties enumerated in this section (3) of the Act."

We have been in contact with the bill's chief sponsor, Representative Ken Helm, and look forward to working to clarify the intended scope of Section 3 of HB 3204 to ensure that the State Fish and Wildlife Commission is not inadvertently given the authority to manage zoonotic disease transmission in livestock.

Thank you for your consideration of this important issue. For questions, contact jenny@pacounsel.org.