



March 16, 2021

**To: The Honorable Marty Wilde, Chair  
House Committee on General Government**



**House Bill 3204, 3204-1  
Dr. Doug Cottam, Wildlife Division Administrator  
Dr. Colin Gillin, State Wildlife Veterinarian  
Oregon Department of Fish and Wildlife**

Thank you for this opportunity to comment on House Bill 3204 and 3204-1. HB 3204 and 3204-1 directs the Department to prepare a report on preventing, monitoring and responding to a zoonotic disease; establish and update a list of species that may not be imported, possessed, sold purchased, exchanged or transported in Oregon; and prohibits the sale of non-native wildlife for the purposes of sale to live meat markets. The agency has no position on the bill as introduced or the -1 amendment.

When regulating fish and wildlife to prevent disease risk to other wildlife populations, or humans there are several critical components, including having a wildlife health program with veterinarians and support staff, preventing disease introduction through solid planning, policy, laws and rules, and conducting disease surveillance through diagnostic testing of susceptible wildlife species. We also value the dedication of our trained field biologists and enforcement personnel who know what to look for, and conduct inspections and enforcement actions to abate illegal activities that could allow harmful disease introduction. All of these actions are important and all of them are conducted every day to protect Oregon wildlife, livestock and public safety.

The term wildlife is defined in statute, ORS 496.004, and encompasses fish, shellfish, amphibians and reptiles, feral swine as defined by Department of Agriculture (ODA), wild birds as defined by the F&W Commission and other wild animals as defined in rule by the F&W Commission. "Animal" is defined in statute, ORS 167.310 as basically anything not plant or human. Wild is a term used generally to designate something not domesticated or held in captivity. Other statutes such as 596.020 and 609.305 governing the authority of other agencies may use terms that overlap with the Fish and Wildlife Commission's authority over wildlife. For example, ODA has the authority to regulate the private holding of "exotic" animals, some of which would otherwise qualify as "wildlife" (and which the Commission otherwise is in charge of regulating). Although ODA is no longer issuing new permits for most exotic species, it remains important that ODA and ODFW are coordinated on the facilities and species in possession before rules were adopted.

The ODFW is given authority in ORS 496.012 to manage the states native wildlife, ORS 407.308 prohibits the holding of native wildlife and allows the Fish and Wildlife Commission (Commission) to provide rules for their holding and ORS 498.052 gives ODFW the authority to regulate the release or importation of domestically raised wildlife or non-native wildlife. ODFW has developed detailed Oregon Administrative Rules (OARs) in chapter 635 Division 44 for the holding of native wildlife and in Division 56 for the importation, holding and transportation of non-native wildlife. Few native species may be held in captivity and those species care, welfare and protection of native wildlife are listed in rule. There are

three classifications for non-native species: Controlled, Non-controlled and Prohibited. There are thousands of species worldwide that are not classified in any of the three, and those are all prohibited by rule. It required nearly four years of work by multiple dedicated staff to create these species lists before the rules were adopted. The lists were developed specifically to protect Oregon's native wildlife from harmful diseases, genetic mixing and invasive competitors.

All animals transported or moved into the state are required under ODA rules to obtain a certificate of veterinary inspection to enter the state. The legislature has given the State Veterinarian board authority to regulate import for reasons of animal health of all vertebrates, except fish which may well include all native or non-native wildlife species. Both ODA and ODFW have integrated their administrative rules to provide a framework for protecting the state's domestic and wild species specifically from the incursion of economically devastating and population impactful diseases. These include diseases of public health importance such as West Nile Virus and Highly Pathogenic Avian Influenza.

Both fish and wildlife can present a zoonotic disease risk and reduction of risk is very difficult. Most zoonotic diseases coming from fish and shellfish are bacterial in nature. Mycobacterial species infect most aquatic species of fish, reptiles, and amphibians, and cause severe chronic disease in humans. These opportunistic bacteria can be isolated from most fish species and can cause infections in humans under certain circumstances. Recently, tilapia, channel catfish, and hybrid-striped bass have been associated with *Streptococcus iniae* and *Vibrio sp.* infections. Shellfish are associated with bacteria such as *Camylobacter sp.*, *Vibrio sp.*, *Salmonella sp.*, and can also be vectors for zoonotic viruses such as Norovirus and Hepatitis A virus.

Zoonotic diseases in mammals present greater risks to humans as we are witnessing with the current SARS-CoV2 (COVID-19) pandemic. The majority of emerging infectious diseases are zoonotic (>60%), and almost all recent pandemics, originate in animals, mostly wildlife (>70%), and their emergence often involves dynamic interactions among populations of wildlife, livestock, and people within rapidly changing environments. Many of the most serious zoonotic disease pathogens originate in several groups of mammals, principally bats and rodents. Ebola virus, SARS CoV-2 and Nipah Virus are examples of bat viruses, Middle Eastern Respiratory Syndrome (MERS) originated in camels, sylvatic plague, monkeypox and many of the hemorrhagic viruses like Hantavirus reside in rodent hosts.

ODFW relies on our partners for regulation of risk related to humans; specifically, ODA as it relates to domesticated animals, exotic animals and food consumption of commercial and recreationally caught wildlife. Additionally, OHA has the role to protect human populations from disease outbreaks. Incidents of zoonotic disease such as West Nile Virus have required a close collaboration, especially if the disease is found to have transferred from wildlife or domesticated animals and there is a threat to human safety from exposure from wildlife.

Despite the ongoing collaborative work to prevent the introduction of non-native species, and potential zoonotic diseases there is a current example of how difficult and perhaps impossible to prevent importation. Zebra mussels are regulated under OAR 635-056-0050. Zebra mussels were recently found being imported from Ukraine to distributors in California and two other states on "Marimo balls" (moss balls) sold in the aquarium trade. Live Zebra mussels have been discovered in the moss balls in at least 27 states including Oregon. It highlights that depending on the life stage of the organism it may be very difficult to detect and it is unavoidable to keep all zoonotic diseases out of the state given the robust pet trade, online sales, and animals shipped via air.

Additionally, people bringing in sick and injured animals from other states to Oregon wildlife rehabilitation facilities presents a risk. Oregon shares closed borders with four states, and routinely we see

the public bringing in sick and injured from other states to rehab in Oregon. For example, during initial 2004 surveillance for the first case of West Nile Virus in Oregon, an Oregon wildlife rehabber illegally transported a bird for treatment into Oregon from California. The bird was tested for the disease became the first imported positive West Nile virus case in Oregon. The rehabber was required to drive the bird back to California to avoid further exposure risk.

HB 3204-1, Section 1, requires ODFW to develop a report that evaluates the current protocols and inter-agency efforts to prevent zoonotic disease outbreaks, looking for gaps in the current zoonotic disease prevention efforts. Because of the collaborative and shared responsibilities and authorities related to zoonotic disease prevention, it is critical that this involve Oregon Health Authority (OHA), Oregon State Police (OSP) and ODA. It is an important note that many of the zoonotic diseases of concern, especially those from outside the North American continent, are brought to this country by humans, not wildlife, and ODFW does not have authority to prevent human travel. This is regulated at the federal level.

Section 3 requires the Commission to establish and periodically update a list of wildlife species and other scientifically recognized categories of wildlife that may not be imported, possessed, sold, purchased, exchanged or transported in this state due to a potential for transmission of zoonotic disease that may compromise public health, native wildlife or agricultural interest. Under HB 3204-1 ODFW would assume some level of new responsibility or authority in public health protection from diseases related to imported wildlife, an authority typically mandated by OHA and federal agencies. Section 3 requires review of thousands of species (native and nonnative), and review of the current Prohibited species, Controlled Species and Non-controlled lists with the new criteria to review the zoonotic disease threat from species on those lists. Additionally, Section 3 does allow bona fide scientific or educational institution to import, possess, sale, purchase, exchange or transport listed species even by permit.

Section 4 requires a review and creation of a new list of species be finalized no later than the end of this year (December 31, 2021). Because of our experience creating these lists through a public process and the fairly limited scientific information on zoonotic diseases associated with many species, we believe this timeline and deadline may be difficult, if not impossible, to meet; and, to accomplish the defined tasks in sections 1 through 4 of -1. ODFW will require additional staff and supporting resources resulting in a large and additional fiscal burden to the agency associated with this work.

Section 9 focuses on the practice of selling live non-native wildlife for human consumption. This section exempts livestock as defined by ODA in ORS 596.010 and food fish as defined in ORS 596.011. The -1 amendment also exempts wildlife sold as livestock in a 4-H program, and sold at the state fair or at a county fair. At times 4-H participants do raise and sell game birds, and “pocket pets” as part of the program. However, the exemptions for Oregon State fair and county fairs create broad allowance for many species and may provide a loophole for the creation of markets for the sale of exotic, non-native wildlife at these venues. The ODFW regulates the holding of fallow deer (a non-native cervid species) which are raised for venison and are sold alive for slaughter. We are not clear if HB 3204-1 prohibits this commercial activity.

Finally, we have additional recommendations for state enhancements that could address zoonotic disease introduction and transmission:

- The best measure to stop imports of non-native wildlife is federal action at ports. Oregon should closely partner with federal agencies in support of their border and port surveillance and inspection efforts. Regulation of state border entry points require investment in dedicated check stations at entry points into the state.

- Wildlife species serving as likely vectors of globally important and reportable zoonotic diseases, should be banned in Oregon and North America. This includes species of wildlife that are highly susceptible to infection, viral reproduction and transmission of disease capable of causing pandemic health impacts.
- Strengthen the requirements and penalties for import of any animal across state lines without a Certificate of Veterinary Inspection. For example, our rules for wildlife rehabilitation prohibit bringing healthy or sick endemic wild mammals, amphibians, or reptiles across state lines for care at Oregon wildlife rehabilitation facilities due to the risk of importing disease.
- The pet trade industry and collection and sale of wildlife are industries with little oversight and no single defined agency authority. This industry, with limited regulatory oversight and often incomplete animal transport or travel history, provides a high level of risk for the importation of nonnative wildlife carrying potential zoonotic diseases.
- All internet/online sales with delivery of live animals must have a designated system of importation with rules. (No drones dropping off live animals).
- A joint multi-agency medical/veterinary team to evaluate the zoonotic potential of wildlife currently non-controlled.
- Fund for creation of a zoonotic disease program at the Oregon State University Veterinary Diagnostic Laboratory.
- Funding for increased staff and resources related to import, inspection and enforcement. Other states have a dedicated team to work this type of interstate and importation of wildlife and enforcement laws and rules. Oregon does not currently have this framework or capacity.

Thank you for the opportunity to provide comment.

**CONTACTS:**

**Shannon Hurn, Deputy Director, (503) 947-6044**