Wisconsin Department of Agriculture, Trade and Consumer Protection

Initial Regulatory Flexibility Analysis

Rule Subject:	**Drug Residues in Meat and Meat Products**
Adm. Code Reference:	**ATCP 55**
Rules Clearinghouse #:	**Not assigned**
DATCP Docket #:	**13-R-07**

Rule Summary

The proposed rule will specify corrective actions that must be imposed by state-licensed meat establishments on certain livestock producers before the establishment operator accepts animals from the producer for slaughter. The required corrective actions apply to livestock producers who, on two or more occasions during the past year, submit animals testing positive for any illegal drug residue to be slaughtered at state- or federally-inspected meat establishments.

Medications are important for maintaining healthy livestock. However, if not carefully managed, drug residues may remain in animals submitted for slaughter. Residues of medications, particularly antibiotics and anti-inflammatory agents, in meat can pose a direct health risk to people who consume the meat. For example, some people may have an allergic reaction if exposed to penicillin. The drug flunixin may cause gastrointestinal and kidney problems. Drug residues may disrupt normal meat fermentation processes, such as is needed to make summer sausage, and increase the risk that disease-causing bacteria will grow during processing.

Meat establishment operators are expected by the United States Department of Agriculture - Food Safety and Inspection Service (USDA-FSIS) to check the published Residue Repeat Violators List. The list identifies livestock producers whose animals have had two or more positive drug residue test results in the past year. Meat establishment operators are also expected to take appropriate measures before accepting animals from these producers. Recent federal data suggest that dairy cattle are responsible for a high proportion of repeat tissue drug residue offenses. As a leading producer of dairy cattle, the reputation of Wisconsin's agriculture industry is jeopardized by the few Wisconsin producers who repeatedly violate prohibitions against drug residue in livestock and meat products.

Current rules prohibit slaughter of a food animal for human consumption or submission of a food animal for slaughter if the person knows or has reason to know the animal is diseased or injured. The proposed rule will further prohibit someone from slaughtering or submitting for slaughter a food animal for human consumption if they know that the animal is adulterated. The rule then defines animals from producers included on the USDA Residue Repeat Violator List for use by Livestock Markets and Establishments as adulterated unless the producer provides written evidence that they have completed a

course on proper administration of animal medications. The department will approve an acceptable course or courses. Completion of the approved course(s) will require the involvement of the livestock producer's veterinarian.

The proposed rule also revises ATCP 55.07, which requires a person who knows or has reason to know that he or she is submitting a diseased or injured animal for slaughter to sign and deliver a written statement to the person who will perform the slaughter. The proposed rule will revise the requirement that the written statement include a list of all drugs administered to the animal as treatments or feed within 30 days prior to the slaughter submission date. The rule will instead require that the statement certify that the withdrawal time following administration of all drugs as treatments or feed additives has complied with the manufacturer's recommendations. This revision acknowledges that some drugs may require a longer withdrawal time than 30 days.

Small Businesses Affected

State-inspected meat establishment operators, who accept livestock for slaughter, and livestock producers, included on USDA's Residue Repeat Violator list who submit their animals for slaughter at state meat establishments, will be affected by this rule. This proposed rule is anticipated to have a very slight impact on meat establishment operators, who will be required to determine whether livestock producers presenting animals for slaughter are on the USDA Residue Repeat Violators List. Since very few livestock producers from Wisconsin and neighboring states are on this list, the proposed rule change will have no impact on the vast majority of livestock producers who follow existing regulations and have a strong working relationship with their veterinarian. There will be a minor short-term negative economic impact on a small number of livestock producers listed on the USDA's Residue Repeat Violator list who, under the proposed rule, would be required to attend a workshop and improve documentation of the use of animal medications. To the extent that the proposed rule prevents drug residue problems and condemnation of carcasses, there will be a positive long-term economic impact. The rule will not modify fees or have an economic impact on local governmental units or public utility taxpayers.

Reporting, Bookkeeping and other Procedures

The proposed rule would require state-licensed meat establishment operators who slaughter livestock to determine whether livestock producers presenting animals for slaughter are on the USDA Residue Repeat Violators List. The proposed rule would require a producer who is listed on the federal Residue Repeat Violators List to provide written evidence to a meat establishment operator that they have completed a course on proper administration of animal medications before the state-licensed meat establishment may accept animals for slaughter from that producer.

Professional Skills Required

The proposed rule does not require any new professional skills by small businesses. However, livestock producers included on USDA's Residue Repeat Violator list who wish to submit their animals for slaughter will need to complete a course on proper administration of animal medications. Completion of the approved course will require the involvement of the livestock producer's veterinarian.

Accommodation for Small Business

State meat inspection programs only regulate small businesses. State meat inspection programs operate under a cooperative agreement under USDA's authority and must meet federal "at least equal to" requirements. No special accommodation may be made for small businesses to meet the requirements of this proposed rule. However, the rule is expected only have an appreciable impact on meat establishments interacting with a small number of livestock producers. The rule will affect this small number of livestock producers, but it will benefit small state-inspected meat establishments by further ensuring that the livestock they accept for slaughter is free of drug residues.

Conclusion

Given the potential health risks associated with drug residues in animals for human food, consumers, meat establishment operators, and livestock producers will all benefit from a mandatory procedure for reducing the likelihood that the human food supply contains animals from producers who have been listed for repeated tissue drug-residue violations.

This rule will not have a significant adverse effect on "small business" and is not subject to the delayed "small business" effective date provided in s. 227.22(2)(e), Stats.

DATCP will, to the maximum extent feasible, seek voluntary compliance with this rule.

Dated this 19th day of December, 2013.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

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