



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

DATE: February 9, 2017
TO: Board of Agriculture, Trade and Consumer Protection

FROM: Ben Brancel, Secretary
Paul J. McGraw, DVM, Administrator, Division of Animal Health

SUBJECT: Ch. ATCP 10 - Swine Animal Disease Control

PRESENTED BY: Dr. Paul J. McGraw

REQUESTED ACTION:

At the February 16, 2017, Board meeting, the Department of Agriculture, Trade and Consumer Protection ("Department") will ask the Board to authorize public hearings on a proposed rule (copy attached) amending ch. ATCP 10, Wis. Admin. Code, relating to swine animal disease control.

SUMMARY:

Rule Content

The proposed rule establishes testing requirements for commercial swine imported into or moving within Wisconsin in order to control the spread of the porcine reproductive and respiratory syndrome (PRRS) and porcine epidemic diarrhea virus (PEDv), as follows:

Swine Imported to Wisconsin

Current rule requires, with some exceptions, that swine imported to Wisconsin be accompanied by a valid certificate of veterinary inspection (CVI). Sometimes an import permit is also required. One of those exceptions includes commercial swine imported directly to a federally approved livestock marketing facility. The proposed rule no longer allows for that particular exception unless all the swine on the market premises the day of the sale are shipped directly to slaughter.

Current rule requires CVIs to include a statement disclosing the PRRS and PEDv status of an imported swine's herd of origin, if known. The proposed rule replaces the statement with the following requirements:

- For breeding swine, both of the following:
 1. A report of a negative PRRS and PEDv test from the swine's herd of origin conducted within 90 days prior to movement into Wisconsin.
 2. A statement from the veterinarian that there are no clinical signs of PRRS and PEDv at the time of inspection.

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- For commercial swine purchased or obtained from a commingled auction, sale, or exhibition, all of the following:
 1. A report of a negative PRRS and PEDv test from the swine's herd of origin conducted within 90 days prior to movement into Wisconsin.
 2. A statement from the event's veterinarian that all the swine commingled at the auction, sale, or exhibition had a negative PRRS and PEDv test from their respective herds of origin conducted within 90 days prior to movement to the auction, sale, or exhibition.
 3. A statement from the event's veterinarian that there are no clinical signs of the PRRS and PEDv at the time of inspection.
- For commercial swine imported directly to a federally approved livestock marketing facility for purposes other than slaughter, all of the following:
 1. A report of a negative PRRS and PEDv test from the swine's herd of origin conducted within 90 days prior to movement into Wisconsin.
 2. A statement from the marketing facility's veterinarian that there are no clinical signs of the PRRS and PEDv at the time of inspection.
- For all other commercial swine, a statement from the veterinarian stating that the PRRS and PEDv status of the herd of origin is negative.

Except for commercial swine imported to an approved livestock marketing facility for purposes other than slaughter, commercial and breeder swine that do not meet the above requirements may be transported to Wisconsin if the person importing them obtains an import permit from the Department. The Department will quarantine the swine upon arrival until a herd plan is approved by the Department. An approved livestock marketing facility may not accept swine that do not meet the disease testing requirements.

The above PRRS and PEDv import requirements do not apply to:

- Swine imported directly to a slaughtering establishment for slaughter.
- Commercial swine imported directly to a veterinary facility for treatment, provided that the swine is returned to its state of origin immediately following treatment and there is no change of ownership.
- Commercial swine returning directly to its place of origin in this state following treatment in a veterinary facility outside this state, provided that the swine was shipped directly to the veterinary facility and there was no change of ownership.

Swine Moving in Wisconsin

The proposed rule establishes new requirements for moving commercial swine within the state.

No person may move commercial swine intrastate unless the herd of origin has tested negative on a PRRS and PEDv test conducted not more than 90 days prior to movement and documentation of the negative test reports are made available to the Department upon request.

If the swine's herd of origin tests positive for PRRS or PEDv, the Department will quarantine the herd of origin until a herd plan is developed and approved.

If commercial exhibition swine originate from Wisconsin and return to Wisconsin after an exhibition in another state, the exhibitor must notify the Department of the movement. The Department will quarantine the swine, herd of origin, or both until a herd plan is developed and approved. This provision is not applicable if all the swine at the exhibition are from negative herds.

These new intrastate movement requirements do not apply to either of the following:

- Swine moved directly to a slaughtering establishment for slaughter.
- Swine moved to one fair or exhibition prior to being shipped directly to slaughter.

Herd Plans

The goal of the herd plan is to bring the herd to negative PRRS and PEDv status and limit the spread of the disease. The herd plan must:

- Be written by a Wisconsin certified, accredited, and licensed veterinarian on behalf of the importer.
- Establish testing protocols relating to PRRS and PEDv, as appropriate.
- Establish notification requirements of at-risk farms.
- Establish biosecurity requirements.
- Be broken down into separate production categories that need to be managed.
- Be approved by the Department.

The Department will provide sample herd plans to assist veterinarians in herd plan development.

PRRS and PEDv Testing

Tests to determine whether PRRS or PEDv is in the herd of origin must be approved by the Department and provide 90% confidence that the disease would be identified if present at 30% prevalence in the herd. This means for herds with less than 30 swine, one pooled sample of at least 5 swine, or swine available if less than 5, must be collected and tested. For herds with 30 or more swine, 3 pooled samples of at least 5 swine must be collected and tested.

Summary of, and comparison with, existing or proposed federal statutes and regulations

Current federal regulations require reporting of swine enteric corona diseases, including PEDv.

Comparison with Rules in Adjacent states

Similar to other Midwestern states, Wisconsin has established programs for historically important diseases, such as tuberculosis, brucellosis, and chronic wasting disease. Wisconsin would be the first to establish testing

requirements for PRRS and PEDv when moving swine in order to prevent and control these diseases. Surrounding states have no PRRS or PEDv testing requirements in place for moving swine.

PRRS and PEDv have proven to be costly, highly contagious diseases among pigs and can result in tremendous production losses for swine producers.

Summary of Factual Data and Analytical Methodologies

PRRS is a virus that is also known as blue-ear pig disease. This economically important, panzootic disease causes reproductive failure in breeding stock and respiratory tract illness in young pigs. Clinical signs include dramatic reproductive losses, increased pneumonia, and reduced pig growth.

An Assessment of the Economic Impact of Porcine Reproductive and Respiratory Syndrome Virus on United States Pork Producers, created by the Iowa State University and published in the *Journal of Swine Health and Production*, in 2013, compiled data from the U.S. Department of Agriculture, a survey of swine veterinarians on the incidence and impact of PRRS, and production records from commercial farms with known PRRS status. Animal-level economic impact of productivity losses and other costs attributed to PRRS were estimated using an enterprise budgeting approach and extrapolated to the national level on the basis of the U.S. breeding herd inventory, number of pigs marketed, and number of pigs imported for growing. The total cost of productivity losses due to PRRS in the U.S. national breeding and growing-pig herd was estimated at \$664 million annually, an increase from the \$560 million annual cost estimated in 2005.

According to a February 16, 2016, article from the *Scientific American*, “One of the worst things that can happen to a pig farmer is a pen infected with porcine reproductive and respiratory syndrome virus (PRRSV). It emerged in the 1980s, and the syndrome now afflicts these hoofed animals worldwide, causing illness, death and miscarriage. In fact, it has been designated the most economically significant disease for swine, costing livestock producers in North America \$600 million annually from deaths and medical treatments. Vaccinations have mostly failed to prevent the syndrome's spread.”

Similar to PRRS, PEDv has a substantial economic burden given that it is highly infectious, resulting in significant morbidity and mortality in piglets.

PEDv is a coronavirus that affects swine, causing diarrhea and vomiting, and death of 50-100 percent of infected piglets. Adult pigs can become infected and lose weight after being infected but generally do not have mortality. PEDv has persisted and spread, and now has been detected in 36 states. USDA's Animal and Plant Health Inspection Service (APHIS) has deemed PEDv a reportable disease.

Wisconsin's swine production ranks 19th in the nation, supports more than 5,000 jobs, and produces more than \$136 million in annual income. Given these factors, it is important that these diseases are controlled as they can seriously affect the state's hog production industry.

This proposed rule is industry driven and based on several meetings with and requested changes made by the PRRS/PEDv Eradication Task Force. The proposed rule has been approved by the Wisconsin Pork Association.

Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of an Economic Impact Analysis

Division staff met several times with the Wisconsin Pork Association's PRRS/PEDv Eradication Task Force to develop the contents of this proposed rule. The task force is comprised of veterinarians, pork producers representing a variety of Wisconsin farms, and other industry representatives. Many of the small business fiscal effects were discussed and determined at those meetings.

Effect on Small Business

The majority of the costs associated with this proposed rule will be the testing of swine for PRRS and PEDv prior to movement. If the producer moves swine on a regular basis, at most, such testing would be done on a quarterly basis (testing must be done within 90 days before movement). The movement of and number of swine in the herd will be the greatest factors in determining cost.

The number of swine to be sampled to provide 90% confidence that the disease would be identified if present at 30% prevalence in a herd is as follows:

- For herds with less than 30 swine—1 pooled sample of 5 swine.
- For herds with 30 or more swine—3 pooled samples of at least 5 swine.

Testing can be done by hanging a cotton rope (from a rope test kit) in a group of pigs to collect saliva, and does not require an on-farm visit from the veterinarian. The samples can be collected by the farm owner under the direction of a veterinarian, but must be submitted through an accredited veterinarian to a diagnostics lab. If using a rope test, up to 30 swine can be tested at one time. A single rope test kit costs \$5.25. The rope test kit can be used to sample the swine for both PRRS and PEDv. For herds with less than 30 swine, only 1 rope test kit is needed to collect samples for the herd. For herds with 30 or more swine, 3 rope test kits with samples from 3 groups of at least 5 swine per group must be collected.

The samples may be submitted to Iowa State University or the University of Minnesota for testing. The submission fee for either university is \$10, regardless of the number of samples submitted.

Iowa State University charges \$25 for the PRRSv using the PCR test and \$25 for the PEDv using the PCR test. University of Minnesota charges \$30.80 for the PRRSv using the PCR test and \$33 for the PEDv using the PCR test. This fee includes a 10% out-of-state surcharge.

In addition, the veterinary clinic that submits the samples typically charges a shipping and handling fee. Based on samples submitted during last summer's fairs, shipping and handling fees ranged from \$7 and \$13.50.

Minimum costs to test a small herd for PRRSv and PEDv would be \$72.25 and a large herd would be \$182.75, determined as follows:

| | Less than 30 swine (1 pooled sample) | 30 or more swine (3 pooled samples) |
|-------------------------------------|---|--|
| Rope test kit for PRRSv and/or PEDv | \$5.25 | \$15.75 |
| Submission fee | 10.00 | 10.00 |
| PCR test for PRRSv | 25.00 | 75.00 |
| PCR test for PEDv | 25.00 | 75.00 |
| Shipping & handling | 7.00 | 7.00 |
| Total | \$72.25 | \$182.75 |

The proposed rule allows a producer to collect samples under the direction of a veterinarian. Additional costs may be incurred if the producer chooses to have a veterinarian collect the samples. These costs are indeterminate.

The entities that may be affected by this rule modification include veterinarians and swine producers. To assist veterinarians in this process, sample herd plans will be provided.

Next Steps

If the Board authorizes public hearings on this rule, the Department will refer a copy of the rule to the Legislative Council Rules Clearinghouse and publish a hearing notice in the Wisconsin Administrative Register. The Department will hold public hearings on the dates and the locations specified in the hearing notice. The hearing dates and locations have not yet been determined.

Following the public hearings, the Department will prepare a Final Draft rule for the Board's consideration. If the Board approves a Final Draft rule, the Department will transmit that Final Draft rule to the Governor for his written approval and then to the Legislature for review by appropriate legislative committees. If the Legislature takes no action to stop the rule, the Secretary will sign the final rulemaking order and transmit it for publication.

**PROPOSED ORDER
OF THE STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION
ADOPTING RULES**

1 The Wisconsin department of agriculture, trade and consumer protection proposes the following
2 permanent rule *to repeal* ATCP 10.30 (1) (a) 3m.; *to renumber and amend* ATCP 10.32 (1)
3 (intro.) and (a) and (b), 10.32 (2) (intro.) and (a) to (e); *to amend* ATCP 10.30 (1) (b) 2., 10.30
4 (2) (b) 2. and 3., and 10.30 (2) (d); *to repeal and recreate* ATCP 10.30 (1) (a) 3.; and *to create*
5 ATCP 10.291, 10.30 (2) (b) 3. (Note), 10.30 (2) (b) 5., and 10.32 (2), relating to swine animal
6 disease control.

7

*Analysis Prepared by the Department
of Agriculture, Trade and Consumer Protection*

This proposed rule establishes testing requirements for commercial swine imported into or moving within Wisconsin in order to control the spread of the porcine reproductive and respiratory syndrome (PRRS) and porcine epidemic diarrhea virus (PEDv).

Statutes Interpreted

Statutes interpreted: ss. 93.07, 93.15, 95.20, 95.22, 95.38, and 95.45, Stats.

Statutory Authority

Statutory authority: ss. 93.07 (1), (2) and (10), 93.15 (1), (2) and (3), 95.20, 95.22, 95.38 (3), and 95.45 (4) (c), Stats.

Explanation of Statutory Authority

The Department of Agriculture, Trade and Consumer Protection (“department”) has broad authority to promulgate rules for the proper enforcement of its programs under s. 93.07 (1) and (10), Stats.

The department has broad authority under s. 95.20, Stats., to prohibit or regulate the importing of animals into this state or the movement of animals if there are reasonable grounds to believe it is necessary to prevent the introduction or spread of disease in this state.

The department has specific rulemaking authority on reporting animal diseases under s. 95.22 (2) and certificates of veterinary inspection under s. 95.45 (4) (c), Stats. The department makes and enforces these rules, through its division of animal health (“division”).

Related Statutes and Rules

None.

Plain Language Analysis

The proposed rule establishes testing requirements for commercial swine imported into or moving within Wisconsin in order to control the spread of the porcine reproductive and respiratory syndrome (PRRS) and porcine epidemic diarrhea virus (PEDv), as follows:

Swine imported to Wisconsin

Current rule requires, with some exceptions, that swine imported to Wisconsin be accompanied by a valid certificate of veterinary inspection (CVI). Sometimes an import permit is also required. One of those exceptions includes commercial swine imported directly to a federally approved livestock marketing facility. The proposed rule no longer allows for that particular exception from getting a CVI or import permit unless all the swine on the market premises the day of the sale are shipped directly to slaughter.

Current rule requires CVIs to include a statement disclosing the PRRS and PEDv status of an imported swine's herd of origin, if known. The proposed rule replaces the statement with the following requirements:

- For breeding swine, both of the following:
 1. A report of a negative PRRS and PED test from the swine's herd of origin conducted within 90 days prior to movement into Wisconsin.
 2. A statement from the veterinarian that there are no clinical signs of PRRS and PEDv at the time of inspection.
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Herd plans

The goal of the herd plan is to bring the herd to negative PRRS and PEDv status and limit the spread of the disease. The herd plan must:

- Be written by a Wisconsin certified, accredited, licensed veterinarian on behalf of the importer.

- Establish testing protocols relating to PRRS and PEDv, as appropriate.
- Establish notification requirements of at risk farms.
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- Be broken down into separate production categories that need to be managed.
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PRRS and PEDv testing

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PRRS and PEDv have proven to be costly, highly contagious diseases among pigs and can result in tremendous production losses for swine producers.

Summary of Factual Data and Analytical Methodologies

Porcine reproductive and respiratory syndrome (PRRS) is a virus that is also known as blue-ear pig disease. This economically important, panzootic disease causes reproductive failure in breeding stock and respiratory tract illness in young pigs. Clinical signs include dramatic reproductive losses, increased pneumonia, and reduced pig growth.

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“One of the worst things that can happen to a pig farmer is a pen infected with porcine reproductive and respiratory syndrome virus (PRRSV). It emerged in the 1980s, and the syndrome now afflicts these hoofed animals worldwide, causing illness, death and miscarriage. In fact, it has been designated the most economically significant disease for swine, costing livestock producers in North America \$600 million annually from deaths and medical treatments. Vaccinations have mostly failed to prevent the syndrome's spread.”

Similar to PRRS, the Porcine Epidemic Diarrhea Virus (PEDv) has a substantial economic burden given that it is highly infectious, resulting in significant morbidity and mortality in piglets.

PEDv is a coronavirus that affects swine, causing diarrhea and vomiting, and death of 50-100 percent of infected piglets. Adult pigs can become infected and lose weight after being infected but generally do not have mortality. PEDv has persisted and spread, and now has been detected in 36 states. USDA's Animal and Plant Health Inspection Service (APHIS) has deemed PEDv a reportable disease.

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Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of an Economic Impact Analysis

Division staff met several times with the Wisconsin Pork Association's PRRS/PEDv Eradication Task Force to develop the contents of this proposed rule. The task force is comprised of veterinarians, pork producers representing a variety of Wisconsin farms, and other industry representatives. Many of the small business fiscal effects were discussed and determined at those meetings.

Effect on Small Business

The majority of the costs associated with this proposed rule will be the testing of swine for PRRS and PED prior to movement. If the producer moves swine on a regular basis, at most, such

testing would be done on a quarterly basis (testing must be done within 90 days before movement). The movement of and number of swine in the herd will be the greatest factors in determining cost.

The number of swine to be sampled to provide 90% confidence that the disease would be identified if present at 30% prevalence in a herd is as follows:

- For herds with less than 30 swine—1 pooled sample of 5 swine.
- For herds with 30 or more swine—3 pooled samples of at least 5 swine.

Testing can be done by hanging a cotton rope (from a rope test kit) in a group of pigs to collect saliva, and does not require an on-farm visit from the veterinarian. The samples can be collected by the farm owner under the direction of a veterinarian, but must be submitted through an accredited veterinarian to a diagnostics lab. If using a rope test, up to 30 swine can be tested at one time. A single rope test kit costs \$5.25. The rope test kit can be used to sample the swine for both PRRS and PED. For herds with less than 30 swine, only 1 rope test kit is needed to collect samples for the herd. For herds with 30 or more swine, 3 rope test kits with samples from 3 groups of at least 5 swine per group must be collected.

The samples may be submitted to Iowa State University or the University of Minnesota for testing. The submission fee for either university is \$10, regardless of the number of samples submitted.

Iowa State University charges \$25 for the PRRSv using the PCR test and \$25 for the PEDv using the PCR test. University of Minnesota charges \$30.80 for the PRRSv using the PCR test and \$33 for the PEDv using the PCR test. This fee includes a 10% out-of-state surcharge.

In addition, the veterinary clinic that submits the samples typically charges a shipping and handling fee. Based on samples submitted during last summer's fairs, shipping and handling fees ranged from \$7 and \$13.50.

Minimum costs to test a small herd for PRRS and PEDv would be \$72.25 and a large herd would be \$182.75, determined as follows:

| | Less than 30 swine (1 pooled sample) | 30 or more swine (3 pooled samples) |
|-------------------------------------|---|--|
| Rope test kit for PRRSv and/or PEDv | \$5.25 | \$15.75 |
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| PCR test for PRRSv | 25.00 | 75.00 |
| PCR test for PEDv | 25.00 | 75.00 |
| Shipping & handling | 7.00 | 7.00 |
| Total | \$72.25 | \$182.75 |

The proposed rule allows a producer to collect samples under the direction of a veterinarian. Additional costs may be incurred if the producer chooses to have a veterinarian collect the samples. These costs are indeterminate.

The entities that may be affected by this rule modification include veterinarians and swine producers. To assist veterinarians in this process, sample herd plans will be provided.

Environmental Impact

This rule does not have an environmental impact.

Standards Incorporated by Reference

None.

Department Contact

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1 **SECTION 1.** ATCP 10.291 is created to read:
2 **ATCP 10.291 Swine porcine reproductive and respiratory syndrome and porcine**
3 **epidemic diarrhea virus: testing and control. (1) WHO MAY COLLECT TEST SAMPLE.** A
4 person who collects a porcine reproductive and respiratory syndrome and porcine epidemic
5 diarrhea virus test sample, for purposes of this chapter or ch. ATCP 12, shall be one of the
6 following:
7 (a) An accredited veterinarian and, if the accredited veterinarian collects the test sample
8 from swine in this state, a Wisconsin certified veterinarian.
9 (b) A person working under the direction of a veterinarian under par. (a), provided that
10 the veterinarian submits the sample for testing.
11 (c) An authorized employee or agent of the department or the federal bureau.
12 **(2) TEST PROCEDURE.** A test and test strategy used to determine whether the porcine
13 reproductive and respiratory syndrome and the porcine epidemic diarrhea virus is in the herd of

1 origin shall be approved by the department and shall provide 90% confidence that the disease
2 would be identified if present at 30% prevalence in the herd, as follows:

3 (a) For herds with less than 30 swine, one pooled sample of at least five swine or total
4 number of swine available if less than five, must be collected and tested.

5 (b) For herds with 30 or more swine, three pooled samples of at least five swine must be
6 collected and tested.

7 Note: Testing for both porcine reproductive and respiratory syndrome and the porcine
8 epidemic diarrhea virus can be done by hanging a cotton rope from a rope test kit in a group of
9 swine to collect a pooled sample of those swine.

10 (3) REPORTING TEST RESULTS. A person under sub. (1) who collects porcine
11 reproductive and respiratory syndrome and porcine epidemic diarrhea virus samples from swine
12 in this state shall report any positive test results to the department and the swine owner.

13 (4) QUARANTINE. (a) The department may quarantine swine whenever the department
14 reasonably suspects that the swine may be infected with or exposed to the porcine reproductive
15 and respiratory syndrome or the porcine epidemic diarrhea virus. The department may quarantine
16 all swine located on the premises. The quarantine shall comply with s. ATCP 10.89.

17 (b) The department may release a quarantine under par. (a) if a herd plan under par. (5) is
18 completed by a Wisconsin certified, accredited, licensed veterinarian on behalf of the swine
19 owner and the plan is approved by the department.

20 (5) HERD PLAN. A herd plan is an agreement, between the department and an owner of
21 swine, for the control of the porcine reproductive and respiratory syndrome and the porcine
22 epidemic diarrhea virus. The goal of the herd plan is to bring the herd to negative from both
23 diseases and limit the spread of the diseases. A herd plan shall be developed by a Wisconsin

1 certified, accredited, licensed veterinarian on behalf of the swine owner, establish testing
2 protocols relating to porcine reproductive and respiratory syndrome or porcine epidemic diarrhea
3 virus, or both, as appropriate, establish notification requirements of at risk farms, establish
4 biosecurity requirements, and shall be broken down into separate production categories that need
5 to be managed.

6 **SECTION 2.** ATCP 10.30 (1) (a) 3. is repealed and recreated to read:

7 **ATCP 10.30 (1) (a) 3. a.** For breeder swine, a report of a negative porcine reproductive
8 and respiratory syndrome and porcine epidemic diarrhea virus test from the swine's herd of
9 origin conducted within 90 days prior to movement into Wisconsin and a statement from the
10 veterinarian that there are no clinical signs of the porcine reproductive and respiratory syndrome
11 and the porcine epidemic diarrhea virus at the time of inspection.

12 b. For commercial swine purchased or obtained from a commingled auction, sale, or
13 exhibition, a report of a negative porcine reproductive and respiratory syndrome and porcine
14 epidemic diarrhea virus test from the swine's herd of origin conducted within 90 days prior to
15 movement into Wisconsin; a statement from the event's veterinarian that all the swine
16 commingled at the auction, sale, or exhibition had a negative porcine reproductive and
17 respiratory syndrome and porcine epidemic diarrhea virus test from their respective herds of
18 origin conducted within 90 days prior to movement to the auction, sale, or exhibition; and a
19 statement from the event's veterinarian that there are no clinical signs of the porcine reproductive
20 and respiratory syndrome and the porcine epidemic diarrhea virus at the time of inspection.

21 c. For commercial swine imported directly to a federally approved livestock marketing
22 facility under s. ATCP 10.07 (4), for purposes other than slaughter, a report of a negative porcine
23 reproductive and respiratory syndrome and porcine epidemic diarrhea virus test from the swine's

1 herd of origin conducted within 90 days prior to movement into Wisconsin and a statement from
2 the veterinarian that there are no clinical signs of the porcine reproductive and respiratory
3 syndrome and the porcine epidemic diarrhea virus at the time of inspection.

4 d. Except as specified under subpars. a., b. and c., for all other commercial swine, a
5 statement from the veterinarian stating that the porcine reproductive and respiratory syndrome
6 and porcine epidemic diarrhea virus status of the herd of origin is negative.

7 NOTE: A person who imports breeder swine and commercial swine that do not meet the
8 requirements under subpars. a., b., and d. must get an import permit from the department. The
9 imported swine, swine herd on the premises, or both will be quarantined by the department until
10 a herd plan is approved by the department. See sub. (2) (a) and (d) 2. and s. ATCP 10.291(5).
11 The department may not issue an import permit for swine that do not meet the requirements
12 under subpar. d., thus an approved livestock marketing facility may not accept swine that do not
13 meet the disease testing requirements.

14 **SECTION 3.** ATCP 10.30 (1) (a) 3m. is repealed.

15 **SECTION 4.** ATCP 10.30 (1) (b) 2. is amended to read:

16 **ATCP 10.30 (1) (b) 2.** Commercial swine imported directly to a federally approved
17 livestock marketing facility under s. ATCP 10.07 (4), if all swine on the market premises the day
18 of the sale are shipped directly to slaughter.

19 **SECTION 5.** ATCP 10.30 (2) (b) 2. and 3. are amended to read:

20 **ATCP 10.30 (2) (b) 2.** Commercial swine imported directly to a federally approved
21 livestock marketing facility under s. ATCP 10.07 (4), if all swine on the market premises the day
22 of the sale are shipped directly to slaughter.

1 3. Commercial swine originating from a state designated as a pseudorabies stage IV or V
2 state by the federal bureau and meeting the requirements under sub. (1) (a) 3. a., b. or d.

3 **SECTION 6.** ATCP 10.30 (2) (b) 3. (Note) is created to read:

4 **ATCP 10.30 (2) (b) 3.** NOTE: The importer of commercial and breeder swine that do not
5 meet the requirements under sub. (1) (a) 3. a., b. or d., must get an import permit from the
6 department. The imported swine will be quarantined by the department until a herd plan is
7 approved by the department. The swine herd on the premises may also be quarantined. See sub.
8 (2) (a) and (d) 2. and s. ATCP 10.291(5). Swine that do not meet the requirements under sub. (1)
9 (a) 3. c. may not be imported to Wisconsin. See sub. (2) (d) 2.

10 **SECTION 7.** ATCP 10.30 (2) (b) 5. is created to read:

11 **ATCP 10.30 (2) (b) 5.** Swine under sub. (1) (b) 3. and 4.

12 **SECTION 8.** ATCP 10.30 (2) (d) is amended to read:

13 ATCP 10.30 (2) (d) *Herd plan.* 1. The department may ~~not~~ issue an import permit under
14 par. (a) for animals originating from a state designated as a pseudorabies stage I or II state by the
15 federal bureau ~~unless~~ if the person receiving the import shipment has entered into a herd plan
16 with the department.

17 2. The department may issue an import permit under par. (a) for animals that do not meet
18 the requirements under sub. (1) (a) 3. a., b. or d. The department shall quarantine the imported
19 shipment of swine or the swine herd on the premises, or both until a herd plan under s. ATCP
20 10.291 (5) is approved by the department. The department may not issue an import permit for
21 animals that do not meet the requirements under sub. (1) (a) 3. c.

22 **SECTION 9.** ATCP 10.32 (1) (intro.) and (a) and (b) are renumbered 10.32 (1) (a)
23 (intro.) and 1. and 2., and as renumbered, 10.32 (1) (a) (intro.) is amended to read:

1 **ATCP 10.32 (1) (a)** (intro.) *Pseudorabies test required*. Except as provided in sub. ~~(2)~~
2 par. (b), no person may move commercial swine within this state unless all of the following
3 apply:

4 **SECTION 10.** ATCP 10.32 (2) (intro.) and (a) to (e) are renumbered 10.32 (1) (b)
5 (intro.) and 1. to 5., and as renumbered, 10.32 (1) (b) (intro.) and 4. are amended to read:

6 **ATCP 10.32 (1) (b)** (intro.) *Exemptions*. ~~Subsection (1) Paragraph (a)~~ does not apply if
7 any of the following apply:

8 4. The swine are moved to the premises of an animal dealer or animal market operator
9 who complies with the testing requirement under sub. ~~(1) par. (a)~~ before the swine are moved
10 from those premises.

11 **SECTION 11.** ATCP 10.32 (2) is created to read:

12 **ATCP 10.32 (2) (a)** *Porcine reproductive and respiratory syndrome and porcine*
13 *epidemic diarrhea virus test required*. 1. Except as provided in par. (b), no person may move
14 commercial swine within this state unless the herd of origin has tested negative on a porcine
15 reproductive and respiratory syndrome and porcine epidemic diarrhea virus test conducted not
16 more than 90 days prior to the intrastate movement and documentation of the negative test
17 reports are made available to the department upon request.

18 2. If the swine's herd of origin tests positive for either the porcine reproductive and
19 respiratory syndrome or the porcine epidemic diarrhea virus under par. (a), the department shall
20 quarantine the herd of origin and follow the procedures under ss. ATCP 10.291 (4) and (5)
21 before any swine may be moved from the premises.

22 3. If commercial exhibition swine originate from Wisconsin and return to Wisconsin after
23 an exhibition in another state, the exhibitor must notify the department of the movement before

1 returning to Wisconsin. The department shall quarantine the returning swine, herd of origin, or
2 both and follow the procedures under ss. ATCP 10.291 (4) and (5) before any swine may be
3 moved from the premises.

4 (b) *Exemption:* Par. (a) does not apply if any of the following apply:

- 5 1. The swine are moved directly to a slaughtering establishment for slaughter.
- 6 2. The swine are moved to one fair or exhibition under s. ATCP 10.87 prior to slaughter.

7 **SECTION 12.** EFFECTIVE DATE. This rule takes effect on the first day of the first month
8 commencing after the date of publication.

9 Dated this _____ day of _____, 2017.

10 WISCONSIN DEPARTMENT OF AGRICULTURE,
11 TRADE AND CONSUMER PROTECTION
12

13
14
15 By _____
16 Ben Brancel
17 Secretary

Wisconsin Department of Agriculture, Trade and Consumer Protection

Initial Regulatory Flexibility Analysis

Rule Subject: Testing requirements for commercial swine imported into or moving within Wisconsin to control the spread of the porcine reproductive and respiratory syndrome (PRRS) and porcine epidemic diarrhea virus (PEDv).

Adm. Code Reference: ATCP 10

Rules Clearinghouse #: TBD

DATCP Docket #: 15-R-18

Rule Summary

The proposed rule establishes testing requirements for commercial swine imported into or moving within Wisconsin in order to control the spread of the porcine reproductive and respiratory syndrome (PRRS) and porcine epidemic diarrhea virus (PEDv), as follows:

Swine Imported to Wisconsin

Current rule requires, with some exceptions, that swine imported to Wisconsin be accompanied by a valid certificate of veterinary inspection (CVI). Sometimes an import permit is also required. One of those exceptions includes commercial swine imported directly to a federally approved livestock marketing facility. The proposed rule no longer allows for that particular exception from getting a CVI or import permit unless all the swine on the premises the day of the sale are shipped directly to slaughter.

Current rule requires CVIs to include a statement disclosing the PRRS and PEDv status of an imported swine's herd of origin, if known. The proposed rule replaces the statement with the following requirements:

- For breeding swine, both of the following:
 1. A report of a negative PRRS and PED test from the swine's herd of origin conducted within 90 days prior to movement into Wisconsin.
 2. A statement from the veterinarian that there are no clinical signs of PRRS and PEDv at the time of inspection.
- For commercial swine purchased or obtained from a commingled auction, sale or exhibition, all of the following:
 1. A report of a negative PRRS and PEDv test from the swine's herd of origin conducted within 90 days prior to movement into Wisconsin.
 2. A statement from the event's veterinarian that all the swine commingled at the auction, sale or exhibition had a negative PRRS and PEDv test from

their respective herds of origin conducted within 90 days prior to movement to the auction, sale or exhibition.

3. A statement from the signing veterinarian that there are no clinical signs of the PRRS and PEDv at the time of inspection.
- For commercial swine imported directly to a federally approved livestock marketing facility for purposes other than slaughter, all of the following:
 1. A report of a negative PRRS and PEDv test from the swine's herd of origin conducted within 90 days prior to movement into Wisconsin.
 2. A statement from the signing veterinarian that there are no clinical signs of the PRRS and PEDv at the time of inspection.
 - For all other commercial swine, a statement from the veterinarian stating that the PRRS and PEDv status of the herd of origin is negative.

Except for commercial swine imported to an approved livestock marketing facility for purposes other than slaughter, commercial and breeder swine that do not meet the above requirements, may be transported to Wisconsin if the person importing them obtains an import permit from the Department. The Department will quarantine the swine upon arrival until a herd plan is approved by the Department. An approved livestock marketing facility may not accept swine that do not meet the disease testing requirements.

The above PRRS and PED import requirements do not apply to:

- Swine imported directly to a slaughtering establishment for slaughter.
- Commercial swine imported directly to a veterinary facility for treatment, provided that the swine is returned to its state of origin immediately following treatment and there is no change of ownership.
- Commercial swine returning directly to its place of origin in this state following treatment in a veterinary facility outside this state, provided that the swine was shipped directly to the veterinary facility and there was no change of ownership.

Swine Moving in Wisconsin

The proposed rule establishes new requirements for moving commercial swine within the state.

No person may move commercial swine intrastate unless the herd of origin has tested negative on a PRRS and PEDv test conducted not more than 90 days prior to movement and documentation of the negative test reports are made available to the Department upon request.

If the swine's herd of origin tests positive for PRRS or PED, the Department will quarantine the herd of origin until a herd plan is developed and approved.

If commercial exhibition swine originate from Wisconsin and return to Wisconsin after an exhibition in another state, the exhibitor must notify the Department of the movement. The Department will quarantine the swine, herd of origin, or both until a herd plan is

developed and approved. This provision is not applicable if all the swine at the exhibition are from negative herds.

These new intrastate movement requirements do not apply to either of the following:

- Swine moved directly to a slaughtering establishment for slaughter.
- Swine moved to one fair or exhibition prior to being shipped directly to slaughter.

Herd Plans

The goal of the herd plan is to bring the herd to negative PRRS and PEDv status and limit the spread of the disease. The herd plan must:

- Be written by a Wisconsin certified, accredited, licensed veterinarian on behalf of the importer.
- Establish testing protocols relating to PRRS and PEDv, as appropriate.
- Establish notification requirements of at risk farms.
- Establish biosecurity requirements.
- Be broken down into separate production categories that need to be managed.
- Be approved by the Department.

The Department will provide sample herd plans to assist veterinarians in herd plan development.

PRRS and PEDv Testing

Tests to determine whether PRRS or PEDv is in the herd of origin must be approved by the Department and provide 90% confidence that the disease would be identified if present at 30% prevalence in the herd. This means for herds with less than 30 swine, one pooled sample of at least five swine, or swine available if less than five, must be collected and tested. For herds with 30 or more swine, three pooled samples of at least five swine must be collected and tested.

Small Businesses Affected

This rule will have a generally positive impact on business and will save Wisconsin swine producers from the devastating effects of porcine reproductive and respiratory syndrome (PRRS) and porcine epidemic diarrhea virus (PEDv).

There will be some costs to producers to test their herds for these diseases, but such costs will be minimal compared to the substantial economic burden of these highly infectious diseases to Wisconsin's \$136 million swine industry.

This rule will affect swine producers and veterinarians in Wisconsin as follows:

The majority of the costs associated with this proposed rule will be the testing of swine for PRRS and PEDv prior to movement. If the producer moves swine on a regular basis,

at most, such testing would be done on a quarterly basis (testing must be done within 90 days before movement). The movement of and number of swine in the herd will be the greatest factors in determining cost.

The number of swine to be sampled to provide 90% confidence that the disease would be identified if present at 30% prevalence in a herd is as follows:

- For herds with less than 30 swine—1 pooled sample of 5 swine.
- For herds with 30 or more swine—3 pooled samples of at least 5 swine.

Testing can be done by hanging a cotton rope (from a rope test kit) in a group of pigs to collect saliva, and does not require an on-farm visit from the veterinarian. The samples can be collected by the farm owner under the direction of a veterinarian, but must be submitted through an accredited veterinarian to a diagnostics lab. If using a rope test kit, up to 30 swine can be tested at one time. A single rope test kit costs \$5.25. The rope test kit can be used to sample the swine for both PRRS and PED. For herds with less than 30 swine, only 1 rope test kit is needed to collect samples for the herd. For herds with 30 or more swine, 3 rope test kits with samples from 3 groups of at least 5 swine per group must be collected.

The samples may be submitted to Iowa State University or the University of Minnesota for testing. The submission fee for either university is \$10, regardless of the number of samples submitted.

Iowa State University charges \$25 for the PRRSv using the PCR test and \$25 for the PEDv using the PCR test. University of Minnesota charges \$30.80 for the PRRSv using the PCR test and \$33 for the PEDv using the PCR test. This fee includes a 10% out-of-state surcharge.

In addition, the veterinary clinic that submits the samples typically charges a shipping and handling fee. Based on samples submitted during last summer's fairs, shipping and handling fees ranged from \$7 and \$13.50.

Minimum costs to test a small herd for PRRSv and PEDv would be \$72.25 and a large herd would be \$182.75.

The proposed rule allows a producer to collect samples under the direction of a veterinarian. Additional costs may be incurred if the producer chooses to have a veterinarian collect the samples. These costs are indeterminate.

The entities that may be affected by this rule modification include veterinarians and swine producers. To assist veterinarians in this process, sample herd plans will be provided.

Reporting, Bookkeeping and other Procedures

This rule establishes testing requirements for commercial swine imported into or moving within Wisconsin in order to control the spread of the porcine reproductive and respiratory syndrome (PRRS) and porcine epidemic diarrhea virus (PEDv).

The paperwork associated with this proposed rule includes maintaining the test results of swine tested for PRRS and PEDv. Testing must be done within 90 days before movement and these test results must be maintained as proof of compliance during movement.

Any positive testing results for PRRS or PEDv must be reported to the Department and swine owner.

For imported swine, statements from veterinarians must also be maintained as proof of compliance during movement.

If certain disease testing requirements are not met and/or veterinarian statements are not included when swine are moved:

- A person importing swine to Wisconsin must get an import permit from the Department.
- The Department will quarantine a swine herd. To release the quarantine, the owner will be required to have a veterinarian develop a herd plan. Certain information must be included in the herd plan and the Department will provide sample herd plans to assist veterinarians in herd plan development.

Professional Skills Required

The proposed rule does not specify professional skills required for small businesses.

Accommodation for Small Business

Many of the businesses affected by this rule are “small businesses.” For the most part, this rule does not make special exceptions for small business, because disease does not differentiate or respect business size.

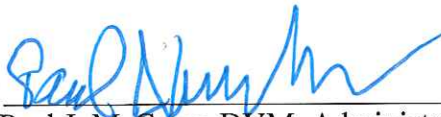
There will be some costs to producers to test their herds for these diseases, but such costs will be minimal compared to the substantial economic burden of these highly infectious diseases to Wisconsin’s \$136 million swine industry.

Conclusion

This rule will generally benefit affected businesses, including “small businesses.” Negative effects, if any, will be few and limited. 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.

Dated this 3rd day of February, 2017.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By 
Paul J. McGraw, DVM, Administrator
Division of Animal Health

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

| | |
|---|--|
| 1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected | 2. Date 1/17/17 |
| 3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Ch. ATCP 10 | |
| 4. Subject Swine Animal Disease Control | |
| 5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S | 6. Chapter 20, Stats. Appropriations Affected |
| 7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget <input type="checkbox"/> Decrease Cost | |
| 8. The Rule Will Impact the Following (Check All That Apply) <input checked="" type="checkbox"/> State's Economy <input checked="" type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A) | |
| 9. Would Implementation and Compliance Costs Be Greater Than \$20 million? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| 10. Policy Problem Addressed by the Rule None | |
| 11. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments. Wisconsin Show Pig Association and the Wisconsin Pork Association | |
| 12. Identify the local governmental units that participated in the development of this EIA. None. | |
| 13. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) There is no fiscal impact on public utility rate payers and costs to local governmental units will be minimal. See the Initial Regulatory Flexibility Analysis for more information on the fiscal effect on specific businesses, business sectors, and the state's economy. | |
| 14. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule Porcine reproductive and respiratory syndrome (PRRS) has been designated the most economically significant disease for swine, costing livestock producers in North America \$600 million annually from deaths and medical treatments. Similar to PRRS, the Porcine Epidemic Diarrhea Virus (PEDv) has a substantial economic burden given that it is highly infectious, resulting in significant morbidity and mortality in piglets. This rule will have a generally positive impact on business and will save Wisconsin swine producers from the devastating effects of PRRS and PEDv. There will be some costs to producers to test their herds for these diseases, but such costs will be minimal compared to the substantial economic burden of these highly infectious diseases to Wisconsin's \$136 million swine industry. Alternatives are to do nothing in rule and hope that Wisconsin swine producers do not unknowingly import or move | |

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

swine infected with these diseases as disease symptoms are not always present.

15. Long Range Implications of Implementing the Rule

The goal of the rule is to control the spread of PRRS and PEDv in Wisconsin.

16. Compare With Approaches Being Used by Federal Government

Current federal regulations require reporting of swine enteric corona diseases, including PED. When a positive herd is reported, the herd is also required to work with a veterinarian to develop a herd plan to control the disease.

17. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Similar to other Midwestern states, Wisconsin has established programs for historically important diseases, such as tuberculosis, brucellosis and chronic wasting disease. Wisconsin would be the first to establish testing requirements for PRRS and PEDv when moving swine in order to prevent and control these diseases. Surrounding states have no PRRS or PEDv testing requirements in place for moving swine.

PRRS and PEDv have proven to be costly, highly contagious diseases among pigs and can result in tremendous production losses for swine producers.

18. Contact Name

Darlene Konkle, DVM, Assistant State Veterinarian

19. Contact Phone Number

608-224-4902

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

The majority of the costs associated with this proposed rule will be the testing of swine for PRRS and PED prior to movement. If the producer moves swine on a regular basis, at most, such testing would be done on a quarterly basis (testing must be done within 90 days before movement). The movement of and number of swine in the herd will be the greatest factors in determining cost. Minimum costs to test a small herd for PRRSv and PEDv would be \$72.25 and a large herd would be \$182.75. See the Regulatory Flexibility Analysis for more information on the fiscal effect on small businesses.

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

Department staff met several times with the Wisconsin Pork Association's PRRS/PEDv Eradication Task Force to develop the contents of this proposed rule. The task force is comprised of veterinarians, pork producers representing a variety of Wisconsin farms, and other industry representatives. Many of the small business fiscal effects were discussed and determined at those meetings. Meetings were also held with the Wisconsin Show Pig Association and Wisconsin Pork Association.

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

Many of the businesses affected by this rule are "small businesses." For the most part, this rule does not make special exceptions for small business, because disease does not differentiate or respect business size. There will be some costs to producers to test their herds for these diseases, but such costs will be minimal compared to the substantial economic burden of these highly infectious diseases to Wisconsin's \$136 million swine industry.

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

N/A

5. Describe the Rule's Enforcement Provisions

If certain disease testing requirements are not met and/or veterinarian statements are not included when swine are moved:

- A person importing swine to Wisconsin must get an import permit from the Department.
- The Department will quarantine a swine herd. To release the quarantine, the owner will be required to have a veterinarian develop a herd plan. Certain information must be included in the herd plan and the Department will provide sample herd plans to assist veterinarians in herd plan development.

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-