



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection

Ben Brancel, Secretary

DATE: March 9, 2017

TO: Board of Agriculture, Trade and Consumer Protection

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

*Darlene M. Kunkle
for
Dr. McGraw*

SUBJECT: ATCP 17–Livestock Premises Registration; Rulemaking Scope Statement

TO BE PRESENTED BY: Dr. Paul McGraw, Administrator, Division of Animal Health

REQUESTED ACTION:

At the March 16, 2017, Board meeting, the Department of Agriculture, Trade and Consumer Protection (“Department”) will ask the Department Board to approve a Statement of Scope (“Scope Statement”) (copy attached) for proposed amendments to current Department rules related to livestock premises registration.

History and background. Wisconsin's Livestock Premises Registration Law (2003 Wis. Act 229), went into effect on November 1, 2005. Administrative rules that implemented the livestock premises registration program (Ch. ATCP 17, Wis. Adm. Code) took effect on January 1, 2006. The law and rules were created after bovine spongiform encephalopathy (“mad cow” disease) was identified in the United States in 2003. The program was developed to protect animal health and the security of the food chain in the event of an animal disease emergency.

The current rule provides that persons who keep livestock in this state must register every 3 years with the Department. To register, a person generally provides information concerning types of livestock kept, their locations, and information on whom to contact in case of an animal emergency. There is no fee to register. Registration information is confidential as specified under s. ATCP 17.03, Wis. Adm. Code. The location of livestock, or premises, is assigned a unique identification code. The Department has established a database for premises information.

The current rule allows a registered location to have a primary and up to three secondary locations listed under a single premises code. A secondary location is a location that shares or commingles animals with the primary location and is related to the primary location.

Secondary premises are not searchable in the database and, therefore, are not be included in a group of interest in the event of a disease outbreak. For example, when a disease outbreak occurs a specified area around the infected premises is searched in the database for additional premises that house susceptible livestock species so that livestock owners can be notified and their animals tested if necessary. Currently, a secondary premises would not be included in that search and may reside in the susceptible area while the primary premises it is

Agriculture generates \$88 billion for Wisconsin

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • Wisconsin.gov

An equal opportunity employer

registered under does not. Because the primary location does not reside in the susceptible area, the secondary location would not be informed or tested.

Proposed policies. The Department will explore the feasibility of requiring a secondary premises to register separately and to have its own premises code, so it will not be missed during future disease responses. (See ss. 93.07 (1) and (10) and 95.51, Wis. Stats.).

A Scope Statement spells out the general purpose and scope of a proposed rule. The Department may not begin drafting a proposed rule (including a proposal to amend or repeal an existing rule) until the Governor approves a Scope Statement for the proposed rule and the Department Board approves the Scope Statement. In accordance with 2011 Wisconsin Act 21 (s.227.135(2), Stats.), the Governor approved this Scope Statement for permanent rule changes on March 3, 2017, thereby allowing the Department to submit this Scope Statement for publication and to seek approval of the Scope Statement by the Department Board.

The Department must publish a draft Scope Statement in the Wisconsin Administrative Register, and file a copy with the Department of Administration ("DOA"), at least 10 days before the Department Board approves the Scope Statement. The Department filed the attached Scope Statement with the Legislative Reference Bureau for publication in the March 6, 2017, issue of the Wisconsin Administrative Register. The Department also filed a copy with DOA.

If the Department Board approves the Scope Statement, the Department will begin work to draft the permanent rule. Approval of a Scope Statement is just the first, preliminary step in a lengthy process for enacting permanent rules. The Department Board will have at least 2 further opportunities to review the proposed rule. The Department Board must approve a hearing draft rule before the Department may hold public hearings on the rule proposal. The Department Board must also approve the final draft rule before the Department may adopt the rule. The permanent rule will be effective when the final draft has been approved by the Department Board, approved by the Governor, completed the legislative review process and adopted by the Secretary.

STATEMENT OF SCOPE

Department of Agriculture, Trade and Consumer Protection (DATCP)

Rule No.: Ch. ATCP 17, Wis. Adm. Code (Existing)

Relating to: Livestock Premises Registration

1. Description of the objective of the rule:

This proposed rule would modify current animal health rules related to livestock premises registration. This rule may explore whether to eliminate the allowance of secondary locations to be registered along with primary locations when registering a livestock premises.

2. Description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives; the history, background and justification for the proposed rule:

History and background. Wisconsin's Livestock Premises Registration Law (2003 Wis. Act 229), went into effect on November 1, 2005. Administrative rules that implemented the livestock premises registration program (Wis. Admin. Code ch. ATCP 17) took effect on January 1, 2006. The law and rules were created after bovine spongiform encephalopathy ("mad cow" disease) was identified in the United States in 2003. The program was developed to protect animal health and the security of the food chain in the event of an animal disease emergency.

The current rule provides that persons who keep livestock in this state must register every three years with the Department of Agriculture, Trade and Consumer Protection ("Department"). To register, a person generally provides information concerning types of livestock kept, the locations, and information on whom to contact in case of an animal emergency. There is no fee to register. Registration information is confidential as specified under Wis. Admin. Code ch. ATCP 17.03. The location of livestock, or premises, is assigned a unique identification code. The Department has established a database for premises information.

The current rule allows a registered location to have a primary and up to three secondary locations listed under a single premises code. A secondary location is a location that shares or commingles animals with the primary location and is related to the primary location.

Secondary premises are not searchable in the database and, therefore, will not be included in a group of interest in the event of a disease outbreak. For example, when a disease outbreak occurs, a specified area around the infected premises is searched in the database for additional premises that house susceptible livestock species so that livestock owners can be notified and their animals tested if necessary. Currently, a secondary premises is not included in that search and may reside in the susceptible area while the primary premises it is registered under does not. Because the primary location does not reside in the susceptible area, the secondary location will not be informed or tested.

Proposed policies. The Department will explore the feasibility of requiring a secondary premises to register separately and to have its own premises code, so it will not be missed during future disease responses. (Wis. Stats. § 93.07 (1) and (10) and 95.51).

Policy Alternatives. The Department may take no action. If the Department does not require a secondary premises to register and obtain its own premises registration number, such premises may be missed and jeopardized if exposed during a major disease outbreak.

3. Statutory authority for the rule (including the statutory citation and language):

Sections Wis. Stats. § 93.07 (1) and (10), and 95.51(3m) and (7).

93.07 Department duties. It shall be the duty of the department:

(1) REGULATIONS. To make and enforce such regulations, not inconsistent with law, as it may deem necessary for the exercise and discharge of all the powers and duties of the department, and to adopt such measures and make such regulations as are necessary and proper for the enforcement by the state of chs. 93 to 100, which regulations shall have the force of law.

* * *

(10) ANIMAL HEALTH; QUARANTINE. To protect the health of animals located in this state and of humans residing in this state and to determine and employ the most efficient and practical means for the prevention, suppression, control, and eradication of communicable diseases among animals. For these purposes, the department may establish, maintain, enforce, and regulate such quarantine and such other measures relating to the importation, movement, and care of animals and their products, the disinfection of suspected localities and articles, and the disposition of animals, as the department determines are necessary. The definition of “communicable disease” in s. 990.01 (5g) does not apply to this subsection.

95.51 Livestock premises registration.

(3m) EXEMPTIONS. The department may promulgate rules specifying exemptions from sub. (2), including exemptions based on the number or type of livestock kept by a person or on the type of locations where a person keeps livestock.

* * *

(7) RULES. The department may promulgate rules for the administration of this section. The department shall promulgate rules to govern the release of aggregate information under this section by the department.

4. Estimate of the amount of time that state employees will spend to develop the rule and of other resources necessary to develop the rule:

The Department estimates that it will use approximately 0.50 FTE staff to develop this rule. That includes time required for investigation and analysis, rule drafting, preparing related documents, coordinating advisory committee meetings, holding public hearings and communicating with affected persons and groups. The Department will use existing staff to develop this rule.

5. Description of all entities that may be impacted by the rule:

Any secondary premises registered with a primary premises registrants at the time the rule goes into effect will have to register separately and obtain its own premises registration number. Because there is no fee for the registration, this modification would not have a fiscal impact on any of the premises registrants.

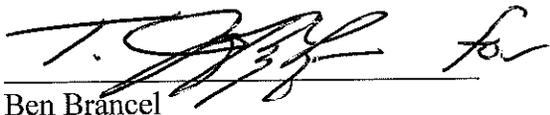
6. Summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule:

At the national level, livestock premises registration is voluntary but supported by USDA. The national program runs concurrently with mandatory and voluntary livestock premises registration programs in numerous states. The information obtained in the voluntary federal program is largely identical to the information obtained in the Wisconsin program.

7. Anticipated economic impact:

The Department expects the rule to have minimal to no economic impact statewide and locally.

Contact Person: Darlene Konkle, DVM, Assistant State Veterinarian, DATCP; Phone (608) 224-4902.



Ben Brancel

Secretary

Department of Agriculture, Trade and Consumer Protection

2-21-17

Date Submitted