

**THE DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER
PROTECTION'S PROPOSED ORDER TO ADOPT PERMANENT RULES**

PROPOSED ORDER

The Wisconsin Department of Agriculture, Trade and Consumer Protection proposes an order *to repeal* ATCP 10.291, 10.30 (1) (a) 3. and (2) (d) 2., 10.32 (2), 10.87 (1) (d), ATCP 12.02 (8) (m), 12.03 (9) (k), and 12.06 (1m) (k); *to amend* ATCP 10.30 (1) (b) 2. and (2) (b) 2. and 3., *relating to* swine PRRS and PEDv, and affecting small business.

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

Statutes Interpreted: Wis. Stat. §§ 95.19 (3), 95.20, 95.22 (2), 95.45 (4) (c)

Statutory Authority: Wis. Stat. §§ 95.19 (3), 95.20, 95.22 (2), 95.45 (4) (c)

Explanation of Agency Authority

Wis. Stat. § 95.19 (3) (a) authorizes the department to promulgate rules authorizing the transport under a department permit of an animal exposed to or infected with a contagious or infectious disease for slaughter or other purposes prescribed by the department. Wis. Stat. § 95.19 (3) (b) authorizes the department to promulgate rules to specify those contagious or infectious diseases to which the prohibitions of sub. (2) and the rules promulgated under par. (a) apply.

Wis. Stat. § 95.20 authorizes the department to prohibit or regulate the importing of animals into this state or the movement of animals within this state if the department has reasonable grounds to believe that regulation or prohibition is necessary to prevent the introduction or spread of a disease in this state that threatens the health of animals or of humans.

Wis. Stat. § 95.22 (2) authorizes the department to promulgate rules that specify all of the following: the diseases that a veterinarian or the department of natural resources must report, the deadline for reporting the disease after the date of its discovery, the information that a veterinarian or the department of natural resources must include in his or her report, and procedures to be used in preparing or submitting the report.

Wis. Stat. § 95.45 (4) (c) authorizes the department to promulgate rules to impose requirements on the form, issuance, and filing of certificates of veterinary inspection.

Related Statutes and Rules

Related statutes and rules are Wis. Stat. ch. 93 relating to the Department of Agriculture, Trade and Consumer Protection, Wis. Stat. ch. 95 relating to animal health, Wis. Admin. Code ch. ATPC 10 relating to Animal Diseases and Movement, and Wis. Admin. Code ch. ATPC 12 relating to animal markets, dealers, and truckers.

Plain Language Analysis

The proposed rule would repeal current testing requirements and movement restrictions related to porcine reproductive and respiratory syndrome (PRRS) and porcine epidemic diarrhea virus (PEDv).

The rule with these testing requirements and movement restrictions went into effect in 2018, and was created with input and support from swine producers and industry groups. The main goal of the rule was to control the spread and reduce the prevalence of PRRS and PEDv in Wisconsin. At the time, it was anticipated that other states would develop similar regulations; however, other states have not developed similar regulations. In 2024, the department received a letter from Wisconsin's largest swine industry group requesting that the department initiate rulemaking to repeal PRRS and PEDv swine movement rules.

Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations

The department administers animal disease control programs in cooperation with the United States Department of Agriculture Animal and Plant Health Inspection Service (USDA APHIS). This rule does not duplicate or conflict with any federal regulations.

Comparison with Rules in Adjacent States

Illinois

Illinois does not have any similar regulations regarding testing requirements or movement restrictions for PRRS and PEDv.

Iowa

Iowa does not have any similar regulations regarding testing requirements or movement restrictions for PRRS and PEDv.

Michigan

Michigan does not have any similar regulations regarding testing requirements or movement restrictions for PRRS and PEDv.

Minnesota

Minnesota does not have any similar regulations regarding testing requirements or movement restrictions for PRRS and PEDv.

Fiscal Estimate and Economic Impact Analysis

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on Small Business

The affected entities would include many small businesses, pursuant to the definition under Wis. Stat. § 227.114 (1). The overall economic impact is anticipated to be minimal or reduced. Direct costs to swine producers would decrease because of the repeal of PRRS and PEDv testing requirements. The rule would also reduce administrative burdens. It is unknown whether the prevalence of PRRS and PEDv in Wisconsin has decreased due to the rule, so it is unknown whether repealing the rule would impact the prevalence of PRRS and PEDv in Wisconsin.

The Department's Regulatory Review Coordinator may be contacted by:

Email at Bradford.Steine1@wisconsin.gov

Telephone at (608) 224-5024

The Regulatory Flexibility Analysis is attached.

Department Contact Person

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Place Where Comments are to Be Submitted and Deadline for Submission:

Comments must be received on or before November 10, 2025 to be included in the record of rule-making proceedings. Submit comments:

By mail to:

Angela Fisher
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Department of Agriculture, Trade and Consumer Protection
P.O. Box 8911
Madison, WI 53708-8911

By email to: angela.fisher1@wisconsin.gov

RULE TEXT

1 SECTION 1. ATCP 10.291 is repealed.

Summary of Factual Data and Analytical Methodologies

The proposed rule would repeal current testing requirements and movement restrictions related to PRRS and PEDv.

The rule with these testing requirements and movement restrictions went into effect in 2018, and was created with input and support from swine producers and industry groups. The main goal of the rule was to control the spread and reduce the prevalence of PRRS and PEDv in Wisconsin. At the time, it was anticipated that other states would develop similar regulations; however, other states have not developed similar regulations. In 2024, the department received a letter from Wisconsin's largest swine industry group requesting that the department initiate rulemaking to repeal PRRS and PEDv swine movement rules.

It is unknown whether the prevalence of PRRS and PEDv in Wisconsin has decreased due to the rule, so it is unknown whether repealing the rule would impact the prevalence of PRRS and PEDv in Wisconsin.

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

The affected entities would include many small businesses, pursuant to the definition under Wis. Stat. § 227.114 (1). The overall economic impact is anticipated to be minimal or reduced.

Swine producers would be affected by this rule. Direct costs to swine producers would decrease because of the repeal of PRRS and PEDv testing requirements. The rule would also reduce administrative burdens. Also affected by this rule would be animal markets, animal dealers, animal truckers, Wisconsin fairs, swine show organizers, swine exhibitors, veterinarians, veterinary diagnostic laboratories, and slaughter plants. In general, the rule change would result in less recordkeeping, paperwork, and organizational efforts by these entities.

It is unknown whether the prevalence of PRRS and PEDv in Wisconsin has decreased due to the rule, so it is unknown whether repealing the rule would impact the prevalence of PRRS and PEDv in Wisconsin. PRRS is the most expensive disease currently affecting US swine. According to an analysis by Iowa State University, PRRS caused an estimated \$1.2 billion per year in lost production in the US pork industry from 2016 to 2020, an 80% increase from a decade earlier.

The existing rule went into effect in 2018, and was created with input and support from swine producers and industry groups. The main goal of the rule was to control the spread and reduce the prevalence of PRRS and PEDv in Wisconsin. At the time, it was anticipated that other states would develop similar regulations; however, other states have not developed similar regulations. In 2024, the department received a letter from Wisconsin's largest swine industry group requesting that the department initiate rulemaking to repeal PRRS and PEDv swine movement rules.

SECTION 2. ATCP 10.30 (1) (a) 3. is repealed.

SECTION 3. ATCP 10.30 (1) (b) 2. is amended to read:

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

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

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

SECTION 5. ATCP 10.30 (2) (b) 3. is amended to read:

ATCP 10.30 (2) (b) 3. Commercial swine originating from a state designated as a pseudorabies stage IV or V state by the federal bureau ~~and meeting the requirements under sub. (1) (a) 3.~~

SECTION 6. ATCP 10.30 (2) (b) 3. (Note) is repealed.

SECTION 7. ATCP 10.30 (2) (d) 2. is repealed.

SECTION 8. ATCP 10.32 (2) is repealed.

SECTION 9. ATCP 10.87 (1) (d) is repealed.

SECTION 10. ATCP 12.02 (8) (m) is repealed.

SECTION 11. ATCP 12.03 (9) (k) is repealed.

SECTION 12. ATCP 12.06 (1m) (k) is repealed.

SECTION 13. EFFECTIVE DATE. This rule is effective on the first day of the month commencing after the date of publication, as provided under Wis. Stat. s. 227.22 (2) (intro.).

(END OF RULE TEXT)

Dated this 10 day of September, 2025

WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION


By: Randy Romanski, Secretary