

consistent with the objectives of ch. ATCP 12, Wis. Admin. Code, and will not conflict with state law. The state veterinarian, or that person's designee, must issue the waiver in writing.

(4) Section ATCP 10.291, Wis. Admin. Code, includes the following requirements for PRRS and PEDv testing and control:

(1) WHO MAY COLLECT TEST SAMPLE. A person who collects a PRRS and PEDv test sample, for purposes of this chapter or ch. ATCP 12, shall be one of the following:

(a) An accredited veterinarian and, if the accredited veterinarian collects the test sample from swine in this state, a Wisconsin certified veterinarian.

(b) A person working under the direction of a veterinarian under par. (a), provided that the veterinarian submits the sample for testing.

(c) An authorized employee or agent of the Department or the federal bureau.

(2) TEST PROCEDURE. A test and test strategy used to determine whether PRRS and PEDv is in the herd of origin shall be approved by the Department and shall provide 90% confidence that the disease would be identified if present at 30% prevalence in the herd by using one of the following:

(a) Collecting a pooled sample of swine by hanging a cotton rope in a group of swine as follows:

1. For herds with less than 150 swine, one pooled sample of swine shall be collected and tested. The number of swine to be pooled for samples shall be determined by the owner in consultation with his or her herd veterinarian.

2. For herds with 150 to 299 swine, two pooled samples of swine shall be collected and tested. The number of swine to be pooled for samples shall be determined by the owner in consultation with his or her herd veterinarian.

3. For herds with 300 or more swine, three pooled samples of swine shall be collected and tested. The number of swine to be pooled for samples shall be determined by the owner in consultation with his or her herd veterinarian.

(b) Collecting blood samples from 8 swine for any sized herd.

(c) Using another method approved by the Department.

(3) SUBMITTING SAMPLES AND REPORTING TEST RESULTS. A veterinarian under sub. (1) shall submit the PRRS and PEDv samples from swine in this state to a Department-approved laboratory and shall report any positive test results to the Department and the swine owner.

(4) QUARANTINE.

(a) The Department may quarantine swine whenever the Department reasonably suspects that the swine may be infected with or exposed to PRRS or PEDv. The Department may quarantine all swine located on the premises. The quarantine shall comply with § ATCP 10.89.

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

(5) HERD PLAN. A herd plan is an agreement, between the Department and an owner of swine, for the control of PRRS and PEDv. The goal of the herd plan is to bring the herd to negative from both diseases and limit the spread of the diseases. A herd plan shall be developed by a Wisconsin certified, accredited, licensed veterinarian on behalf of the swine owner or an accredited veterinarian from a state other than Wisconsin, establish testing protocols relating to PRRS or PEDv, or both, as appropriate, establish notification requirements of at risk farms and potential buyers, establish biosecurity requirements, and shall be broken down into separate production categories that need to be managed.

(5) Section ATCP 10.30(1)(a)3., Wis. Admin. Code, requires that certificates of veterinary inspection (CVIs) for swine imports include the following information regarding PRRS and PEDv testing:

a. For commercial swine, 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 and a statement from the veterinarian that there are no clinical signs of PRRS and PEDv at the time of inspection. This subd. 3. a. does not apply to commercial swine imported directly to a market licensed under § ATCP 12.02, if all swine on the market premises the day of the sale are shipped directly to slaughter.

b. For commercial swine purchased or obtained from a commingled auction, sale, or exhibition, 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; 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; and a statement from the event's veterinarian that there are no clinical signs of PRRS and PEDv at the time of inspection.

c. For commercial swine imported directly to a federally approved livestock marketing facility under § ATCP 10.07 (4) 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 and a statement from the veterinarian that there are no clinical signs of PRRS and PEDv at the time of inspection.

(6) Section ATCP 10.30(1)(b)2., Wis. Admin. Code, requires that all swine on the market premises the day of sale are shipped directly to slaughter, for commercial swine imported directly to a federally approved livestock marketing facility to meet the exemption to par. (a) regarding CVIs.

(7) Section ATCP 10.30(2)(b)2., Wis. Admin. Code, requires that all swine on the market premises the day of the sale are shipped directly to slaughter, for commercial swine imported directly to a federally approved livestock marketing facility to meet the exemption to par. (a) regarding import permits.

(8) Section ATCP 10.30(2)(b)3., Wis. Admin. Code, requires that commercial swine originating from a state designated as a pseudorabies stage IV or V state by the federal bureau also meet the requirements under sub. (1)(a)3. to meet the exemption to par. (a) regarding import permits.

(9) Section ATCP 10.30(2)(d)2., Wis. Admin. Code, allows the Department to issue an import permit under par. (a) for animals that do not meet the requirements under sub. (1)(a)3.a. or b., and requires the Department to quarantine the imported shipment of swine or the swine herd on the premises, or both until a herd plan under § ATCP 10.291 (5) is approved by the Department. The Department may not issue an import permit for animals that do not meet the requirements under sub. (1)(a)3.c.

(10) Section ATCP 10.32(2), Wis. Admin. Code, includes the following PRRS and PEDv testing requirements and movement restrictions:

(a) Test required.

1. Except as provided in par. (b), no person may move commercial swine within this state unless the herd of origin has tested negative on a PRRS and PEDv test conducted not more than 90 days prior to the intrastate movement and documentation of the test reports are made available at the time of sale and to the Department upon request. Testing under this paragraph shall comply with § ATCP 10.291.

2. If the swine's herd of origin does not meet the requirements under subd. 1., the Department shall quarantine the herd of origin and follow the procedures under § ATCP 10.291 (4) and (5) before any swine may be moved from the premises.

3. 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 before returning to Wisconsin. The Department shall quarantine the returning swine, herd of origin, or both and follow the procedures under § ATCP 10.291 (4) and (5) before any swine may be moved from the premises. This subdivision does not apply if the out-of-state exhibition organizer requires all participating swine to test negative for PRRS and PEDv within 90 days prior to the event.

(b) Exemption. Paragraph (a) does not apply if any of the following apply:

1. The swine are moved directly to a slaughtering establishment for slaughter or directly to an animal market to be sold at a sale where all swine on the market premises are shipped directly to a slaughtering establishment.

2. The swine are moved to one fair or exhibition under § ATCP 10.87 prior to being shipped directly to slaughter or directly to an animal market to be sold at a sale where all swine on the market premises are shipped directly to a slaughtering establishment.

3. 3. Commercial swine moving directly to an animal market, if all swine on the market premises the day of the sale are shipped directly to slaughter.

(11) Section ATCP 10.87(1)(d), Wis. Admin. Code, requires the organizer of a fair or exhibition to keep the following records related to the PRRS and PEDv movement restrictions under § ATCP 10.32(2)(b)2.:

1. Keep all of the following information for any swine meeting the criteria under § ATCP 10.32(2)(b)2. that participate at the fair or exhibition:

a. A record of any swine that were transported directly to a slaughtering establishment.

b. A record of any swine that were transported to an animal market where all the animals sold at the market sale for that day were shipped directly to a slaughtering establishment.

2. The organizer shall keep the records required under subd. 1. in written or electronic form, keep the records for at least 5 years, and make the records available to the Department for inspection and copying upon request.

(12) Section ATCP 12.02(8)(m), Wis. Admin. Code, requires an animal market operator to notify potential buyers of any swine that test positive for PRRS or PEDv before those swine are presented for sale at the market.

(13) Section ATCP 12.03(9)(k), Wis. Admin. Code, requires an animal dealer to notify potential buyers of any swine that test positive for PRRS or PEDv before sold by the dealer.

(14) Section ATCP 12.06(1m)(k), Wis. Admin. Code, requires the records of an animal market operator and an animal dealer to include PRRS and PEDv test results, if required under § ATCP 10.30(1)(a)3. or 10.32(2) and herd plan number, if required under § ATCP 10.30(2)(d) or 10.32(2)(a)2.

(15) The rule with PRRS and PEDv testing requirements and movement restrictions went into effect in 2018 (CR 17-011), 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.

(16) In response to the request from industry, the Department initiated rulemaking to evaluate whether to repeal testing requirements and movement restrictions related to PRRS and PEDv. The statement of

scope (SS 028-25) was approved by the Governor on April 24, 2025, and by the DATCP Board on May 8, 2025.

(17) The Department proposed a draft rule (CR 25-075) that would repeal PRRS and PEDv testing requirements and movement restrictions under chs. ATCP 10 and 12, Wis. Admin. Code. The Department held a public hearing on the draft rule on October 30, 2025, with written comments accepted through November 10, 2025. The Department received comments from 36 commenters. Thirty-five (35) commenters expressed support of the rule draft to repeal testing requirements and movement restrictions related to PRRS and PEDv. One (1) registered speaker at the public hearing left before stating a position. No (0) commenters expressed opposition to the repeal of PRRS and PEDv testing requirements and movement restrictions.

(18) In response to public comments, the Department proceeded with the proposed rule to repeal testing requirements and movement restrictions for PRRS and PEDv. The final rule was approved by the DATCP Board on January 29, 2026, and by the Governor on February 6, 2026. The final rule was submitted to the Legislative Reference Bureau on February 19, 2026, for publication in the Register.

(19) The rule is effective on the first day of the month commencing after the date of publication, as provided under § 227.22(2), Wis. Stat.

(20) At the time of this waiver, the final rule has not yet been published.

(21) On March 4, 2026, Keri Retallick, Executive Vice President of the Wisconsin Pork Association (WPA), requested that the Division of Animal Health waive the PRRS and PEDv testing requirements and movement restrictions under ch. ATCP 10 (CR 25-075). WPA explains, “[a]s was established during the Department’s public hearing and comment period for this rule change, the current PRRS and PEDv testing requirements do impose a significant economic burden on Wisconsin pork producers and show pig community. As was also established during that process, the current testing requirements have likely had no measurable effect on the prevalence of PRRS and PEDv in Wisconsin. Therefore, we believe that a waiver is appropriate and warranted in this situation.” WPA requested a waiver “as soon as possible so that the industry encounters no further interruption or additional expenses as we look ahead to this year’s livestock show and fair season.”

(22) A waiver from PRRS and PEDv testing requirements and movement restrictions under chs. ATCP 10 and 12, Wis. Admin. Code, is reasonable and necessary, consistent with the objectives of chs. ATCP 10 and 12, Wis. Admin. Code, and would not conflict with state statutes.

CONCLUSIONS OF LAW

(1) This waiver does not conflict with any other provisions of chs. ATCP 10 and 12, Wis. Admin. Code.

(2) This waiver does not conflict with any requirements under ch. 95, Wis. Stats.

(3) Pursuant to §§ ATCP 10.93 and 12.09, Wis. Admin. Code, the Department may grant a written waiver from a requirement under chs. ATCP 10 and 12, Wis. Admin. Code, as the Department finds that the waiver is reasonable and necessary, is consistent with the objectives of chs. ATCP 10 and 12, Wis. Admin. Code, and will not conflict with state law.

(4) This Order contains the Department's findings, as required for a waiver, under §§ ATCP 10.93 and 12.09, Wis. Admin. Code.

(5) Pursuant to §§ ATCP 10.93 and 12.09, Wis. Admin. Code, Findings of Fact (1) through (22), and subject to terms, the Department may waive PRRS and PEDv testing requirements and movement restrictions, under chs. ATCP 10 and 12, Wis. Admin. Code.

ORDER

NOW, THEREFORE, it is ordered, pursuant to §§ ATCP 10.93 and 12.09, Wis. Admin. Code, that:

(1) The Department grants a waiver from the following PRRS and PEDv testing requirements and movement restrictions in chs. ATCP 10 and 12, Wis. Admin. Code:

- a. All provisions under § ATCP 10.291, Wis. Admin. Code.
- b. All provisions under § ATCP 10.30(1)(a)3., Wis. Admin. Code.
- c. The requirement that all swine on the market premises the day of the sale are shipped directly to slaughter under § ATCP 10.30(1)(b)2., Wis. Admin. Code.
- d. The requirement that all swine on the market premises the day of the sale are shipped directly to slaughter under § ATCP 10.30(2)(b)2., Wis. Admin. Code.
- e. The requirement to meet the requirements of sub. (1)(a)3. under § ATCP 10.30(2)(b)3., Wis. Admin. Code.
- f. All provisions under § ATCP 10.30(2)(d)2., Wis. Admin. Code.
- g. All provisions under § ATCP 10.32(2), Wis. Admin. Code.
- h. All provisions under § ATCP 10.87(1)(d), Wis. Admin. Code.
- i. All provisions under § ATCP 12.02(8)(m), Wis. Admin. Code.
- j. All provisions under § ATCP 12.03(9)(k), Wis. Admin. Code.
- k. All provisions under § ATCP 12.06(1m)(k), Wis. Admin. Code.

(2) This waiver will remain in effect until the first day of the month commencing after the date of publication of the final rule (CR 25-075), or unless rescinded earlier by order of the State Veterinarian, or unless additional information requires the Department to reassess the grant of the waiver.

(3) This order may be appealed in writing within 30 days of the date of the order to be reviewed by following the procedures to request an informal hearing or a contested case hearing in Wis. Stat. § 227.42, and Wis. Admin. Code §§ ATCP 1.03(3) and 1.06, and HA 1.04(3).

3/5/2026 | 10:51 AM CST

Dated this ____ day of _____, 2026

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

Signed by:
By: 
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Darlene Konkle, DVM, MS, DACVIM
State Veterinarian