



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

DATE: April 28, 2025

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Randy Romanski, Secretary
Darlene Konkle, DVM, MS, DACVIM, Administrator, Division of Animal Health

SUBJECT: ATCP 10 and 12, Swine PRRS and PEDv

PRESENTED BY: Angela Fisher, Program and Policy Analyst, Division of Animal Health

REQUESTED ACTION:

At the May 8, 2025, Board meeting, the Department will request approval of either the attached statement of scope or, if required by JCRAR, a notice of preliminary hearing and comment period for the statement of scope, regarding chs. ATCP 10 and 12 (Swine PRRS PEDv).

SUMMARY:

The objective of the proposed rule is to evaluate whether to modify or repeal rules related to porcine reproductive and respiratory syndrome (PRRS) and porcine epidemic diarrhea virus (PEDv).

The 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 the PRRS and PEDv swine movement rules.

The Governor approved the statement of scope (SS 028-25) on April 24, 2025, and the statement of scope was published in the Administrative Register on April 28, 2025.

The Joint Committee for Review of Administrative Rules (JCRAR) may require a preliminary public hearing and comment period for the statement of scope, within 10 days after the statement of scope was published. At this time, JCRAR has not required a preliminary public hearing and comment period for this statement of scope, but JCRAR may do so through May 8, 2025.

At the May 8, 2025, DATCP Board meeting, the Department will request approval of either the statement of scope or a notice of preliminary hearing and comment period, depending on whether JCRAR requires a preliminary hearing and comment period or not.

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STATEMENT OF SCOPE

Department of Agriculture, Trade and Consumer Protection

Rule No.: ATCP 10 and 12

Relating to: Swine PRRS and PEDv

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

Not applicable.

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to evaluate whether to modify or repeal rules related to porcine reproductive and respiratory syndrome (PRRS) and porcine epidemic diarrhea virus (PEDv).

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Existing Policies Relevant to the Rule:

This rule relates to PRRS and PEDv testing requirements and movement restrictions. The 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 the PRRS and PEDv swine movement rules.

New Policies Proposed to be Included in the Rule and Analysis of Policy Alternatives:

The department proposes evaluating whether to modify or repeal rules related to PRRS and PEDv. Without the proposed rule, the department would not be able to evaluate whether to repeal the rules as requested by industry.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 95.19 (3), Stats., authorizes the department to promulgate rules related to diseased animals as follows:

95.19 (3) Rule Making.

The department may promulgate rules:

- (a) 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.
- (b) Specify those contagious or infectious diseases to which the prohibitions of sub. (2), and the rules promulgated under par. (a), apply.

Section 95.20, Stats., authorizes the department to prohibit or regulate the import or movement of animals as follows:

95.20 Import and movement of animals.

The department may 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.

Section 95.22 (2), Stats., authorizes the department to promulgate rules related to reporting animal diseases as follows:

95.22 (2)

The department shall promulgate rules that specify all of the following:

- (a) The diseases that a veterinarian or the department of natural resources must report under this section.
- (b) For each disease specified in par. (a), the deadline for reporting the disease after the date of its discovery.
- (c) The information that a veterinarian or the department of natural resources must include in his or her report.
- (d) Procedures to be used in preparing and submitting the report.

Section 95.45 (4) (c), Stats., authorizes the department to promulgate rules related to certificates of veterinary inspection as follows:

95.45 (4) (c)

The department may promulgate rules to impose requirements on the form, issuance, and filing of certificates of veterinary inspection.

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

The department estimates that it will use approximately 200 hours to develop this rule.

6. List with description of all entities that may be affected by the proposed rule:

Swine producers would be affected by this rule. 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.

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

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 fees or standards.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

Most affected entities are small businesses, pursuant to the definition under s. 227.485 (2) (c), Stats. The overall anticipated economic impact is anticipated to be minimal but could be moderate. Costs to swine producers could decrease if PRRS and PEDv testing requirements are reduced or removed. The rule could also reduce administrative burdens for swine producers. 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.¹

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Signed this 7 day of April 2025



Randy J. Romanski

Secretary

State of Wisconsin Department of Agriculture,
Trade and Consumer Protection

¹ Iowa State University. July 30, 2024. Growing Losses from PRRS Cost Pork Producers \$1.2 Billion Per Year, New Study Shows. <https://research.iastate.edu/2024/07/30/growing-losses-from-prrs-cost-pork-producers-1-2-billion-per-year-new-study-shows/>