



State of Wisconsin  
Governor Scott Walker

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

**DATE:** July 6, 2017  
**TO:** Board of Agriculture, Trade and Consumer Protection  
**FROM:** Ben Brancel, Secretary *Ben Brancel*  
Paul J. McGraw, DVM, Administrator, Division of Animal Health *Paul J. McGraw*  
**SUBJECT:** Ch. ATCP 10 - Swine Animal Disease Control; Final Draft

**PRESENTED BY:** Dr. Paul J. McGraw

**REQUESTED ACTION:**

At the July 20, 2017, Board meeting, the Department of Agriculture, Trade and Consumer Protection (“Department”) will ask the Department Board to approve the final draft rule revising Wis. Admin. Code Ch. ATCP 10, 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 swine enteric coronavirus disease (“SECD”), 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 porcine epidemic diarrhea virus (“PEDV”) status of an imported swine’s herd of origin, if known. The proposed rule replaces the statement with the following requirements:

- For commercial swine, both of the following:
  1. A report of a negative PRRS and SECD test from the swine’s herd of origin conducted within 90 days prior to movement into Wisconsin.

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2. A statement from the veterinarian that there are no clinical signs of PRRS and SECD 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 SECD 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 SECD 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 SECD at the time of inspection.
  - For commercial swine imported directly to a federally approved livestock marketing facility, all of the following:
    1. A report of a negative PRRS and SECD 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 SECD at the time of inspection.

Except for commercial swine imported to an approved livestock marketing facility, commercial 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 SECD 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 SECD 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 SECD, 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 SECD 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 SECD, 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 SECD testing

Tests to determine whether PRRS or SECD 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. The rule allows samples for testing to be taken by rope, blood, or other if approved by the Department.

#### *If collecting samples by rope:*

For herds with less than 150 swine, one pooled sample of swine must be collected and tested. The number of swine pooled must be determined by the owner in consultation with the herd veterinarian.

For herds with 150 or more swine, three pooled samples of at least five swine shall be collected and tested.

*If collecting blood samples,* samples must be taken from 8 swine for any sized herd.

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

PRRS and SECD 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 US 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 US 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, the SECD 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 19<sup>th</sup> 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/SECD Eradication Task Force. The proposed rule is supported 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/SECD 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. Division staff also met with members of the Wisconsin Show Pig Association to discuss the rule contents and their concerns.

*Effect on Small Business*

The majority of the costs associated with this proposed rule will be the testing of swine for PRRS and SECD 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. This means:

- For herds with less than 150 swine, only one pooled sample must be collected. The owner must consult with a veterinarian to determine how many swine samples should be pooled for testing.
- For herds with 150 or more swine, three pooled samples of at least five swine must be collected and tested.

The least expensive testing can be done by hanging a cotton rope 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 an approved diagnostics lab. At the most, 3 ropes may be needed to sample swine in different pens or barns. A rope test kit can be used to sample the swine for both PRRS and SECD and may be purchased for \$5.25.

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 SECD using the PCR test. University of Minnesota charges \$30.80 for the PRRSv using the PCR test and \$33 for the SECD 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 each time a herd with less than 150 swine is tested for PRRS and SECD would be \$72.25 and a herd with 150 or more swine would be \$182.75, determined as follows:

	Herds with less than 150 swine (1 pooled sample)	Herds with 150 or more swine (3 pooled samples of at least 5 swine)
Rope test kit for PRRSv and/or SECD	\$5.25	\$15.75
Submission fee (regardless of number of samples submitted)	10.00	10.00
PCR test for PRRSv	25.00	75.00
PCR test for SECD	25.00	75.00
Shipping & handling (estimate per sample)	7.00	7.00
<b>Total</b>	<b>\$72.25</b>	<b>\$182.75</b>

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.

### *Public Hearings*

The Department held public hearings on this rule on April 5, 2017, in Dodgeville, Wisconsin and on April 12, 2017, in Fond du Lac, Wisconsin. Written comments were accepted until April 21, 2017. Of the five people that attended the hearing, four testified. Eighteen people submitted written comments.

### *Changes from the Hearing Draft*

The Department made the following changes based on hearing testimony and meetings with the Wisconsin Pork Association and members of the Wisconsin Show Pig Association:

- Number of swine to be tested has been changed:
  - If collecting samples by rope:
    - For herds with less than 150 (rather than 30) swine, only one pooled sample must be collected. The owner must consult with a veterinarian to determine how many swine samples should be pooled for testing.
    - For herds with 150 (rather than 30) or more swine, three pooled samples of at least five swine must be collected and tested.
  - If collecting blood samples, 8 swine must be sampled for any sized herd.
- In addition to sampling by rope or blood, the rule clarifies that other sampling methods may be used if approved by the Department.
- Requirements for “breeder” swine have been changed to pertain to all commercial swine imported to Wisconsin.
- Testing requirements for PEDv has been changed to testing for SECD, as SECD is a more inclusive disease term that includes PEDv.
- Under Wis. Stat. § ATCP 10.32(2)(a)2, the phrase, “tests positive for either the porcine reproductive and respiratory syndrome or the porcine epidemic diarrhea virus” has been replaced with “does not meet the requirements” to clarify that if testing requirements are not met, the herd will be quarantined and procedures followed.

See Attachment 1 for more information on testimony received. All of the Rules Clearinghouse’s recommended changes were made. The changes made provide clarification or in some instances we revised thresholds for animal herd numbers to allow more flexibility.

### *Next Steps*

If the Board approves this final draft rule, the Department will submit the final draft rule to the Governor’s Office of Regulatory Compliance. If the Governor’s office approves the final draft rule, the Department will then submit the rule to the legislature for legislative committee review. If the legislature has no objection to the rule, the Department Secretary will sign the final rulemaking order and transmit it for publication. The rule will take effect on the first day of the third month following publication.

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

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

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*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 swine enteric coronavirus disease (“SECD”).

*Statutes Interpreted*

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

*Statutory Authority*

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

*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 Wis. Stats. §§ 93.07 (1) and (10).

The Department has broad authority under Wis. Stats. § 95.20, 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 Wis. Stats. § 95.22 (2) and certificates of veterinary inspection under Wis. Stats. § 95.45 (4) (c). 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 PRRS and the SECD, 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 the porcine epidemic diarrhea virus (“PEDv”) status of an imported swine’s herd of origin, if known. The proposed rule replaces the statement with the following requirements:

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

Except for commercial swine imported to an approved livestock marketing facility, commercial 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.

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#### Herd plans

The goal of the herd plan is to bring the herd to negative PRRS and SECD 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 SECD, 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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The Department will provide sample herd plans to assist veterinarians in herd plan development.

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

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### ***Comparison with Rules in Adjacent states***

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### ***Summary of Factual Data and Analytical Methodologies***

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This proposed rule is industry driven and based on several meetings with and requested changes made by the PRRS/SECD 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/SECD 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. Division staff also met with members of the Wisconsin Show Pig Association to discuss the rule contents and their concerns.

### *Effect on Small Business*

The majority of the costs associated with this proposed rule will be the testing of swine for PRRS and SECD 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. This means:

- For herds with less than 150 swine, only one pooled sample must be collected. The owner must consult with a veterinarian to determine how many swine samples should be pooled for testing.
- For herds with 150 or more swine, three pooled samples of at least five swine must be collected and tested.

The least expensive testing can be done by hanging a cotton rope 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 an approved diagnostics lab. At the most, 3 ropes may be needed to sample swine in different pens or barns. A rope test kit can be used to sample the swine for both PRRS and PED and may be purchased for \$5.25.

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 PRRS using the PCR test and \$25 for the SECD using the PCR test. University of Minnesota charges \$30.80 for the PRRS using the PCR test and \$33 for the SECD 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 each time a herd with less than 150 swine is tested for PRRS and SECD would be \$72.25 and a herd with 150 or more swine would be \$172.25, determined as follows:

	Herds with less than 150 swine (1 pooled sample)	Herds with 150 or more swine (3 pooled samples of at least 5 swine)
Rope test kit for PRRSV and/or SECD	\$5.25	\$5.25
Submission fee (regardless of number of samples submitted)	10.00	10.00
PCR test for PRRSV	25.00	75.00
PCR test for SECD	25.00	75.00
Shipping & handling (estimate per sample)	7.00	7.00
<b>Total</b>	<b>\$72.25</b>	<b>\$172.25</b>

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 swine**
  - 3            **enteric coronavirus disease: testing and control. (1) WHO MAY COLLECT TEST SAMPLE.**

1 A person who collects a porcine reproductive and respiratory syndrome and swine enteric  
2 coronavirus disease test sample, for purposes of this chapter or ch. ATCP 12, shall be one of the  
3 following:

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

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

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

9 (2) TEST PROCEDURE. A test and test strategy used to determine whether the porcine  
10 reproductive and respiratory syndrome and the swine enteric coronavirus disease is in the herd of  
11 origin shall be approved by the department and shall provide 90% confidence that the disease  
12 would be identified if present at 30% prevalence in the herd by using one of the following:

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

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

18 2. For herds with 150 or more swine, three pooled samples of at least five swine shall be  
19 collected and tested.

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

21 (c) Using another method approved by the department.

22 Note: Testing can be done for both porcine reproductive and respiratory syndrome and  
23 the swine enteric coronavirus disease using the samples collected under pars. (a) and (b).

1           **(3) SUBMITTING SAMPLES AND REPORTING TEST RESULTS.** A veterinarian  
2 under sub. (1) shall submit the porcine reproductive and respiratory syndrome and swine enteric  
3 coronavirus disease samples from swine in this state to a department-approved laboratory and  
4 shall report any positive test results to the department and the swine owner.

5           **(4) QUARANTINE.** (a) The department may quarantine swine whenever the department  
6 reasonably suspects that the swine may be infected with or exposed to the porcine reproductive  
7 and respiratory syndrome or the swine enteric coronavirus disease. The department may  
8 quarantine all swine located on the premises. The quarantine shall comply with s. ATCP 10.89.

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

12           **(5) HERD PLAN.** A herd plan is an agreement, between the department and an owner of  
13 swine, for the control of the porcine reproductive and respiratory syndrome and the swine enteric  
14 coronavirus disease. The goal of the herd plan is to bring the herd to negative from both diseases  
15 and limit the spread of the diseases. A herd plan shall be developed by a Wisconsin certified,  
16 accredited, licensed veterinarian on behalf of the swine owner, establish testing protocols relating  
17 to porcine reproductive and respiratory syndrome or swine enteric coronavirus disease, or both,  
18 as appropriate, establish notification requirements of at risk farms, establish biosecurity  
19 requirements, and shall be broken down into separate production categories that need to be  
20 managed.

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

22           **ATCP 10.30 (1) (a) 3. a.** For commercial swine, a report of a negative porcine  
23 reproductive and respiratory syndrome and swine enteric coronavirus disease test from the



1 swine's herd of origin conducted within 90 days prior to movement into Wisconsin and a  
2 statement from the veterinarian that there are no clinical signs of the porcine reproductive and  
3 respiratory syndrome and the swine enteric coronavirus disease at the time of inspection.

4 b. For commercial swine purchased or obtained from a commingled auction, sale, or  
5 exhibition, a report of a negative porcine reproductive and respiratory syndrome and swine  
6 enteric coronavirus disease test from the swine's herd of origin conducted within 90 days prior to  
7 movement into Wisconsin; a statement from the event's veterinarian that all the swine  
8 commingled at the auction, sale, or exhibition had a negative porcine reproductive and  
9 respiratory syndrome and swine enteric coronavirus disease test from their respective herds of  
10 origin conducted within 90 days prior to movement to the auction, sale, or exhibition; and a  
11 statement from the event's veterinarian that there are no clinical signs of the porcine reproductive  
12 and respiratory syndrome and the swine enteric coronavirus disease at the time of inspection.

13 c. For commercial swine imported directly to a federally approved livestock marketing  
14 facility under s. ATCP 10.07 (4) a report of a negative porcine reproductive and respiratory  
15 syndrome and swine enteric coronavirus disease test from the swine's herd of origin conducted  
16 within 90 days prior to movement into Wisconsin and a statement from the veterinarian that  
17 there are no clinical signs of the porcine reproductive and respiratory syndrome and the swine  
18 enteric coronavirus disease at the time of inspection.

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

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

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

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

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

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

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

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

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

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

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

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

21           2. The department may issue an import permit under par. (a) for animals that do not meet  
22 the requirements under sub. (1) (a) 3. a. or b. The department shall quarantine the imported  
23 shipment of swine or the swine herd on the premises, or both until a herd plan under s. ATCP

1 10.291 (5) is approved by the department. The department may not issue an import permit for  
2 animals that do not meet the requirements under sub. (1) (a) 3. c.

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

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

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

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

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

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

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

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

4           3. If commercial exhibition swine originate from Wisconsin and return to Wisconsin after  
5 an exhibition in another state, the exhibitor must notify the department of the movement before  
6 returning to Wisconsin. The department shall quarantine the returning swine, herd of origin, or  
7 both and follow the procedures under ss. ATCP 10.291 (4) and (5) before any swine may be  
8 moved from the premises.

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

- 10           1. The swine are moved directly to a slaughtering establishment for slaughter.  
11           2. The swine are moved to one fair or exhibition under s. ATCP 10.87 prior to being  
12 shipped directly to slaughter.

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

15           Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

16                           WISCONSIN DEPARTMENT OF AGRICULTURE,  
17                           TRADE AND CONSUMER PROTECTION  
18  
19  
20

21                           By \_\_\_\_\_  
22                           Ben Brancel  
23                           Secretary

**Summary of Public Comments  
Clearinghouse Rule 17-011  
Chapter ATPC 10  
Swine Animal Disease Control**

**Dodgeville Hearing, 5 pm, April 5, 2017**

<i>Name/Organization</i>	<i>Registered</i>	<i>Summary of Comments</i>
Amanda Drew/Muldoon Farms	Support	Did not testify
David Wade/Wisconsin Pork Assoc, Hanor Co., Self	Support	<ul style="list-style-type: none"> <li>• Recommend changing the rule from testing for Porcine Epidemic Diarrhea virus ("PEDv") to Swine Enteric Coronavirus Disease ("SECD"). SECD is the larger category and would include Porcine Delta Coronavirus. This change will not increase testing costs.</li> <li>• Recommend that swine imports under 10.30 be amended to replace "breeder swine" with "commercial swine" to broaden the scope of pig herds that need to be tested prior to import.</li> <li>• Recommend further discussion on the number of swine to be tested to determine disease status.</li> </ul>

**Fond du Lac Hearing, 5 pm, April 12, 2017**

<i>Name/Organization</i>	<i>Registered</i>	<i>Summary of Comments</i>
David Gruff/Self	Info	<ul style="list-style-type: none"> <li>• Support testing of imported swine, but not testing for in-state movement.</li> </ul>
Scott Krueger/Self	Info	<ul style="list-style-type: none"> <li>• Recommend collaboration with other states so we are all doing the same thing.</li> <li>• Would like to see disease outbreak info on your web page.</li> </ul>
Tom Knauer/Knauer Family	Support\ oppose parts	<ul style="list-style-type: none"> <li>• Support testing of imported swine, but not testing for in-state movement. Recommend that required in-state testing for movement be second step.</li> <li>• Testing costs too much for small producer (\$700 for 4 tests a year). If blood is drawn for testing by veterinarian, costs will be more.</li> <li>• Herd plans cost too much (\$100).</li> </ul>

**Written Comments**

<i>Name/Organization</i>	<i>Position/Comments</i>
Shawn and Nancy Doherty	<ul style="list-style-type: none"> <li>• Animals that have been vaccinated for PRRS will test positive. Thus people are being condemned for being proactive.</li> <li>• This rule will affect kids showing their pigs at non-terminal shows.</li> <li>• These diseases can be transferred from location to location by flies or birds.</li> <li>• Should not force show pig industry into required testing just because large commercial farms wish to implement these practices.</li> </ul>
Jim Magolski and Howard AV Roth	<ul style="list-style-type: none"> <li>• Because our pig numbers are relatively low compared to neighboring states, we can implement a process, which, if successful in a state with fewer pigs, may be able to be replicated on a larger scope.</li> <li>• Support the flexibility provided in writing herd plans.</li> <li>• See David Wade's comments at Dodgeville hearing.</li> </ul>

Arthur H Mueller, DVM	<ul style="list-style-type: none"> <li>• The rule will benefit many swine producers in this state.</li> <li>• Unlike other viral diseases that protective vaccines have been manufactured for, PRRS has confounded the veterinarian and community because of our inability to make vaccines that provide consistent protection.</li> <li>• Wisconsin's topography is such that viruses do not easily blow from farm to farm. Nearly all cases of PRRS/PED outbreaks that I have investigated have been caused by either the purchase of diseased animals or by contaminated trucks.</li> <li>• Strongly encourage this rule be pushed forward into action.</li> </ul>
Theresa Reiter	<ul style="list-style-type: none"> <li>• Recommend development of rules on swine movement and disposal.</li> <li>• Recommend that neighbors of farms that have infected animals be notified.</li> </ul>
Hilman Schroeder	<ul style="list-style-type: none"> <li>• Do not support the rule. Wisconsin is not ready to control PRRS at this time (herd plans and testing cost too much). I believe you can force quarantine on incoming hogs along with a retest protocol.</li> </ul>
Joe Severson, DVM	<ul style="list-style-type: none"> <li>• Support the rule because these diseases are highly destructive and our efforts to treat them have been marginal at best.</li> <li>• The rule will stall the new infection rate in swine in our state by preventing infected incoming pigs into the state and cleaning up the reservoirs of the virus in infected herds.</li> </ul>
David Wade (additional comments)	<ul style="list-style-type: none"> <li>• The Wisconsin Pork Association has provided no cost testing for PRRS, by providing cotton ropes and paying for shipping and lab costs to producers and county fairs.</li> <li>• The rule changes ask that further controls be put in place on pig movements into and within the state. It does not exclude one segment of the industry from the requirements.</li> </ul>
<ul style="list-style-type: none"> <li>• Matt Cherney</li> <li>• McKinley Krueger</li> <li>• Scott and Karlene Krueger (additional comments)</li> <li>• Glenn and Pamela Puntney</li> <li>• Bruce and Loretta Schulz</li> <li>• Melissa and Talena Sprecher</li> <li>• Curt Watson</li> </ul>	<ul style="list-style-type: none"> <li>• Rules are costly to the producer and exhibitor who is not going to a terminal show.</li> <li>• Wisconsin is ranked 19<sup>th</sup> nationally in swine production and is the only state that would have these testing requirements. Shouldn't top 5 or 10 pork producing states be implementing these requirements?</li> <li>• Financial burden of testing is more for small producers than large commercial operations. Whether you have 30 or 3,000 sows, testing requirements are the same.</li> <li>• The rule will prohibit the ability to improve show pig herd genetics from outside the state. Swine producers in other states won't pay extra vet fees just to sell to Wisconsin producers.</li> <li>• It is an unrealistic expectation that all pigs at an out-of-state sale, auction or exhibition would have certificates of veterinary inspection stating negative PRRS/PEDv status since those states are not proposing this type of legislation.</li> <li>• Show pig producers will not be able to compete on a national level with so many restrictions. (comment from Glenn and Pamela Puntney only)</li> <li>• If the rules make youth test all the time, the rules should make large operations test all the time. Everyone should test monthly, quarterly or annually not just if livestock are taken to a show or purchased out of state. (comment from McKinley Krueger only)</li> </ul>

Comments by other interested parties, included allowing for other sampling methods to be used.

Wisconsin Department of Agriculture, Trade and Consumer Protection

**Final 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 #:** 17-011

**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 swine enteric coronavirus disease (“SECD”), 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 porcine epidemic diarrhea virus (“PEDv”) status of an imported swine’s herd of origin, if known. The proposed rule replaces the statement with the following requirements:

- For commercial swine, both of the following:
  1. A report of a negative PRRS and SECD 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 SECD 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 SECD 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 SECD 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 SECD at the time of inspection.
- For commercial swine imported directly to a federally approved livestock marketing facility, all of the following:
    1. A report of a negative PRRS and SECD 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 SECD at the time of inspection.

Except for commercial swine imported to an approved livestock marketing facility, commercial 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 SECD 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 SECD 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 SECD, 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 SECD 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 SECD, 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 SECD testing

Tests to determine whether PRRS or SECD 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. The rule allows samples for testing to be taken by rope, blood, or other if approved by the Department.

#### *If collecting samples by rope:*

For herds with less than 150 swine, one pooled sample of swine must be collected and tested. The number of swine pooled must be determined by the owner in consultation with the herd veterinarian.

For herds with 150 or more swine, three pooled samples of at least five swine shall be collected and tested.

*If collecting blood samples*, samples must be taken from 8 swine for any sized herd.

### ***Small Businesses Affected***

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.

This rule will affect swine producers and veterinarians in Wisconsin, as outlined below.

The majority of the costs associated with this proposed rule will be the testing of swine for PRRS and SECD 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. This means:

- For herds with less than 150 swine, only one pooled sample must be collected. The owner must consult with a veterinarian to determine how many swine samples should be pooled for testing.
- For herds with 150 or more swine, three pooled samples of at least five swine must be collected and tested.

The least expensive testing can be done by hanging a cotton rope 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 an approved diagnostics lab. At the most, 3 ropes may be needed to sample swine in different pens or barns. A rope test kit can be used to sample the swine for both PRRS and PED and may be purchased for \$5.25.

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 SECD using the PCR test. University of Minnesota charges \$30.80 for the PRRSv using the PCR test and \$33 for the SECD 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 each time a herd with less than 150 swine is tested for PRRS and SECD would be \$72.25 and a herd with 150 or more swine would be \$182.75, determined as follows:

	Herds with less than 150 swine (1 pooled sample)	Herds with 150 or more swine (3 pooled samples of at least 5 swine)
Rope test kit for PRRSv and/or SECD	\$5.25	\$5.25
Submission fee (regardless of number of samples)	10.00	10.00

submitted)		
PCR test for PRRSv	25.00	75.00
PCR test for SECD	25.00	75.00
Shipping & handling (estimate per sample)	7.00	7.00
<b>Total</b>	<b>\$72.25</b>	<b>\$182.75</b>

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 PRRS and 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 29<sup>th</sup> day of June, 2017.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

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

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<b>1. Type of Estimate and Analysis</b> <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	<b>2. Date</b> 1/17/17
<b>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)</b> Ch. ATCP 10	
<b>4. Subject</b> Swine Animal Disease Control	
<b>5. Fund Sources Affected</b> <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	<b>6. Chapter 20, Stats. Appropriations Affected</b>
<b>7. Fiscal Effect of Implementing the Rule</b> <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	
<b>8. The Rule Will Impact the Following (Check All That Apply)</b> <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)	
<b>9. Would Implementation and Compliance Costs Be Greater Than \$20 million?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>10. Policy Problem Addressed by the Rule</b> None	
<b>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.</b> Wisconsin Show Pig Association and the Wisconsin Pork Association	
<b>12. Identify the local governmental units that participated in the development of this EIA.</b> None.	
<b>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)</b> There is no fiscal impact on public utility rate payers and costs to local governmental units will be minimal. See the Final Regulatory Flexibility Analysis for more information on the fiscal effect on specific businesses, business sectors, and the state's economy.	
<b>14. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule</b> 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 administrative rule and hope that Wisconsin swine producers do not unknowingly	

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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

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**15. Long Range Implications of Implementing the Rule**

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

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**16. Compare With Approaches Being Used by Federal Government**

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

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**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.

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**18. Contact Name**

Darlene Konkle, DVM, Assistant State Veterinarian

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**19. Contact Phone Number**

608-224-4902

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

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

### ATTACHMENT A

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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 (less than 150 swine) for PRRSv and SECD would be \$72.25 and a large herd (150 or more swine) would be \$182.75. See the Regulatory Flexibility Analysis for more information on the fiscal effect on small businesses.

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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.

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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.

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

N/A

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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.

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

- Yes     No
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