

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

IN THE MATTER OF A WAIVER OF ANIMAL HEALTH RULES)	AH Docket No. 18-S-002
s. ATCP 10.291, 10.30 and 10.32,)	
Wisconsin Administrative Code for any Swine owner within or outside of Wisconsin and any accredited veterinarian testing and developing herd plans for the Porcine Delta Coronavirus (PDCoV) as part of the requirement that swine be tested for Swine Enteric Coronavirus Disease (SECD) prior to swine movement into or within Wisconsin.)	ORDER GRANTING A WAIVER FROM THE REQUIREMENT THAT A SWINE OWNER AND AN ACCREDITED VETERINARIAN TEST SWINE FOR PORCINE DELTA CORONAVIRUS (PDCoV) AS A SWINE ENTERIC CORONAVIRUS DISEASE (SECD), AND DEVELOP A HERD PLAN FOR SWINE THAT TEST POSITIVE OR ARE NOT TESTED FOR PDCoV, WITH CONDITIONS.

INTRODUCTION

Under s. ATCP 10.93, Wis. Admin. Code, the State of Wisconsin Department of Agriculture, Trade and Consumer Protection (department) may waive provisions of ch. ATCP 10, Wis. Admin. Code (Animal Health Program) if the department finds that the waiver is reasonable and necessary, is consistent with the objectives of ch. ATCP 10, Wis. Admin. Code, and will not conflict with state law. The state veterinarian must issue the waiver in writing.

Pursuant to s. ATCP 10.93, Wis. Admin. Code, the department hereby makes the following findings and conclusions and issues the following order waiving the requirements under ss. ATCP 10.291, 10.30 and 10.32, Wis. Admin. Code, requiring swine owners to test for Porcine Delta Coronavirus (PDCoV) when testing the herd of origin for Swine Enteric Coronavirus Disease (SECD), within 90 days prior to movement, and requiring an accredited veterinarian to develop a herd plan for any swine that tests positive or does not meet the testing requirements for PDCoV.

FINDINGS OF FACT

(1) The department is responsible for administering Wisconsin's animal health program under ch. 95, Wis. Stats. The program is designed to protect the health of animals in this state, and to prevent, control and eradicate communicable diseases among animals. The department has broad authority to adopt rules interpreting statutes under its jurisdiction (see s. 93.07 (1), Wis. Stats.).

(2) Under s. ATCP 10.93, Wis. Admin. Code, the department may waive any provision of ch. ATCP 10, Wis. Admin. Code, if the department finds that the waiver is reasonable and necessary, is consistent with the objective of ch. ATCP 10, Wis. Admin. Code, and will not conflict with state law. The state veterinarian must issue the waiver in writing.

(3) Section ATCP 10.30 (1) (a) 3. a., Wis. Admin. Code, requires that commercial swine imported into Wisconsin have a negative SECD test result from the swine's herd of origin conducted within 90 days prior to movement.

(4) Section ATCP 10.30 (1) (a) 3. b., Wis. Admin. Code, requires that commercial swine imported into Wisconsin after being purchased or obtained from a commingled auction, sale, or exhibition have:

- a) A negative SECD test result from that swine's herd of origin conducted within 90 days prior to movement and
- b) A statement from the event's veterinarian that all swine at the event had a negative SECD test result from their respective herds of origin conducted within 90 days prior to the event.

(5) Section ATCP 10.30 (2) (d) 2., Wis. Admin. Code, allows the department to issue an import permit for animals that do not meet the SECD testing requirements if an accredited veterinarian develops a herd plan that is approved by the department.

(6) Section ATCP 10.32 (2) (a) 1., Wis. Admin. Code, requires that commercial swine moved within Wisconsin have a negative SECD test result from the swine's herd of origin conducted not more than 90 days prior to movement.

(7) Section ATCP 10.32 (2) (a) 2., Wis. Admin. Code, requires that if a swine's herd of origin does not meet the testing requirements for SECD prior to intrastate movement, the department shall quarantine the herd until a herd plan is developed by an accredited veterinarian and the herd plan is approved by the department.

(8) Section ATCP 10.291 (1), Wis. Admin. Code, specifies who may collect a SECD test sample (an accredited veterinarian, person working under the direction of a veterinarian or authorized employee or agent of the department or federal bureau).

(9) Section ATCP 10.291 (2), Wis. Admin. Code, specifies the sampling techniques that may be used to collect SECD test samples.

(10) Section ATCP 10.291 (3), Wis. Admin. Code, specifies where the SECD test samples must be sent.

(11) Section ATCP 10.291 (5), Wis. Admin. Code, specifies the requirements of a herd plan, including the establishment of testing protocols relating to SECD.

(12) Testing for SECD includes testing for the Porcine Delta Coronavirus (PDCoV) and Porcine Epidemic Diarrhea Virus (PEDv). At the time the rule requirements under pars. (3) to (11) were developed, the United States Department of Agriculture (USDA) required reporting of PEDv and PDCoV. However, recently, the USDA discontinued the required reporting of these diseases. Although no longer required to be reported, PEDv remains a devastating disease in swine, causing diarrhea and vomiting, and death of 50-100 percent of infected piglets. While harmful, PDCoV is not nearly as damaging.

(13) Since the rule became effective, all of the SECD positive cases for which herd plans have been developed have been for weak positives for PDCoV. Thus far, the department has not received notice of a positive PEDv case. The pigs that have tested positive for PDCoV are not ill and have never shown clinical signs according to the private practitioners.

(14) It has been found that birds carry their own Delta coronaviruses that can interfere/cross-react with the swine tests. There is not a cost effective or reasonable test for producers to differentiate between the avian and porcine viruses.

(15) Veterinarians and producers are asking how to bring their herd to negative status if swine have tested as a weak positive. Other than eliminating any contact with bird feces (not practical in most cases), there is not much that can be done if birds are the culprits.

(16) Because of the unforeseen circumstances specified in pars. (13) to (15), the department has received requests from several veterinarians that testing and writing herd plans for PDCoV be eliminated.

(17) A waiver granted to swine owners and accredited veterinarians from having to test swine for PDCoV and to write herd plans for any swine that tests positive (or is not tested) for PDCoV would be reasonable and necessary as PDCoV is no longer a reportable disease to the USDA, it cannot be distinguished easily from avian Delta coronaviruses which are not of concern, and is not a devastating disease, would be consistent with the objectives of ch. ATCP 10, Wis. Admin. Code, for animal disease and would not conflict with state statutes. However, the department will continue to require swine to be tested for PEDv and herd plans to be written for swine that test positive (or are not tested) for PEDv.

CONCLUSIONS OF LAW

(1) This waiver does not affect any other provisions of ch. ATCP 10, Wis. Admin. Code.

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

(3) Pursuant to s. ATCP 10.93, Wis. Admin. Code, the department may grant a written waiver from a requirement under ch. ATCP 10, Wis. Admin. Code, if the department finds that the waiver is reasonable and necessary, is consistent with objectives of the chapter and will not conflict with state law.

(4) The department has made the findings required under s. 10.93, Wis. Admin. Code.

(5) Pursuant to s. ATCP 10.93, Wis. Admin. Code, and Findings of Fact (1) through (17), the department should waive the requirements under ss. ATCP 10.291, 10.30 and 10.32, Wis. Admin. Code, requiring swine owners and accredited veterinarians to test and develop herd plans for the PDCoV as part of the requirement that swine be tested for SECD, if conditions specified under the Order are met.

ORDER

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

(1) The department grants a waiver from the requirements under ss. ATCP 10.291, 10.30 and 10.32, Wis. Admin. Code, to swine owners and accredited veterinarians from having to test swine for PDCoV or write herd plans for swine that test positive for or are not tested for PDCoV under the condition specified under par. (2).

(2) A swine owner and an accredited veterinarian shall continue to test swine for PEDv and develop herd plans for swine that test positive (or are not tested) for PEDv.

(3) This waiver will remain in effect until formally rescinded by order of the Secretary or State Veterinarian.

Dated this 27 day of March, 2018

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

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