

Wisconsin Department of Agriculture, Trade and Consumer Protection

Initial 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 #: TBD

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 porcine epidemic diarrhea virus (PEDv), 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 premises the day of the sale are shipped directly to slaughter.

Current rule requires CVIs to include a statement disclosing the PRRS and PEDv status of an imported swine's herd of origin, if known. The proposed rule replaces the statement with the following requirements:

- For breeding swine, both of the following:
 1. A report of a negative PRRS and PED 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 PEDv 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 PEDv 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 PEDv 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 signing veterinarian that there are no clinical signs of the PRRS and PEDv at the time of inspection.
- For commercial swine imported directly to a federally approved livestock marketing facility for purposes other than slaughter, all of the following:
 1. 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.
 2. A statement from the signing veterinarian that there are no clinical signs of the PRRS and PEDv at the time of inspection.
 - For all other commercial swine, a statement from the veterinarian stating that the PRRS and PEDv status of the herd of origin is negative.

Except for commercial swine imported to an approved livestock marketing facility for purposes other than slaughter, commercial and breeder 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 PED 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 PEDv 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 PED, 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 PEDv 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 PEDv, 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 PEDv Testing

Tests to determine whether PRRS or PEDv 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. This means for herds with less than 30 swine, one pooled sample of at least five swine, or swine available if less than five, must be collected and tested. For herds with 30 or more swine, three pooled samples of at least five swine must be collected and tested.

Small Businesses Affected

This rule will have a generally positive impact on business and will save Wisconsin swine producers from the devastating effects of porcine reproductive and respiratory syndrome (PRRS) and porcine epidemic diarrhea virus (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 follows:

The majority of the costs associated with this proposed rule will be the testing of swine for PRRS and PEDv 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 is as follows:

- For herds with less than 30 swine—1 pooled sample of 5 swine.
- For herds with 30 or more swine—3 pooled samples of at least 5 swine.

Testing can be done by hanging a cotton rope (from a rope test kit) 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 a diagnostics lab. If using a rope test kit, up to 30 swine can be tested at one time. A single rope test kit costs \$5.25. The rope test kit can be used to sample the swine for both PRRS and PED. For herds with less than 30 swine, only 1 rope test kit is needed to collect samples for the herd. For herds with 30 or more swine, 3 rope test kits with samples from 3 groups of at least 5 swine per group must be collected.

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 PEDv using the PCR test. University of Minnesota charges \$30.80 for the PRRSv using the PCR test and \$33 for the PEDv 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 to test a small herd for PRRSv and PEDv would be \$72.25 and a large herd would be \$182.75.

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 porcine reproductive and respiratory syndrome (PRRS) and porcine epidemic diarrhea virus (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 _____ day of _____, 2017.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
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