

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

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1 The Wisconsin department of agriculture, trade and consumer protection proposes the following  
2 permanent rule *to repeal* ATCP 10.30 (1) (a) 3m.; *to renumber and amend* ATCP 10.32 (1)  
3 (intro.) and (a) and (b), 10.32 (2) (intro.) and (a) to (e); *to amend* ATCP 10.30 (1) (b) 2., 10.30  
4 (2) (b) 2. and 3., and 10.30 (2) (d); *to repeal and recreate* ATCP 10.30 (1) (a) 3.; and *to create*  
5 ATCP 10.291, 10.30 (2) (b) 3. (Note), 10.30 (2) (b) 5., and 10.32 (2), relating to swine animal  
6 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: ss. 93.07, 93.15, 95.20, 95.22, 95.38, and 95.45, Stats.

*Statutory Authority*

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

*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 s. 93.07 (1) and (10), Stats.

The department has broad authority under s. 95.20, Stats., 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 s. 95.22 (2) and certificates of veterinary inspection under s. 95.45 (4) (c), Stats. 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 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 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.

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

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

### ***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***

Porcine reproductive and respiratory syndrome (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 swine enteric coronavirus disease (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 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 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 \$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:



1           **ATCP 10.291 Swine porcine reproductive and respiratory syndrome and swine**  
2 **enteric coronavirus disease: testing and control. (1) WHO MAY COLLECT TEST SAMPLE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           **ATCP 10.30 (1) (a) 3. a.** For commercial swine, a report of a negative porcine  
2 reproductive and respiratory syndrome and swine enteric coronavirus disease test from the  
3 swine’s herd of origin conducted within 90 days prior to movement into Wisconsin and a  
4 statement from the veterinarian that there are no clinical signs of the porcine reproductive and  
5 respiratory syndrome and the swine enteric coronavirus disease at the time of inspection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           2. The department may issue an import permit under par. (a) for animals that do not meet  
2 the requirements under sub. (1) (a) 3. a. or b. The department shall quarantine the imported  
3 shipment of swine or the swine herd on the premises, or both until a herd plan under s. ATCP  
4 10.291 (5) is approved by the department. The department may not issue an import permit for  
5 animals that do not meet the requirements under sub. (1) (a) 3. c.

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

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

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

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

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

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

19           **ATCP 10.32 (2) (a)** *Porcine reproductive and respiratory syndrome and swine enteric*  
20 *coronavirus disease test required.* 1. Except as provided in par. (b), no person may move  
21 commercial swine within this state unless the herd of origin has tested negative on a porcine  
22 reproductive and respiratory syndrome and swine enteric coronavirus disease test conducted not

1 more than 90 days prior to the intrastate movement and documentation of the negative test  
2 reports are made available to the department upon request.

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

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

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

12 1. The swine are moved directly to a slaughtering establishment for slaughter.

13 2. The swine are moved to one fair or exhibition under s. ATCP 10.87 prior to being  
14 shipped directly to slaughter.

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

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

WISCONSIN DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By \_\_\_\_\_  
Jeff Lyon  
Interim Secretary