

1999 DRAFTING REQUEST

Bill

Received: **03/3/99**

Received By: **traderc**

Wanted: **As time permits**

Identical to LRB:

For: **Alvin Ott (608) 266-5831**

By/Representing: **Linda**

This file may be shown to any legislator: **NO**

Drafter: **traderc**

May Contact: **DATCP**
Mark Patronsky

Alt. Drafters:

Subject: **Agriculture - animals**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Implied warranty concerning health in sale of animals

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	traderc 03/18/99	ygeller 03/18/99	lpaasch 03/19/99	_____	lrb_docadmin 03/19/99		State
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FE Sent For:

04-27-99

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/1	traderc 03/18/99	jgeller 03/18/99	lpaasch 03/19/99	<i>Ch 4, Km 1/6</i>	lrb_docadmin 03/19/99		State

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1/2 4/6 jg Km 4/6

<END>

*Please
jacket
1/2 for
Assembly*

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Mark Patronsky 6-9280

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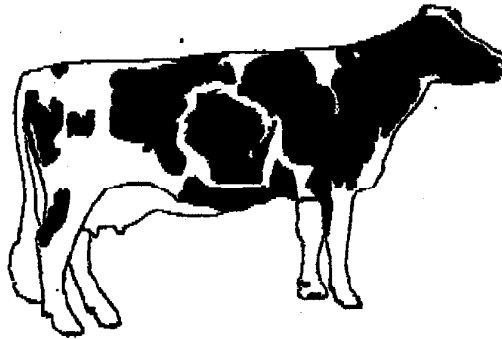
**DEPARTMENT OF AGRICULTURE, TRADE AND
CONSUMER PROTECTION**

P.O. BOX 8911
MADISON, WI 53708-8911

FACSIMILE

January 7, 1999

W I S C O N S I N



A N I M A L H E A L T H

TO:

Representative Al Ott

FROM:

CLARENCE SIROKY

Jim Madsen

STATE VETERINARIAN

Phone:

266-5831

Phone:

608-224-4872

Fax Phone:

282-3603

Fax Phone:

608-224-4871

CC:

Number of Pages including cover sheet: ____

REMARKS:

Urgent

**For your
review**

Reply ASAP

Please comment

Comments: Proposed Johne's disease legislation

If any pages need to be resent, please call the sender at the bottom, right of fax sheet, otherwise, we will assume this transmittal has been completely received.

Remove Johne's
 reference and add
 "diseases as defined
 by rule"
 per Dr. Sivoky
 224-4872

Proposed Statutory Change

SIS; IMPLIED WARRANTY IN SALE OF

Notwithstanding s. 402.316(3)(c), in each contract
 implied warranty that the animal is not infected with
 any of the following:

... warrants the buyer in writing before the sale that the animal is not warranted as
 being uninfected with paratuberculosis.

(b) Complies with paratuberculosis testing and disclosure requirements
 established in rules promulgated by the department under sub. (2).

(2) RULEMAKING. The department shall promulgate rules prescribing all of
 the following:

(a) Test procedures to determine whether an animal is infected with
 paratuberculosis for purposes of sub. (1)(b).

(b) Requirements for the disclosure of the results of test procedures under par. (a)
 to a prospective buyer.

Proposed Legislation:

Repeal current statute and substitute the following:

95.195 PARATUBERCULOSIS; IMPLIED WARRANTY IN SALE OF ANIMALS. Notwithstanding s. 402.316(3)(c), in every contract for the sale of an animal
 which the department identifies by rule, there is an implied warranty that the animal is
 not infected with paratuberculosis unless the seller discloses to the buyer in writing, prior
 to sale, the animal's herd paratuberculosis management status as defined by the
 department by rule.

Must be clear

Remove Johne's
 and add
 "diseases as defined"
 in rule

Scrapie

*Can testing be done at point of sale?
 Just don't want to do testing?
 Lengthy?
 Expensive?
 Moving towards routine test for paratuberculosis?*

Effective Date: July 2000

Gives people time to become familiar w/ rule +

Test accordingly



State of Wisconsin
Tommy G. Thompson, Governor



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

February 23, 1999

To: Livestock Farmers and Producers and Others Interested in Johne's Disease

From: Dr. Clarence Siroky *Clarence Siroky*

Re: Johne's Disease in Cattle and Goats

The Division of Animal Health is proposing changes to current Johne's disease rules. Herd testing is critical for the control of Johne's disease. Based on risk assessment, a new grading system for cattle and goats has been developed to encourage more testing. These proposed changes will affect the sale of cattle and goats.

The Board of Agriculture, Trade and Consumer Protection approved these proposed rules for public hearing. Eleven hearings have been scheduled in the latter half of March, 1999. The hearing record will remain open until April 9, 1999, for additional comments to be received regarding the proposed rules.

Enclosed you'll find:

Proposed Hearing Draft Rule Related to Johne's Disease
Notice of Hearing (schedule of public hearings)
Two Johne's Disease Informational Flyers
Reprints of Four Agri-View Articles on Johne's Disease
and the Proposed Changes

Please review our proposal. Your comments are welcome now and at any time during our rule making process. With your support, we can make a difference in controlling Johne's disease in Wisconsin.

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

1 The state of Wisconsin department of agriculture, trade and consumer protection
2 proposes the following order to repeal ATCP 10.01(50) to (54), 10.215, 10.216 and
3 11.01(60); to amend ATCP 11.60(4); and to repeal and recreate ATCP 10.21, 10.63
4 and 11.60(2); and to create ATCP 11.10(3)(c) and (note) and 11.60(2)(note); relating
5 to paratuberculosis (Johne's disease).

**Analysis Prepared by the Department of Agriculture,
Trade and Consumer Protection**

Statutory authority: ss. 93.07(1) and 95.195(2), Stats.

Statutes interpreted: s. 95.195, Stats.

This rule repeals and recreates current rules related to paratuberculosis in cattle and goats. Paratuberculosis is commonly known as Johne's disease.

Background

Johne's disease is a serious and widespread disease of cattle and goats. The disease is slow to develop, and an infected animal may go for years without showing symptoms. An infected animal, which is free of symptoms at the time of sale, may spread the disease to a buyer's herd. The disease has a serious impact on milk production, and is ultimately fatal to infected animals.

There is, at the present time, no test which can definitively rule out Johne's disease in an individual animal or herd of animals. However, annual herd test results can help buyers and sellers assess the risk that symptom-free animals may be infected with Johne's disease. Herd testing can also help herd owners manage or eliminate the disease in their herds.

herd is not tested annually, the herd is automatically classified "Maximum risk for Johne's disease."

- That the animals are confirmed Johne's disease reactors, if that is the case.

Under this rule, a sale of cattle or goats is also exempt from the "implied warranty" under s. 95.195, Stats., if the animals are being sold directly to slaughter. (No testing or disclosure is required. However, if an animal has been tested and is a reactor, it must be permanently marked.)

Test Eligible Animals

Under this rule, all bulls over the age of three years are considered test eligible animals. All other cattle over the average age of second lactation in the herd are considered test eligible. All goats over the age of 18 months are considered test eligible.

Annual Herd Test

An annual herd test may be a "whole herd test" or a "random herd test." A "whole herd test" must include every test eligible animal in the herd. In a "random herd test," an accredited veterinarian randomly selects a test group from the whole herd. The test group must include at least 30 test eligible animals, or at least 10 percent of the test eligible animals in the herd whichever group is larger.

The date of the first annual herd test under this rule establishes an "anniversary date" for each subsequent annual herd test. Each year's test must be conducted on the "anniversary date," or within 2 months before or after the "anniversary date."

Herd Classifications

Under this rule, every herd of cattle and goats is classified in one of the following categories, in ascending order of risk for Johne's disease:

- *Johne's preventive management level A.* The department will classify a herd as "Johne's preventive management level A" if an annual herd test (random or whole herd) reveals no Johne's disease reactors. The department will add a star to a herd's "Johne's disease preventive management level A" classification for each consecutive year the herd maintains that classification.
- *Johne's preventive management level B.* The department will classify a herd as "Johne's preventive management level B" if fewer than 5% of the animals in a whole herd test are Johne's disease reactors.

Test Procedure

The person conducting an annual herd test must be an accredited veterinarian, or an employee of the department or USDA-APHIS. The person must select the test group, determine the type of test to be performed, collect an appropriate sample from each test animal, identify each sample with the animal's official individual identification and sample collection date, and transmit the samples to the testing laboratory.

Annual herd test samples must be tested by the department, the federal bureau, or a laboratory approved by the department or the federal bureau. The laboratory must use one of the following tests:

- The enzyme linked immunosorbent assay (ELISA), except that the ELISA test may not be used for goats.
- The fecal culture test.
- Another test approved by the department.

Test Results

A laboratory performing tests on annual herd test samples must report the test results to the department within 10 days. Within 30 days after the department receives the test results, the department must classify the herd and the department must issue a herd classification notice to the herd owner, if the herd owner has requested that the test results be used to assign a classification.

Johne's Disease Reactors

Under this rule, an animal is a Johne's disease reactor if any of the following applies:

- It tests positive on the enzyme linked immunosorbent assay (ELISA), unless it subsequently tests negative on the fecal culture test. (The ELISA test applies only to cattle, not goats.)
- It tests positive on the fecal culture test.
- It tests positive on any other test which the department approves and deems conclusive.

Current rules prohibit the sale of Johne's disease reactors (except to slaughter). This rule permits the sale of Johne's disease reactors if all of the following apply:

1 1. The month and day on which samples are collected for the first annual herd
2 test conducted after July 1, 2000, if no annual herd test was conducted within one year
3 prior to that date.

4 2. The month and day on which samples were last collected for an annual herd
5 test, if an annual herd test was conducted within one year prior to July 1, 2000.

6 (b) "Annual herd test" means an annual paratuberculosis test conducted on a
7 herd of cattle according to this section.

8 (c) "Herd" means a herd as defined in ATCP 10.01(31) of cattle.

9 (d) "Paratuberculosis" means the infectious and communicable disease of
10 domestic ruminants, commonly known as Johne's disease, which is caused by
11 *Mycobacterium paratuberculosis*.

12 (e) "Random herd test" means a paratuberculosis test performed, according to
13 this section, on a group of test eligible animals randomly selected from the test herd
14 according to sub. (5)(b).

15 (f) "Test eligible animals" means all of the following:

16 1. Except as provided in subd. 2., all animals in a cattle herd that have reached
17 the average age at which cows in that herd lactate for the second time.

18 2. All bulls that are more than three years of age.

19 (g) "Whole herd test" means a paratuberculosis test performed, according to
20 this section, on all test eligible animals in the herd.

1 Wisconsin Department of Agriculture, Trade and Consumer
2 Protection
3 Animal Health Division
4 P.O. Box 8911
5 Madison, WI 53708-8911
6 Phone: (608) 224-4872
7

8 (b) *Johne's preventive management level B.* The department shall classify a
9 herd as "Johne's preventive management level B" if fewer than 5% of the animals
10 tested in an annual whole herd test, or in a follow-up whole herd test under par. (d)1.,
11 are paratuberculosis reactors.

12 (c) *Johne's preventive management level C.* The department shall classify a
13 herd as "Johne's preventive management level C" if at least 5% but not more than 15%
14 of the animals tested in an annual whole herd test, or in a follow-up whole herd test
15 under par. (d)1., are paratuberculosis reactors.

16 (d) *Johne's preventive management level D.* The department shall classify a
17 herd as "Johne's preventive management level D" if any of the following apply:

18 1. An annual random herd test reveals one or more paratuberculosis reactors,
19 unless the department reclassifies the herd under par. (b) or (c) based on a follow-up
20 whole herd test.

21 2. More than 15% of the animals tested in a whole herd test are
22 paratuberculosis reactors.

23 (e) *Maximum risk for Johne's disease.* Every herd in this state, and every herd
24 from which cattle are sold in this state, is automatically classified "maximum risk for
25 Johne's disease." unless one of the following applies:

1 (c) Cattle from herds classified as "Johne's preventive management level A,"
2 "Johne's preventive management level B," "Johne's preventive management level C,"
3 or "Johne's preventive management level D" that are sent by their owners to a
4 consignment sale do not constitute a temporarily assembled herd under par. (b).

5 (5) ANNUAL HERD TEST. Samples for each annual herd test shall be
6 collected on the anniversary date under sub. (1)(b), or within 2 months before or after
7 that date. An annual herd test may be any of the following:

8 (a) A whole herd test.

9 (b) A random herd test. In a random herd test, the person who collects the test
10 samples under sub. (6) shall randomly select a group of test animals from the herd.
11 The randomly selected group shall include at least 30 test eligible animals, or at least
12 10% of the test eligible animals in the herd, whichever group is larger.

13 NOTE: The department may not classify a herd as "Johne's preventive
14 management level B" or "Johne's preventive management level C"
15 based on a random herd test under par. (b). If a random herd test
16 reveals one or more reactor animals, the herd is classified as "Johne's
17 preventive management level D" until the herd owner completes a
18 follow-up whole herd test. See sub. (3)(d)1.
19

20 (6) COLLECTING TEST SAMPLES. Annual herd test samples shall be
21 collected by an accredited veterinarian, or by an employee of the department or the
22 federal bureau. The person who collects an annual herd test sample shall do all of the
23 following:

24 (a) Determine the animals to be tested, according to sub. (5).

25 (b) Determine the type of test to be performed under sub. (7).

1 (9) PARATUBERCULOSIS REACTORS. An animal is a paratuberculosis
2 reactor if any of the following apply:

3 (a) The animal tests positive on the enzyme linked immunosorbent assay
4 (ELISA), unless it subsequently tests negative on the fecal culture test.

5 (b) The animal tests positive on the fecal culture test.

6 (c) The animal tests positive on any other test which the department approves
7 and deems conclusive.

8 (10) NOTICE TO HERD OWNER. Whenever the department classifies a herd
9 under sub. (3) based on an annual herd test, or based on a follow-up whole herd test
10 under sub. (3)(d)1., the department shall promptly provide the herd owner with all of
11 the following information in writing:

12 (a) *Individual animal test results.* Individual test results for each animal
13 included in the herd test. Test results shall be identified with each animal's official
14 individual identification.

15 (b) *Herd classification.* The herd classification under sub. (3). A herd
16 classification takes effect when the department issues the classification notice, and
17 immediately supersedes any prior classification. The classification notice shall include
18 the following disclaimer:

19 "This herd classification expires on [department specifies expiration date which is
20 2 months after the next year's anniversary date] unless the herd is retested by that
21 date. Animals added to the herd from a herd with a less desirable classification
22 retain that less desirable herd classification for 120 days but do not affect the

1 (d) Within 30 days after an animal tests positive for paratuberculosis on a fecal
2 culture test, an accredited veterinarian shall identify the reactor with a paratuberculosis
3 reactor identification approved by the department.

4 (12) HERD VACCINATION. No person may vaccinate cattle for
5 paratuberculosis except under a herd agreement with the department. The department
6 may not authorize vaccination in any herd in which the percentage of reactors in the
7 last annual whole herd test under this section was less than 7%, unless special
8 circumstances warrant vaccination in that herd.

9 (13) MISREPRESENTING HERD CLASSIFICATION. No seller may
10 misrepresent the classification, under sub. (3), of the herd from which cattle are being
11 sold. A seller who misrepresents a herd classification is not exempt from the implied
12 warranty under s. 95.195, Stats., and is subject to possible penalties under s. 95.99,
13 Stats.

14 (14) DEPARTMENT DISCLOSURE OF HERD CLASSIFICATION. The
15 department may disclose a herd classification under sub. (3) with the written
16 authorization of the herd owner.

17 NOTE: See s. 95.232, Stats.

18 SECTION 3. ATCP 10.215 and 216 are repealed.

19 SECTION 4. ATCP 10.63 is repealed and recreated to read:

20 ATCP 10.63 Johne's Disease in Goats; Herd Classification; Disclosure. (1)

21 DEFINITIONS. In this section:

22 (a) "Anniversary date" means, for any herd of goats, one of the following:

1 2. That the goats are paratuberculosis reactors under sub. (9), if that is the
2 case.

3 (b) The implied warranty under s. 95.195, Stats., does not apply to goats sold
4 directly to slaughter.

5 (3) HERD CLASSIFICATION. (a) *Johne's preventive management level A.*
6 The department shall classify a herd as "Johne's preventive management level A" if an
7 annual herd test reveals no paratuberculosis reactors. The department shall add a star
8 to a herd's "Johne's preventive management level A" classification for each
9 consecutive year the herd maintains that classification.

10 NOTE: Animals from a herd classified "Johne's preventive management level
11 A" normally have the lowest risk of transmitting Johne's disease
12 (paratuberculosis). The risk is normally reduced with each additional
13 star awarded under par. (a). However, no herd classification ensures
14 that an animal is free of Johne's disease.

15
16
17 (b) *Johne's preventive management level B.* The department shall classify a
18 herd as "Johne's preventive management level B" if fewer than 5% of the animals
19 tested in an annual whole herd test, or in a follow-up whole herd test under par. (d)1.,
20 are paratuberculosis reactors.

21 (c) *Johne's preventive management level C.* The department shall classify a
22 herd as "Johne's preventive management level C" if at least 5% but not more than 15%
23 of the animals tested in an annual whole herd test, or in a follow-up whole herd test
24 under par. (d)1., are paratuberculosis reactors.

1 person buying goats from such a herd faces an unknown, but substantial,
2 risk that the goats are infected with Johne's disease.

3
4 (4) **COMMINGLED GOATS; CLASSIFICATION.** (a) Except as provided in
5 par. (b), goats added to a herd from a herd with a less desirable classification under
6 sub. (3) retain that less desirable herd classification for 120 days after being added but
7 do not affect the classification of the herd to which they are added.

8 **NOTE:** See s. ATCP 10.01(48).

9 (b) If goats from herds with different classifications under sub. (3) are
10 temporarily assembled for sale or shipment, the least desirable classification assigned to
11 any of those source herds automatically applies to the temporarily assembled herd.

12 (c) Goats from herds classified as "Johne's preventive management level A,"
13 "Johne's preventive management level B," "Johne's preventive management level C,"
14 or "Johne's preventive management level D" that are sent by their owners to a
15 consignment sale do not constitute a temporarily assembled herd under par. (b).

16 (5) **ANNUAL HERD TEST.** Samples for each annual herd test shall be
17 collected on the anniversary date under sub. (1)(b), or within 2 months before or after
18 that date. An annual herd test may be any of the following:

19 (a) A whole herd test.

20 (b) A random herd test. In a random herd test, the person who collects the test
21 samples under sub. (6) shall randomly select a group of test eligible animals from the
22 herd. The randomly selected group shall include at least 30 animals, or at least 10% of
23 the test eligible animals in the herd, whichever group is larger.

24 **NOTE:** The department may not classify a herd as "Johne's preventive
25 management level B" or "Johne's preventive management level C"

1 receives the test results, the department shall classify the herd under sub. (3) and issue
2 a classification notice under sub. (10).

3 **NOTE:** Under s. ATCP 10.02(2) and (3), a veterinarian or laboratory that
4 diagnoses or finds evidence of Johne's disease must report that diagnosis
5 or finding to the department within 10 days, in writing or by telefax.
6

7 **(9) PARATUBERCULOSIS REACTORS.** An animal is a paratuberculosis
8 reactor if any of the following apply:

9 (a) The animal tests positive on the fecal culture test.

10 (b) The animal tests positive on any other test which the department approves
11 and deems conclusive.

12 **(10) NOTICE TO HERD OWNER.** Whenever the department classifies a herd
13 under sub. (3) based on an annual herd test, or based on a follow-up whole herd test
14 under sub. (3)(d)1., the department shall promptly provide the herd owner with all of
15 the following information in writing:

16 (a) *Individual animal test results.* Individual test results for each animal
17 included in the herd test. Test results shall be identified with each animal's official
18 individual identification.

19 (b) *Herd classification.* The herd classification under sub. (3). A herd
20 classification takes effect when the department issues the classification notice, and
21 immediately supersedes any prior classification. The classification notice shall include
22 the following disclaimer:

23 "This herd classification expires on [department specifies expiration date
24 which is 2 months after the next year's anniversary date] unless the herd is
25 retested by that date. Animals added to the herd from a herd with a less

1 last annual whole herd test under this section was less than 7%, unless special
2 circumstances warrant vaccination in that herd.

3 (13) MISREPRESENTING HERD CLASSIFICATION. No seller may
4 misrepresent the classification, under sub. (3), of the herd from which goats are being
5 sold. A seller who misrepresents a herd classification is not exempt from the implied
6 warranty under s. 95.195, Stats., and is subject to possible penalties under s. 95.99,
7 Stats.

8 (14) DEPARTMENT DISCLOSURE OF HERD CLASSIFICATION. The
9 department may disclose a herd classification under sub. (3) with the written
10 authorization of the herd owner.

11 NOTE: See s. 95.232, Stats.

12 SECTION 5. ATCP 11.01(60) is repealed.

13 SECTION 6. ATCP 11.10(3)(c) and (note) are created to read:

14 ATCP 11.10(3)(c) *Paratuberculosis*. No person may sell or move an animal
15 determined to be a paratuberculosis reactor under s. ATCP 10.21(9) unless an
16 accredited veterinarian first identifies that reactor with a permanent paratuberculosis
17 reactor identification approved by the department.

18 NOTE: ATCP 10.21(11) and 11.60(2) also prohibit the sale of a
19 paratuberculosis reactor unless the seller first discloses to the buyer, in
20 writing, that the animal is a paratuberculosis reactor.

1 **EFFECTIVE DATE:** The rules contained in this order shall take effect on July

2 1, 2000.

3

4 Dated this _____ day of _____, 19____

5

6

**STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION**

7

8

9

10

11

By _____
Ben Brancel, Secretary

12

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
NOTICE OF HEARING

RULES RELATED TO JOHNE'S DISEASE

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection announces that it will hold public hearings on a proposed department rule related to paratuberculosis (Johne's disease) which affects all breeds of cattle (beef and dairy) and goats (proposed chapters ATCP 10 and 11, Wis. Adm. Code). The hearings will be held at the times and places shown below. The public is invited to attend the hearings and make comments on the proposed rule. Following the public hearings, the hearing record will remain open until April 9, 1999, for additional written comments.

Preceding each public hearing, the department's Division of Animal Health along with the Wisconsin Veterinary Medical Association will provide a presentation on Johne's disease, including a review of the proposed rule and a question and answer period.

A copy of the proposed rule may be obtained free of charge, from the Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Animal Health, P. O. Box 8911, Madison, WI 53708-8911, or by calling 608 224-4872. Copies will also be available at the hearings.

An interpreter for the hearing impaired will be available on request for these hearings. Please make reservations for a hearing interpreter by March 5, 1999, either by writing to Lynn Jarzombek, P. O. Box 8911, Madison, WI 53708-8911, or by calling 608-224-4883. TTY users call 608-224-5058. Handicap access is available at the hearings.

Eleven hearings are scheduled:

Tuesday, March 16, 1999
Johne's Disease Presentation, 10:30 a.m. - 11:30 a.m.
Public Hearing, 11:30 a.m. - 1:00 p.m.
Holiday Inn
625 West Rolling Meadows Dr.
(Junction Hwys 41 & 151)
Fond du Lac, WI

Tuesday, March 16, 1999
Johne's Disease Presentation, 7:30 p.m. - 8:30 p.m.
Public Hearing, 8:30 p.m. - 10:00 p.m.
Holiday Inn - Airport
Sister Bay Room
2580 Ashland Ave.
(Junction Hwys 41 & 172)
Green Bay, WI

Tuesday, March 30, 1999

Johne's Disease Presentation, 10:30 a.m. - 11:30 a.m.

Public Hearing, 11:30 a.m. - 1:00 p.m.

Monroe County Courthouse
County Board Meeting Room
112 South Court St.
Sparta, WI

Tuesday, March 30, 1999

Johne's Disease Presentation, 7:30 p.m. - 8:30 p.m.

Public Hearing, 8:30 p.m. - 10:00 p.m.

Pippin Conference Center
Melvill Hall (formerly the Administration Bldg.)
UW-Richland Campus
1200 Hwy 14 West
Richland Center, WI

Wednesday, March 31, 1999

Johne's Disease Presentation, 10:30 a.m. - 11:30 a.m.

Public Hearing, 11:30 a.m. - 1:00 p.m.

Youth & Ag Center
Grant County Fairgrounds
916 E. Elm St.
Lancaster, WI

Written comments will be accepted until April 9, 1999.

Economic Losses Attributed to Paratuberculosis

Paratuberculosis has been estimated to cost Wisconsin over \$100 million each year. Over 1/2 of the herds are estimated to have some level of infection. The economic impact in a herd occurs insidiously over several years, but obvious losses include decreased weight and salvage value at slaughter and reduced milk production. Average total farm loss per infected animal (may or may not be visibly sick) has been calculated to be up to \$800.

Hidden Costs

1. Premature culling of clinical or infected animals.
2. Reduction in culling less productive animals and an increase in overall cull rate.
3. Reduced pool of available replacements, thereby limiting genetic pool.
4. Increased replacement costs.
5. Decreased milk production in infected, but normal looking, animals which has been reported as high as 25% over a lactation.
6. Reduced feed efficiency.
7. Loss of investment in young stock that have been infected or exposed since birth.
8. Increased susceptibility to other disease and possible breeding problems.
9. Decreased weight and salvage value at slaughter.
10. Loss of marketing animals for sale.
11. Increased veterinary costs.



Prevention, Control and Elimination of Paratuberculosis Involves

- Purchasing test negative animals.
- Identifying if the disease is in your herd through whole herd testing.
- Learning how the disease is spread.
- Making management changes to prevent the spread.
- Identifying infected individual animals through diagnostic tests.
- Culling infected animals.

Prevention can be instituted immediately. If it is not in your herd, keep it out! Identification, control and elimination requires setting goals and establishing a herd plan over several years. Make an investment now instead of suffering economic losses.



For further information,
please contact your local veterinarian,
or call the Wisconsin Department of Agriculture,
Trade and Consumer Protection,
Division of Animal Health

(608) 224-4872.
DAH #007

JOHNE'S DISEASE PARATUBERCULOSIS IN CATTLE

The Disease and Its Economic Impact



Wisconsin Department of Agriculture
Trade and Consumer Protection
Division of Animal Health

Johne's Disease Risk Assessment

Your farm's checklist

Do you...

- Buy, rent or have bought replacement stock, including bulls? It is estimated that at least 1/3 of all WJ herds have some level of Johne's disease.
- Raise young stock (newborn up to bred heifers) in contact with adult cattle or run-off from their manure?
- Let calves nurse their dams for colostrum?
- Freshen cows in stanchions, tie stalls or dirty maternity pens?
- Graze young animals in rotation after adults?
- Overcrowd your cattle pens?
- Feed hay on the ground?
- Use the same equipment to clean alleys, pens, lots, and to handle feed?
- Have barnyard run-off to or graze cattle in direct contact with common watering sources, e.g. ponds or streams?

If you answered "yes" to any of the above, your herd is at risk for

JOHNE'S DISEASE

What is Johne's Disease?

Johne's (pronounced "yo-knees") disease or Paratuberculosis is a chronic (years) mycobacterial infection affecting the lower small intestine of ruminants. The disease is caused by the bacteria *Mycobacterium paratuberculosis*. Paratuberculosis has been found worldwide in cattle, sheep, goats, and many non domestic ruminants such as farm raised deer, elk, llamas, bison and zoological wildlife.

What causes Johne's disease?

M. paratuberculosis is a slow growing bacteria in the same category of mycobacteria as bovine and avian tuberculosis. In the laboratory, the organism may take up to 16 weeks to grow. The bacteria is very resistant in damp environmental conditions, surviving up to 9 months in manure pits and anaerobic manure slurry, 11 months in soil and 17 months in water. Exposure to direct sunlight, heat and specific disinfectants will kill the organism. As the bacteria slowly grow in the small intestines of the infected animal, the intestinal wall becomes thickened and unable to absorb nutrients. The organism has been cultured from the small intestine, regional lymph nodes, uterine and mammary tissues, milk, and manure of infected animals.

What are the clinical signs?

Obvious clinical signs in cattle include weight loss (even with a normal appetite), diarrhea, and lowered milk production. The diarrhea may occur off and on, potentially becoming chronic. It is unresponsive to treatment. Eventual death will occur in weeks to months. Some animals will develop a low grade fever and edema (swelling) under the jaw. In other cattle, symptoms may be seen only as a general unthriftiness, less than expected milk production or increased susceptibility to problems such as infertility. Individual animals will be infected, but can appear normal up to 8-10 years of age.

When does clinical Johne's develop?

Although some cattle may never show diarrhea or weight loss during their normal productive life (these are called subclinical infections), typically

clinical disease develops during the first or second lactation. Clinical disease has been seen in animals as young as 6 months and as old as 15 years. The age when an animal is first infected, the dose or amount of bacteria, some stress factors and genetics appear to be involved in determining when the animal becomes clinical. Again, sub-clinical animals just don't seem to do as well as expected.

How is it spread?

Infected calves, cows and bulls can all shed the bacteria in their manure at any time, but the risk increases as the animal becomes older or clinically sick. Primarily calves, but animals of all ages ingest the bacteria through feed or water contaminated with manure from infected animals. Feed troughs, hay bunks, water tanks, ponds, stagnant water, maternity pens, group pens, etc. can be contaminated directly from an infected animal or indirectly from equipment used to feed or spread manure. Newborns and young animals can ingest the organism located on manure laden teats or directly from colostrum or milk from infected cows. Calves can also become infected while in the uterus of a positive cow (natural dam or embryo transfer recipient).

Who is susceptible to infection?

Newborn calves or young animals are the most susceptible to infection. While animals develop some resistance with age, individual animals of any age can be infected if there are enough bacteria in the environment, feed or water. All breeds of cattle (dairy and beef) can be infected.

How many in a herd will be affected?

Infection rate depends on many management factors in a herd, but if left unchecked will increase over time. The number of clinical animals seen does not reflect the total number of infected animals in a herd. For every animal showing clinical signs, there may be 10-25 other animals of different ages that are very likely infected. One clinical case may be seen every few years, then all at once 10% or more of the herd is showing advanced clinical signs.

Ag Board Advances Johne's Proposal 'Implied Warranty' Reworked

By Jane Fyksen
Crops/Livestock Editor, Agri-View

(First in a four-part series on Johne's disease)

Wisconsin's dairy industry needs to bring Johne's out of the closet. The state ag department is advancing an industry-driven revamp of state rules dealing with this long-incubating cattle-wasting disease.

The department's citizen Ag Board, meeting last week in Wisconsin Dells, sent proposed Johne's rule changes onto public hearing. Hearings will most likely be scheduled for March across the state.

According to state district vet Libby Balzer, who works out of Cashton, the ag department wants to make its proposed Johne's testing and herd certification program as user friendly as it can. Therefore, animal health officials are pleading for dairy producer input at the upcoming hearings. While most ag rule changes are only preceded by a handful of public hearings, plans are to hold over double the usual number on these Johne's changes. Balzer suspects there'll be 10 or 11 hearings throughout the state - and hopes rank-in-file farmers will turn out offer their opinions.

There've been six months' worth of meetings and memos generated on the Johne's issue by an informal ad hoc committee of dairy industry volunteers meeting to mull over the existing implied Johne's warranty. Both that ad hoc committee, as well as the department's formal Johne's advisory council, have given their blessings to the proposed changes, now destined for a public airing.

Balzer says the state has been struggling with a low level of awareness regarding Johne's disease, not to mention lack of herd testing by producers to try and get rid of the disease. Several factors in the last couple years have come together in the dairy industry to accelerate the need for Wisconsin to develop a comprehensive formalized approach to Johne's disease control. Those are: Herd expansions and greater movement of cattle farm-to-farm; higher productivity per cow (resulting in greater stress and the likelihood of cows breaking with Johne's diarrhea); More commingling of calves and heifers at contract raisers' facilities; and possibly human health concerns.

Prior to 1991, it was illegal in Wisconsin to sell cattle infected with Johne's or exposed to the disease. Although testing was voluntary, the results were open records, available for public inspection. Those were the days of the infamous Johne's "black list." Producers didn't want to be on it, because of the stigma attached to this disease.

In 1991, testing records were made confidential. The Johne's "implied warranty" law was also created. Since that time, cattle sellers either write a disclaimer of no warranty or offer official testing results concerning Johne's disease. If, however, they don't say anything about Johne's - in other words, mention of the disease never comes up between buyer and seller - the seller is implying the animal is free of Johne's.

Wisconsin's implied warranty law has discouraged herd testing, state animal health officials and industry leaders believe. Producers and vets alike are aware of the implications of making positive diagnosis on a farm, and some opt not to test rather than offer a disclaimer. This leaves buyers with few options, and producers with little desire to identify and control Johne's.

Johne's, says Balzer, is a bacterial disease that causes weight loss, diarrhea and reduced production and carcass quality. It's spread mainly through manure, but infected cows can also spread it to calves via colostrum. What makes this disease so hard to control is that it may take years for infected cattle to show any signs of Johne's. There is no treatment or cure.

Goats also get Johne's. Beef cattle do, too, as well as sheep, farm-raised and wild deer, elk and bison. Cattle - dairy and beef - and goats are, however, the only species covered under Wisconsin's proposed testing and certification program. That's because in those other species, there's no real good diagnostic test, Balzer explains.

Even though a producer may prefer to operate from an ignorance-is-bliss standpoint where Johne's is concerned, it still may be costing him big bucks. According to USDA figures, even if only one out of 10 head shows clinical signs, Johne's costs the producer more than \$200 per animal per year - not just per infected animal either. The costs are: Reduced production, premature culling, increased replacement costs, reduced feed efficiency, loss of genetics and marketing potential and reduced salvage value at slaughter.

At present, Wisconsin's Johne's program recognizes herds that test negative. However, there's little provision for producers with herds positive for Johne's - despite the fact they may have suspected the disease and been forward-thinking enough to actually test for it (in order to control it on the farm).

That's not the way things should be, Balzer contends. The farmers who are testing and trying to do something about Johne's should be the ones who are rewarded, versus those sticking their head in the sand, figuring life will be easier if they don't know whether or not there's Johne's in their herd. Thus, what the state is now proposing is a herd certification program that allows Johne's positive herds to participate, moving up levels as the incidence of the disease is reduced in the herd.

A new national Johne's disease initiative takes a similar approach - recognizes herds with negative herd tests by levels. Each level depends on how many years the herd is "test negative." That's fine and good, but Balzer says when it comes to Johne's testing, negative isn't black and white. There are shades of gray. Wisconsin's proposed program fits well with the new national one (which, by the way, will be covered in future segments of this series), but it starts at a lower level if you will - allowing test-positive herds to advance up the ladder - and (hopefully) receive the recognition they deserve in the marketplace for aggressively battling this disease.

The two dairy industry citizens' groups that hammered Wisconsin's proposed new approach to Johne's identified some "key components" to incorporate into the new program. They are:

- ✘ Encourage more testing and allow for the market to reward even positive herds (whose owners are progressive enough to be trying to do something about Johne's).
- ✘ Buyer and seller must share responsibility for thinking about and addressing the issue of Johne's.
- ✘ The program must be producer-driven with little regulatory oversight. (And indeed, testing and herd certification will remain strictly voluntary in Wisconsin.)
- ✘ Farmers and vets must have all sorts of leeway in terms of how they choose to control Johne's in a herd. (In other words, the state has no place putting into rule form that a producer should do this and not do that when trying to eradicate Johne's from his herd.)
- ✘ The system recognizes that not all herds have the same amount of "risk" where Johne's is concerned.
- ✘ Individuals who fail to disclose their level of Johne's should face consequences.
- ✘ Farmers must disclose the "management level" they're at with Johne's when they're selling cattle.
- ✘ Market forces should serve as incentive to move up through the various levels in the proposed Johne's certification program.
- ✘ The state's program should be easily accessible.

The proposed program - called the Johne's Disease Management Market Program - identifies five levels of "management" based on risk of infection in the herd. While it rests on similar principles to the national Johne's initiative, the state also intends to apply them to positive herds. Experience has shown that within the universe of positive herds there are varying levels of infection. While at present, disclosing those levels is voluntary, the two committees, along with state animal health officials, believe that mandatory disclosure is the way to go. That requires changing Wisconsin's implied warranty law for this disease.

Under the proposal, the lowest level is coined "maximum risk for Johne's disease," and represents the level at which a producer must disclose to a cattle buyer that he's not participating in the state's (proposed) official testing program. A herd automatically will be "maximum risk" (if there hasn't been any testing done) - and the producer must write that statement when selling cattle. (However, a producer isn't precluded from doing diagnostic testing and still opting to use the "maximum risk for Johne's disease" disclosure.)

Balzer says this provides an incentive for moving into an official testing mode - so the owner can be recognized (financially) for his efforts in controlling the disease. The idea is that a buyer would rather buy from a positive herd with a known lower-risk than to acquire cows from a herd where nothing's being done, i.e. a "maximum risk" herd.

Balzer admits that Johne's is a complicated disease, and the state's proposal isn't exactly easy to understand either, she confides. Nevertheless, she feels it's a good one, and strongly encourages farmers to read the complete proposal for themselves - ahead of the hearings in March. To receive a copy, call the state vets at the ag department in Madison (608-224-4872).

Next week, Agri-View will delve deeper into the proposal, laying out more of the specifics, and getting into the false positive/false negative issue with testing and why a herd can never be absolutely tagged as 100 percent Johne's free.

Marketplace Will Drive Herd Testing for Johne's

By Jane Fyksen
Crops/Livestock Editor, Agri-View

(Second in a four-part series on Johne's disease)

Herd testing is critical for control of Johne's disease. If producers don't test, this "serious disease" will continue to spread in Wisconsin, believe state ag department vets. The state ag department, with input from dairy industry leaders, has come up with a revamped Johne's "implied warranty" and new state certification program for dairy cattle and goats.

The ag board recently approved the proposed Johne's rule changes for public hearings, probably next month. Libby Balzer, a westcentral district vet for the department working out of Cashton, stresses how crucial it is dairy producers understand the proposed changes - and show up at the hearings to give their opinions.

Currently, every time cattle (dairy and beef, and goats) are sold, there's an "implied warranty" that they're free of Johne's disease. If a cow is infected at time of sale, the buy can hold the seller liable under this implied warranty (even if the seller didn't know the cow was infected) - unless the seller does one of the following prior to sale:

- ✕ Conducts annual herd tests and discloses the test results to the buyer. (This is a route very few producers have taken.)
- ✕ Gives the buyer a written disclaimer that the cow is being sold "as is," without any Johne's disease warranty. (This has been popular, but the problem, as Balzer sees it, is that it provides no meaningful herd information about Johne's to the buyer.)

Current law and rules have failed to achieve their goal of promoting Johne's testing. Balzer stresses that the ag department isn't proposing to mandate herd testing for Johne's. (No states have taken that step.) However, state vets and dairy industry leaders who've been advising the department on how it should deal with Johne's, do want more voluntary herd testing by producers.

So, in order to avoid liability under the implied warranty for Johne's, the department is proposing legislation to eliminate the "as is" disclaimer option. Sellers would face a clear choice between the implied warranty on one hand (that the cattle are free of Johne's) and testing and disclosure on the other.

Under the proposal, the sale of cattle or goats would be exempt from the implied warranty, if the seller discloses the following to the buyer - in writing:

- ✕ The current Johne's disease classification of the herd from which the animals are sold. Herd classifications will be based on annual herd tests. If a herd isn't tested annually, it will automatically be classified as "maximum risk for Johne's" and a producer will have to state that in writing to the buyer.
- ✕ That the animals are confirmed Johne's disease reactors, if that is indeed the case.

However, the department also proposes to change its current testing and disclosure rules - making them "simpler" and "more realistic."

What's more, as things stand now, testing is further discouraged because producers are prohibited from selling confirmed Johne's reactors (except for slaughter under department permit). It's now proposed that confirmed Johne's reactors could be sold to other farmers - provided they're permanently identified as reactors, and the seller discloses to the buyer that they are, in fact, reactors.

Annual herd testing will be completely voluntary. Producers who choose to test could pick between a whole herd test and a random herd test. A whole herd test must include every test-eligible animal in the herd. "Test-eligible" is defined as all cattle in a herd that have reached the average age at which cows in that herd lactate for the second time, and all bulls over three years of age. For goats, test-eligible means all animals over 18 months of age.

For the random herd test, a vet must be called upon to randomly pick a test group from the herd. The test group must consist of at least 30 test-eligible animals, or at least 10 percent of the test-eligible animals, whatever is larger. Balzer says random herd testing is proposed "for easy entry into the program."

Each year's test must be conducted within two months on either side of the "anniversary date" (when the herd was first tested).

Many Wisconsin dairy producers have praised Minnesota for helping defray the cost of Johne's testing for producers there. At present, Wisconsin producers must cover the cost themselves. Balzer says "it's up to Wisconsin's dairy industry to ask the Legislature for money to subsidize testing. We'd (the department) be happy to work with them (in that quest)."

Herds that voluntarily test for Johne's would be classified as to their level of disease and risk to buyers of those cattle. The idea, Balzer stresses, is for the marketplace to reward producers who are testing for being proactive on the disease - the reward being greater buyer confidence as to Johne's status and willingness to spend more for those cattle.

Here's how herd classification would work. It should be noted that producers can manage Johne's to improve their herd's status over time.

There are four herd levels - A, B, C and D - and "maximum risk" herds (doing no testing):

- ✕ Level A is the most desirable classification. Testing (whole-herd or random) reveals no Johne's reactors. A herd can hit level A on its first test. The department will add a star to that herd for each consecutive year it stays at level A.

- ¥ Level B herds have fewer than 5% of the animals in a whole herd test are Johne's reactors.
- ¥ For Level C, between 5% and 15% of the animals in a whole herd test are test positive for Johne's.
- ¥ There are two ways to be classified as Level D - Either a random test reveals one or more Johne's reactors or a whole herd test turns up more than 15% percent Johne's reactors. However, the Level D producer can follow-up his random herd test with a whole herd test and be reclassified Level B or C if it turns out that there's actually less than 15 percent Johne's among all test-eligible cattle in the herd.
- ¥ Then there's "maximum risk." A herd is automatically classified "maximum risk" - without any formal department action - if the producer fails to complete a timely annual herd test, or never begins testing in the first place. "Maximum risk" is the least desirable herd classification, because it signifies that the producer doesn't have an annual testing program for paratuberculosis (i.e. Johne's). Balzer stresses that a farmer buying cattle from such a herd faces an unknown - but substantial - risk that the cattle are infected with Johne's.

A herd owner isn't required to disclose his herd's classification when selling cattle. But if he doesn't, he's subject to the implied warranty. If it turns out that those animals were infected with Johne's at time of sale, the seller may be liable for damages that result. (There is no implied warranty if the herd owner tells the buyer about his herd classification, or if he sells cattle for slaughter.)

"This gives the seller incentives to move up, and educates buyers to seek out cattle from herds at higher levels," says Balzer. "This program is built on levels and years." A "snapshot" isn't a sure thing that herd is "free" of disease, due to Johne's long incubation.

"You never have 100 percent assurance of a herd being 'free,'" says Balzer of Johne's. "That's why there's no 'free' status over an 'A' herd."

It's proposed that dairymen can choose to test (and cull) animals without have the results used for herd classification purposes. However, all Johne's test results must be reported to the department, and all confirmed reactors must be permanently identified as such. No confirmed reactors can be moved or sold (even to slaughter) unless they're identified as reactors. Currently, reactors can't be sold to go into other farmers' barns.

A lot of herds are expanding these days and buying milking strings to fill freestalls. The proposed rule addresses commingling.

Incoming animals from a herd with a less desirable classification would retain their original herd's classification for 120 days. But they wouldn't affect the classification of the herd to which they're added. However, if animals from herds with different classifications are temporarily assembled for sale or shipment (other than for a consignment sale), the least-desirable herd classification applies to all of the temporarily assembled animals.

"Test results will remain confidential," Balzer stresses. In other words, they won't be public record, like they were in the old "Johne's black list" days.

A private, state or federal vet has to do the testing - picking the test group, determining the type of test, actually collecting test samples, identifying each sample with the animal's official individual identification and getting the samples to a lab. Annual herd test samples must be tested by the state lab, a federal bureau or a lab approved by either the state or feds. Tests can be either the ELISA (enzyme linked immunosorbent assay) or fecal culture. ELISA can't be used for goats, though.

The lab doing the testing must report the results to the state ag department within 10 days, but the state won't use the results to classify the herd unless the owner asks the department to do so.

Under the proposal as it applies to dairy cattle, a Johne's "reactor" is any of the following:

- ¥ Tests positive on ELISA, unless it subsequently tests negative on a fecal culture test. (There can be false positives with the ELISA; the fecal test is more conclusive.)

- ¥ Tests positive on a fecal culture test

- ¥ Tests positive on any other type of test which the department approves. (Right now there aren't any.)

The ELISA test is considerably cheaper, with the state lab charging vets about \$5 to run it. The manure test is about double the cost. The ELISA test is viewed as more of a "screening" test. The manure test confirms the results.

As for vaccinating for Johne's, it's proposed that the only way farmers can vaccinate is with a herd agreement with the department. And the department "may not authorize vaccination in any herd in which the percentage of reactors in the last annual whole herd test was less than 7 percent, unless special circumstances warrant vaccination in that herd," the proposal states.

Vaccinates show up positive on the blood test. Vaccinated herds - about 300 in the state - can test, but they'll need to do the manure test. Balzer says that vaccinating doesn't prevent Johne's. It reduces the signs and problems with the disease, and it can actually remain in a herd longer. Vaccination is really only recommended in herds that are heavily infected with Johne's, the district vet says.

As for interstate sales of cattle, Wisconsin's implied warranty law and this proposed rule would apply to cattle from outside Wisconsin that are sold in Wisconsin. Wisconsin cattle selling in other states would be subject to that state's laws.

"All of this is based on risk. There's no such thing as being 'free' of Johne's - not with the current tests," she notes.

No test can definitively rule out Johne's in an individual animal or herd of animals. However, annual herd test results can help buyers and sellers assess the risk that symptom-free animals may be infected with Johne's. Herd testing can also help owners manager or eliminate the disease in their herds. That's something state vets and industry leaders think producers should be doing.

National Johne's Blueprint Different From State Proposal

By Jane Fyksen
Crops/Livestock Editor, Agri-View

(Third in a four-part series on Johne's disease)

Wisconsin is reworking its Johne's control program in hopes that more producers will test for the disease and take steps to get it out of their herds. On the national level, animal health authorities have put together a "national model" to deal with Johne's, which states can adopt.

If Wisconsin's Johne's revamp, as now proposed, is ultimately put in place, Wisconsin will recognize this new national initiative. Says state vet Clarence Siroky in Madison, "Our program provides a good reliable transition into the national program."

"We're taking a running start at the national program," characterized Siroky. He's referring to the fact that the state's proposed program will certify herds in which Johne's is present - offering marketplace recognition for producers who care enough to test for the disease - and do something about it. The national approach is more all-or-nothing. Either a herd has Johne's - and can't be in the national certification program - or it doesn't (and can be).

Wisconsin's proposed program offers incentive for testing and herd certification at rungs below where producers would need to be in order to get into the national certification program.

In past weeks, Agri-View has tackled an explanation of the state proposal. This week, veterinarian Mike Collins, the UW's resident expert on Johne's in cattle, explains the new initiative on the national level. Collins co-chaired the "National Johne's Working Group" - a task force under the direction of the U.S. Animal Health Association - that came up with the recommended national program which is now being put forth to states for adoption.

(In case farmers are unfamiliar with the USAHA, it's an organization of academics, regulatory vets and producer groups of all farm-animal species. It's the grassroots organization for dealing with animal health policies in this country, making recommendations to USDA. The USAHA endorsed the new national Johne's blueprint in October, and USDA has given its "stamp of approval.")

This blueprint has been sent to all state vets. As noted, here in Wisconsin, it's addressed in the state program proposal - and if the state/national package is ultimately adopted in Wisconsin, the national program could be considered as the "next steps up" (above state levels) on a Johne's herd-certification ladder.

The aim of this national model, notes Collins, is to create greater uniformity in herd certification programs among the states. The national program, like the state-level one proposed, would be completely voluntary. In other words, producers could take it or leave it.

The national program has four status levels that herds can achieve. It is, in fact, called the Voluntary Johne's Disease Herd Status Program. The levels are 1 through 4, with each level indicating higher confidence in a herd's Johne's free status. Level 4 herds would provide buyers with the "greatest assurance" the cattle aren't infected, notes Collins.

There's the crux of the difference between state and national. The state's proposed program is based on levels of disease in the herd. To get into the national program, however, there must be no Johne's in the herd. As herds move up levels in the national, there's greater and greater confidence that they're free of Johne's, for certain.

If the disease shows up, the herd is automatically out of the national program - but can get back in once it's free again. (In the meantime, though, this same herd could still be moving up levels within Wisconsin's proposed state program.)

Collins points out that herds can enter the national program by two methods - standard track or fast track. Samples for testing must be collected by a vet or state or federal animal health official. Additionally, the program encourages producers to implement "best management practices" to prevent introduction and spread of the disease in their herds.

For a herd to enter the program on the "fast track," the producer signs a statement that he's fully aware of the management and disease history of the herd (and property) in the past five years. Johne's disease isn't known or suspected to have existed in the herd for the past five years or on the property during the past 12

months. The cattle aren't known to have been introduced from known infected herds during the past five years either.

Additionally, the producer on the "fast track" must provide a negative ELISA (blood) test on all cattle in the herd that are second lactation or older. If they all test negative - and the producer (with a vet in agreement) signs off that there's been no Johne's for the past five years - the herd can enter the national program at Level 2. In other words, it skips Level 1.

On the "standard track," a producer is looking at getting into the national program at Level 1. To do so, he must test 30 head of second lactation animals and older with the ELISA test - regardless of the size of the herd. Thus, if he were milking 30, he'd have to test them all. If he were milking 500, he'd test 30. If they're all negative for Johne's, the herd enters the national at Level 1.

To move up to Level 2, he'd need to test all his cows the following year - two months plus or minus of the last test. If a positive turns up, the herd is out of the national program, and would need to reenter again down at Level 1. If all the second-lactation cattle and older are negative, the herd moves up into Level 2.

One year later, to get into Level 3, those same second lactation animals and older would need to pass a fecal culture (manure test). A positive would flush out the herd from the national program. All negative, and the herd moves up into Level 3.

To attain Level 4, the highest and "best" level, there'd need to be an ELISA test one year later on all second-lactation cattle and older. (As previously reported in this series, Johne's is relatively slow to incubate and manifest itself in cattle. Thus, an infected older animal is more apt to show up as such than an infected heifer calf is.)

To stay at any given level, Collins says producers are required to do ELISAs on 30 randomly selected cows every year.

Siroky thinks the two programs "augment" each other. There is, however, that fundamental difference. What Wisconsin proposes is to give producers some recognition (herd certification or status) even if they have Johne's - so long as they're "doing something about it." The national, however, says when you're positive for Johne's, you're out. Being "positive" is a "real negative statement," and not at all good in terms of trying to get producers to test for and deal with Johne's, he alludes.

Collins says Wisconsin's proposed program "grades infected herds on how infected they are." Once a herd hits status A (the best it can do on the state level), so that it appears to be a test-negative herd, "at that point it can enter the national program."

As proposed in Wisconsin, the state ag department must certify a herd as a voluntary participant in the national Johne's disease program if, under the state program, it is at "Johne's preventive management level A, star 3" or better. What's "star 3"? It means that once a herd hits Level A in the state program - the best level - every time an annual herd test reveals no reactors, the department adds a star to the herd's Level A classification. Each consecutive year the herd maintains Level A, it gets a star.

So, says Collins, in order to get into the national program, a herd has to be three stars (at Level A in the state program three years). Thus, if the state program would get off the ground tomorrow, the soonest a Wisconsin herd could be entered into national would be three years.

Collins says neighboring Minnesota has adopted the national model local, stock and barrel and is subsidizing lab charges for producers. Several months ago, there were already as many as 70 herds in Minnesota at Level 1, he reports.

What's all this going to cost the producer who chooses to participate. The ELISA test runs about \$5 (lab fee). Figuring on adding around \$3 per test (vet charge). That's \$8 a crack - on all your cows at certain levels.

Collins admits for the commercial dairyman who doesn't sell cattle to other farmers, there's no reason to attain certification. There is, however, good reason to find out if the disease is in the herd - and exactly how much of it he has.

Collins likens Johne's testing to cancer screening in people. If a woman detects breast cancer early or a man prostate cancer, it can be more easily treated and they can live long and healthy lives. But if they choose to ignore it, the problem can become "terminal." So it is with Johne's.

Finally, it should be noted, that an ELISA test on a given cow that comes back from the lab neither positive or negative but "suspect," is for purposes of these two programs, considered negative.

Nail Johne's Before It Nails You

By Jane Fyksen
Crops/Livestock Editor, Agri-View

(Last in a four-part series on Johne's disease)

Johne's is stealthy - lurking in a herd several years before a dairyman suspects some of his cattle might be sick. It's also fairly contagious, spreading through manure cow-to-cow and through colostrum and waste milk to calves.

State and federal vets - rolling out new Johne's herd certification programs - think this is a disease to which dairy farmers should pay more attention. For the last three weeks, Agri-View has detailed the new proposed Johne's programs at the state and federal levels and Wisconsin's rework of the Johne's implied warranty. This week, we tackle the disease itself.

Johne's (pronounced "yo-knees") is a bacterial intestinal-tract disorder that causes weight loss/wasting and persistent diarrhea. A German vet first described this disease in a cow back in 1895, thus his name is attached to it. This disease is also known as paratuberculosis.

Johne's reduces milk output and salvage value when infected cows are shipped. It's costly, period - easily robbing an infected 100-cow herd of \$23,000 a year in reduced income and greater replacement costs. Calves under six months are most susceptible to picking up Johne's, which can live in the farm environment for a year on contaminated equipment, boots and the like. The organism, *Mycobacterium paratuberculosis*, is resistant to heat, cold and drying. It's a cousin of the bacterium that causes tuberculosis in people and cattle.

It's a myth that a Wisconsin winter can knock off Johne's. Johne's bacteria like it best in cool, dark, moist places - the exact conditions found in many barns in the winter.

What makes Johne's so sneaky is that cattle can carry - and spread - this disease for several years before they "break" with signs. It's been estimated for every cow in a herd showing obvious symptoms of Johne's, there are likely 15 to 20 more infected.

The really bad news is there's no 100 percent treatment or cure, making prevention important. That's why animal health officials at the state ag department in Madison hope Wisconsin's dairy industry will sit up and start paying more attention to this disease.

Johne's, however, also occurs in other ruminants - beef cattle, sheep, goats, deer (domestic and wild), llamas, elk and bison. It's seen most commonly, however, in dairy cattle. According to Collins, the disease can spread from specie to specie.

UW-Madison vet Mike Collins helped forge the new national Johne's herd certification "blueprint" that states - including Wisconsin - are now looking at adopting. According to Collins, infected cows continue to have good appetites and don't have fevers, though they look unthrifty and thin, are often weak. The disease causes inflammation and thickening of the intestinal wall, preventing nutrients from being absorbed properly.

This disease progresses slowly, as noted, typically not showing up until after a cow has had her second calf. However, in a heavily infected herd, Collins says Johne's can manifest itself in heifers prior to calving. On a herd basis, Johne's might be suspected if there's an occasional cow with diarrhea or weight loss - and the dairyman is frustrated by herd production that's less-than-expected, compared to the quality of feed and cattle.

How widespread is Johne's? One national survey estimates that 2.6 percent of the dairy cattle in the U.S. and 1.4 percent of the beef cattle are infected. However, heavy dairy areas, like Wisconsin, have more Johne's. It's estimated 10 percent of the cattle may harbor Johne's. In a blood test survey in Wisconsin several years back, a third of the herds tested positive, with at least one animal in the herd testing positive for the disease. According to University of Minnesota-Extension dairy experts, just 10 years ago in Minnesota, there were only 74 known-infected herds. Today, more than 40 times as many farms are known to have it.

With herd expansions accelerating in the state, coupled with the advent of customer heifer-raising, the chance for Johne's popping up in herds is greater, perhaps than it's ever been. Collins says Johne's typically enters a herd when an infected, but healthy-looking animal is purchased - and unbeknownst to the owner, the disease spreads (via the organism shed in the manure). After several years, signs of Johne's start showing up.

As noted, calves are most susceptible to acquiring Johne's - from manure or drinking milk from infected cows. In the later stages of the infection, this disease organism is found in milk.

To protect themselves, producers are urged to test incoming cattle for Johne's. They should, however, recognize that the blood test, also called the ELISA test, isn't 100 percent reliable. Collins says there are both false positives and false negatives with this test.

In terms of false negatives, he says at any one given time, on an individual animal basis, there's a 50 percent chance even if she's infected, she'll show up negative (as not having) Johne's. For that reason, the test should be used to determine the presence of Johne's in a herd, rather than in individual animals.

As for false positives, the rate is one in 200 cows tested. Thus, if a cow turns up positive for Johne's, it's generally recommended a fecal (manure) test be done to confirm. The fecal test is more expensive than the blood test. (The ELISA test is only available for cattle - not the other species mentioned.)

However, Collins says by testing a recommended universe of cattle within a herd, you're playing the odds so to speak. If everybody tests negative, chances are good Johne's isn't lurking in the herd. It's recommended producers only bring in new stock from well-managed herds testing free of the disease - but remember, even that's no guarantee.

Level 1 of the new federal voluntary Johne's classification program tests 30 second-lactation and older cows in each herd - regardless of the herd size - with the ELISA blood test. At Level 1 testing, Collins says the "confidence" level the herd is correctly classified at is greater than 85 percent.

Because Johne's is out there - and can be spread by cattle that still look healthy - it's just a good idea to get in the habit of keeping calves away from the manure of adult cattle, and making sure manure doesn't contaminate feed. In other words, good sanitation on the farm goes a long way.

The hot topic is whether or not people can get Johne's disease. "We don't know if it's a real human health problem or not." Obviously, it's a pretty controversial subject.

There's a human disease called Crohn's that resembles Johne's. Crohn's is chronic diarrhea with no known cause or cure. According to the UW vet, recent reports in medical literature indicate at least 50 percent of patients with Crohn's test positive for *M. paratuberculosis*. However, he reports, no connection has been shown between contact with Johne's-infected cattle and Crohn's.

Given the present lack of solid knowledge as to whether *M. paratuberculosis* can infect people, it's better to play it safe and not drink raw milk - especially from known infected herds. However, drinking raw milk is never a good idea - even if you don't think you have Johne's in the herd.

The whole aim of Wisconsin's new proposed Johne's initiative - which Agri-View has detailed in this series - is to get farmers interested in testing for Johne's and doing something about the disease if it turns out they do, in fact, have it in their herds. The aim is also for those proactive farmers to be rewarded in the marketplace (when they sell cattle) for being concerned enough to voluntarily test for and control Johne's.

To clean up Johne's in a herd, a farmer needs to employ a one-two-three punch: Testing (even healthy-looking cattle), culling those testing positive and keeping calves from getting infected. Even though it's a tough one to deal with, it isn't impossible to free a herd of the disease. The testing, however, isn't a one-shot deal. It needs to be done annually.

As for safe-guarding the calves, that means cows need to calve on clean pastures or in clean, disinfected maternity pens. Remove newborn calves before they can nurse. Use only colostrum from test-negative cows. Don't pool colostrum from multiple cows. And it's always a good idea to thoroughly clean the udder before collecting colostrum. There's a moderate to high probability offspring born to Johne's infected dams will acquire the infection, so on a case-by-case basis, it might be wise to cull offspring from infected cows.

Feed milk replacer to calves, instead of waste milk. The longer young stock can be separated from adult cattle the better - at least for the first six months of life, the "window" of maximum susceptibility.

Keep manure out of feed and water. Don't use the same shovels or heavy equipment to handle both. Don't spread manure on pasture that will be harvested the same season via grazing.

Collins stresses dairy producers must get their vet involved in helping them manage against Johne's disease. "Halfhearted attempts to control Johne's disease will generally fail," he warns, noting a typical herd clean-up may take five years.

Although older Johne's "shedders" have been the focus, Collins says cattle and other types of livestock can shed the organism in their manure as young as a year of age. And, in fact, it's thought calves can become infected in the uterus of the dam.

There are vaccines available but they aren't completely effective and they interfere with the ability to diagnose and trace problems in a herd. Preventative vaccination is strongly discouraged. They "mask" disease symptoms, and don't thoroughly prevent cattle from getting Johne's. Where vaccination, however, is apt to have a place in herds is where Johne's is rampant. Talk to your vet.

Ken Bolton, Jefferson County dairy agent, has this to say about Johne's. "It lurks in the background, infecting cows years before they become sick. It cuts milk production by one-fourth or more, and reduces the productive lives of infected cows. There is no cure, and the only control is through prevention."

"Sound like a disease you don't want on your farm? Your right," says Bolton. "And it's one of the biggest health challenges in dairying today."

For more information on Johne's disease, farmers can consult Collin's web site: www.vetmed.wisc.edu/pbs/johnes. There's also information at www.aphis.usda.gov/vs/ceah/cahm/johnesart.htm. And if producers want a copy of Wisconsin's proposed voluntary Johne's herd certification program they can call the state vet in Madison (608-224-4872).



A hidden disease that can be managed.



Produced by the Wisconsin
Department of Agriculture, Trade & Consumer Protection
Division of Animal Health



PHOTO COURTESY OF THE WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE & CONSUMER PROTECTION

Wisconsin farmers at a crossroads.

A hidden, incurable disease is slowly devastating their herds. In Wisconsin dairy cattle alone, the disease is costing an estimated \$54 million annually. It is robbing farmers of \$227 per animal per year, infected or not. The disease also affects beef cattle and other livestock.

Chronic diarrhea, weight loss, and eventual death characterize Johne's disease (pronounced yo-NEES.) But it can take years before the presence of the disease is known.

The losses already experienced by hundreds of Wisconsin farmers are just the tip of the iceberg. There's only one way to find out how deep the disease lies beneath the surface: Measure, by testing one herd at a time.

To continue without an incentive for farmers to test their herds is to continue on a deadly collision course, full speed ahead.

There is another choice.

Proposed rules for managing Johne's disease put a market-driven solution on the table. A number of people helped develop the program, including veterinarians, farmers, and state officials.

If adopted by the state legislature, the program will go into effect on July 1, 2000. Hearings are scheduled in March 1999.

The proposed Johne's disease rules are simple: No one will make a farmer test his animals for the disease. But those who test will add value to their herd.

*Why? **Because a healthy herd increases the bottom line.***

Testing lets the farmer know where he stands.

The farmer tests the soil so he knows what nutrients he needs to add. He stays abreast of trends so he knows what crops to plant. He buys feed and fertilizer wisely to increase productivity.

The proposed rules for managing Johne's disease are no different.

By testing his herd annually, the farmer knows where he stands. He can take positive steps that will make a difference in the health of the herd. And he can make more money by increasing the herd's productivity and by decreasing the financial drain from sick animals. He can buy tested animals.

No one will be telling the farmer what he has to do.

The proposed Johne's disease rules respect the right of the individual farmer to make his own decisions. No two farms are alike. An enterprising operation may discover a management technique that no one else has tried. Farmers are free to ask questions and to develop new methods. The bottom line: Does it work? The proof is in the testing.

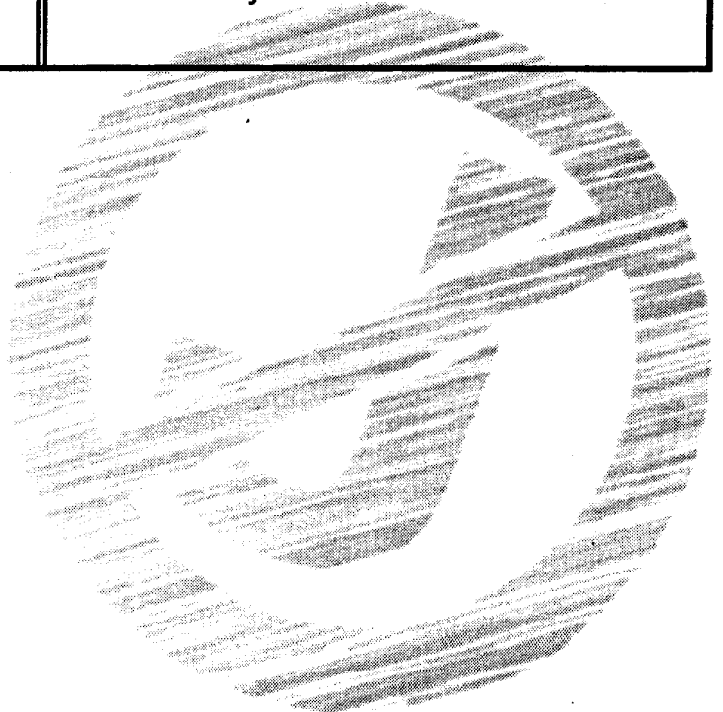
A healthy herd increases the bottom line.

Here's how the grading system works:

Testing for Johne's Disease		
Preventive Management Level	Number of Animals Tested	Results
A	30 head or 10% of herd	No animals test positive
B	Entire herd	Fewer than 5% positive
C	Entire herd	Fewer than 15% positive
D	Entire herd 30 head or 10%	More than 15% positive One or more animals test positive
0 MaxRisk	No official herd test	Automatically classified as maximum risk

Managing Johne's disease means managing risk and probability.

As in life, there is no such thing as zero risk. There is never the guarantee that Johne's disease will never happen. But the Johne's disease risk factor decreases with each level up the ladder. For that reason, animals need to be tested annually.



The successful farmer learns how to manage risk.

He beats the odds by getting as much information as possible, and by managing business decisions accordingly.

It's kind of like the kid who learns to manage his work load and earns an "A".

It's called incentive.

In addition to producing more, a herd that earns an "A" when officially tested for Johne's disease will bring home more dollars if the animals are sold. Why? *Because informed people will pay more for a healthy animal.* It's that simple.

What about herds that rank "B," "C," or even "D"? Wouldn't they be better off not testing at all?

No. The farmer who does not know if his herd has Johne's disease is not taking steps to deal with the disease. It is costing him in productivity.

Not testing for the disease is like getting an automatic zero.

Ask any school kid. A "D" is better than a zero.

A herd that is not officially tested will be automatically classified as maximum risk for Johne's disease. No test means more than lost productivity. In addition, value may be subtracted from animals if they are sold.

Why? *Because buyers will have valuable information with which to make an informed choice.*

Diseased animals will be identified permanently with a "J" punched in the animal's left ear. With a written notice, the farmer can sell the ear-marked animal, if anyone wants to buy it. (Or, he can sell it to be slaughtered.) ***The important thing is that the disease is no longer hiding.***

The proposed Johne's disease rules aim to uncover and defeat the enemy in hiding by giving farmers a market-driven incentive to test annually and by empowering buyers with valuable information.

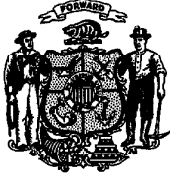
Produced by the:
Wisconsin Department of Agriculture,
Trade and Consumer Protection,
Division of Animal Health
February 1999
For more details and/or a copy of the
proposed rules, call 608/224-4872.



**Department of Agriculture,
Trade & Consumer Protection**

Division of Animal Health
2811 Agriculture Drive
PO Box 8911
Madison WI 53708-8911

Website: <http://badger.state.wi.us/agencies/datcp>



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2383/1

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1999 BILL

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1 AN ACT...; relating to: implied warranties concerning disease status of animals
2 and granting rule-making authority. ✓

Analysis by the Legislative Reference Bureau

Under current law, in each contract for the sale of an animal, there is an implied warranty that the animal is not infected with paratuberculosis unless the seller informs the buyer in writing that the animal is not warranted as being uninfected with paratuberculosis or the seller complies with paratuberculosis testing and disclosure requirements established by the department of agriculture, trade and consumer protection (DATCP) by rule. *Paratuberculosis is also known as Johne's disease.*

* Effective July 1, 2000, this bill eliminates the current law concerning the implied warranty that an animal is not infected with paratuberculosis. Under this bill, in a contract for the sale of an animal of a type specified by DATCP by rule, there is generally an implied warranty that the animal is not infected with a covered disease unless the seller discloses in writing the management classification of the *disclosed* animal's herd with respect to the covered disease and that the animal is a reactor to the disease, if that is the case. A reactor is generally an animal that reacts positively to a test for a disease. The implied warranty does not exist if the animal is sold directly to slaughter.

The bill requires DATCP to promulgate rules specifying the diseases covered by the implied warranty and establishing a system for determining management classifications for herds, as well as specifying the kinds of animals subject to the implied warranty.

BILL

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 95.195^X of the statutes is repealed and recreated to read:

2 **95.195 Diseases; implied warranty in sale of animals.** (1) DEFINITION.

3 In this section, “covered disease” means a disease that the[✓] department specifies
4 under sub. (4) (a)[✓] is covered by this section.

5 (2) WARRANTY. Except as provided in sub. (3)[✓], in every contract for the sale of
6 an animal of a type specified by the department under sub. (4) (b)[✓], there is an implied
7 warranty that the animal is not infected with a covered disease unless the seller
8 discloses to the buyer in writing, prior to sale, all of the following:

9 (a) The management classification of the animal’s herd with respect to the
10 covered disease.

11 (b) If the animal is a reactor with respect to the covered disease, that the animal
12 is a reactor.

13 (3) EXCEPTION. The warranty under[✓] sub. (2) does not apply to an animal sold
14 directly to slaughter.

15 (4) RULES. The department shall promulgate rules that do all of the following:

16 (a) Specify covered diseases.

17 (b) Specify types of animals to which this section[✓] applies.

18 (c) Prescribe a system for determining management classifications of herds
19 with respect to covered diseases.

20 **SECTION 2. Effective date.**

BILL

1 (1) This act takes effect on July 1, 2000. ✓

2 (END)

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2383/1dn

RCT:.....

1
Jg

This draft changes the current statute concerning implied warranties about paratuberculosis (Johne's disease). ✓ At the request of DATCP, this draft does not mention paratuberculosis, but instead allows DATCP to specify which diseases will be subject to an implied warranty. An alternative would be to mention paratuberculosis in the draft and authorize DATCP to add additional diseases by rule. *Note that any disease,*

The proposed statutory language with which I was provided was inconsistent with DATCP's proposed rule concerning paratuberculosis, with which I was also provided. I have drafted this proposal so that it authorizes the proposed rule to be promulgated.

Please do not hesitate to contact me if you have any questions or redraft instructions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: Becky.Tradewell@legis.state.wi.us

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provisions about the "
warranty and how the
warranty can be eliminated.*

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2383/1dn
RCT;jlg:lp

March 19, 1999

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The proposed statutory language with which I was provided was inconsistent with DATCP's proposed rule concerning paratuberculosis, with which I was also provided. I have drafted this proposal so that it authorizes the proposed rule to be promulgated.

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2383-2

RCT:jlg:lp

very soon

redraft
make
run

1999 BILL

Regen

1 AN ACT to repeal and recreate 95.195 of the statutes; relating to: implied
2 warranties concerning disease status of animals and granting rule-making
3 authority.

Analysis by the Legislative Reference Bureau

Under current law, in each contract for the sale of an animal, there is an implied warranty that the animal is not infected with paratuberculosis unless the seller informs the buyer in writing that the animal is not warranted as being uninfected with paratuberculosis or the seller complies with paratuberculosis testing and disclosure requirements established by the department of agriculture, trade and consumer protection (DATCP) by rule. Paratuberculosis is also known as Johne's disease.

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discloses

BILL

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20 **SECTION 2. Effective date.**

