

Wisconsin Department of Agriculture, Trade and Consumer Protection

Initial Regulatory Flexibility Analysis

Rule Subject: Animal Disease and Movement and Animal Markets, Truckers and Dealers
Adm. Code Reference: ATCP 10 and 12
Rules Clearinghouse #: Not yet assigned
DATCP Docket #: 13-R-01

Rule Summary

Small Businesses Affected

The majority of these rule modifications are technical and have no or minimal fiscal effect. Many of the rule modifications will ease program requirements and may reduce costs to small business.

The entities that may be affected by this rule modification include the following:

1. Veterinarians.

Upon the effective date of the rule, veterinarians and authorized employees or agents of the Department of Agriculture, Trade and Consumer Protection (DATCP), or the federal bureau in the United States Department of Agriculture (USDA), will be required to take DATCP-approved training on tuberculosis testing and sample collection within 5 years prior to testing an animal for tuberculosis. Such training is already required of veterinarians testing farm-raised deer (FRD) for tuberculosis. This will be a new requirement for veterinarians who choose to test animals for this disease. Because this training is provided free of charge, there will be no cost to these veterinarians.

2. Farm-raised deer keepers (FRDKs).

CWD testing. FRDKs who have herds enrolled in the CWD herd status program with at least 5 years of status may realize a significant cost savings, as only 25% of their FRD aged 12 months or older shipped directly to slaughter must be tested for CWD. This change is significant as current rule requires 100% of these FRD to be tested for CWD when sent to slaughter.

FRDKs whose herds are not enrolled in the CWD herd status program may realize a significant cost savings as only 50% of their FRD aged 16 months or older that are killed intentionally, except after escape, must be tested for CWD. This change is significant as current rule requires 100% of these FRD to be tested for CWD.

It is estimated that hiring a veterinarian to collect CWD test samples costs approximately \$75 per deer. Depending on the number of deer tested at one time, this cost may be lower. This cost will also be lower if the FRDK has a qualified employee or immediate family member that can collect the CWD test samples. Because the actual cost to test a deer for CWD is unknown, total cost savings are indeterminate.

Hunting preserves. Changing the term hunting “preserves” to hunting “ranches” was requested by the farm-raised deer industry. The fiscal effect of this terminology change is unknown but is presumably low, as it is sought by the FRD industry.

Commingling FRD with bovine animals. Current rule allows FRD and bovine animals to be commingled only if those animals move to slaughter.

The proposed rule clarifies that FRDKs who wish to keep deer and bovine animals at the same location without having to move them to slaughter must have fencing and facilities adequate to maintain medical separation at all times. Medical separation includes double fencing and bio-security procedures, including procedures to prevent the commingling of farm-raised deer with bovine animals.

A FRDK who chooses to keep FRD and bovine animals at the same location using medical separation will incur costs to purchase additional fencing and separate equipment for the FRD and bovine animals. There is also a one-time cost of \$200 for each day needed for department staff to complete the medical separation inspection of the location.

It is unknown how many FRDKs wish to keep FRD and bovine animals at the same location using medical separation. Therefore, these costs are indeterminate.

3. Wisconsin importers of elephants.

Current rule specifies requirements for any person that imports certain animals or imports animals for certain activities. The proposed rule specifies requirements for the import of elephants. The current import requirements for elephants are listed under wild animal and circus, rodeo, and menagerie animal imports. The proposed elephant import requirements incorporate several of those provisions into the rule. The new requirement that the owner of an elephant provide a statement that the elephant has not been exposed to mycobacterium tuberculosis within 5 years prior to the date of import should not result in a significant cost to the importer.

Reporting, Bookkeeping and other Procedures

This rule modifies record keeping requirements of a) FRDKs and b) the Wisconsin Department of Natural Resources (DNR) reintroducing fish to the same lake or river from which they were collected, as follows:

1. Farm-raised deer keepers (FRDKs).

Currently, FRDKs must maintain records relating to any farm-raised deer that enters, leaves, or escapes the herd or dies on the premises. These record keeping requirements are specified in different places in the rule and are not always consistent. The proposed rule clearly specifies the requirements for deer entering the herd, leaving the herd by authorized movement, leaving the herd by escape, leaving the herd for slaughter or dying on the premises under the general record keeping section. For consistency, the proposed rule also cross-references this section when record keeping requirements are specified elsewhere in the rule. There are no additional record keeping requirements, therefore, there should be no additional costs related to this rule modification.

The proposed rule clarifies that records must include any known natural additions to the herd, including the month and year of birth, and sex of the farm-raised deer, if determined. Certain information, including the age of a deer must be recorded by the FRDK before any deer may leave the premises. To know the age of any natural additions that may at some time leave the herd, a birth month (and sex of deer, if known) of these deer should be recorded.

The proposed rule eliminates the requirement that for each deer killed on a hunting preserve, the owner keep a record of:

- The location of the premises where a deer was killed.
- The name and address of the person who collected the test sample for the CWD test.

The proposed rule eliminates the requirement that a FRDK whose herd is enrolled in the CWD HS program include the number of deer at least one year old and the number of deer less than one year old on the herd census.

Any additional costs or cost savings related to these record keeping changes should be minimal.

2. Fish

The proposed rule requires the DNR to keep a record of movement, for five years, of any fish or fish eggs they reintroduce to the same lake from which the fish, or the eggs from which they were hatched, were collected, or to the same point or a downstream point in the same river system from which the fish, or the eggs from which they were hatched, were collected.

If these records are maintained by DNR, they no longer have to request a permit from the state veterinarian authorizing the reintroduction.

Professional Skills Required

To the extent that this rule requires changes in professional skills, DATCP's analysis is included in the prior sections covering impacts on owners or keepers of farm-raised deer.

Accommodation for Small Business

Many of the businesses affected by this rule are “small businesses.” For the most part, this rule does not make special exceptions for small business, because disease does not differentiate or respect business size.

The rule provisions that may have a more significant fiscal effect are those required by USDA regulations that, again, do not differentiate by business size.

Finally as the “business impact” section describes above, there are several provisions that will benefit small businesses.

Conclusion

This rule will generally benefit affected businesses, including “small businesses.” Negative effects, if any, will be few and limited. This rule will not have a significant adverse effect on “small business,” and is not subject to the delayed “small business” effective date provided in s. 227.22(2) (e), Stats.

Dated this _____ day of _____, 2015.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
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