

**ALVIN R. OTT**State Representative
3rd Assembly District**Assembly Agriculture Committee****MEMO****To: Members of the Assembly Agriculture Committee****From: Representative Al Ott, Chair****Date: April 20th, 1995**

The following clearinghouse rule has been referred to the Assembly Agriculture Committee:

Rule No. 95-013: relating to pseudorabies, swine brucellosis and equine infectious anemia.

A copy of the rule is attached. The deadline for committee action on this rule is May 19th, 1995. I have already received requests for a hearing on this rule and it is my intention to hold a public hearing, however, I am not sure exactly when the hearing will be at this point. Please contact Kim in my office at 266-5831 if you have any questions or concerns.



Office:
318 North
P.O. Box 8953, State Capitol
(608) 266-5831

**Toll-free
Legislative Hotline:**
1 (800) 362-9472

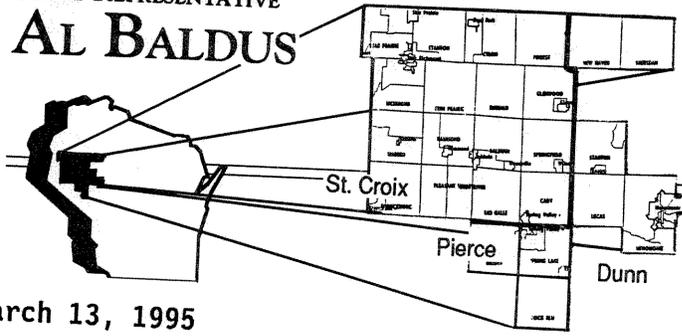
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Ranking Member: Agriculture, Forestry and Rural Affairs / **Member:** Environmental Resources; Labor and Job Training



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STATE REPRESENTATIVE
AL BALDUS



March 13, 1995

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Financial Institutions and Housing
Veterans & Military Affairs

ADVISORY MEMBER:
Minnesota-Wisconsin
Boundary Area Commission

Representative Al Ott, Chair
Assembly Committee on Agriculture
318 North - State Capitol
Madison, WI 53708

Dear Representative Ott:

This letter is in regard to concerns expressed to me by one of my constituents relating to Equine Infectious Anemia (EIA) or Coggins testing.

As you may be aware, the Department of Agriculture, Trade, and Consumer Protection is working on changes to its rules that would modify the frequency of Coggins testing, among other items. If you have any people in your district who raise horses, you may have heard from them on this matter already.

One of my constituents, Lamoine Peabody, has taken the lead on this issue to end Coggins testing completely, rather than just reduce it to once a year as proposed by DATCP. Citing test studies, Mr. Peabody points out that less than .2% of horses in the United States tested positive last year. Mr. Peabody expresses that he and many other horsemen agree that such a level does not warrant a problem, and they would like to eliminate the current testing procedures. Enclosed for your review is a copy of Mr. Peabody's correspondence with me on this matter.

DATCP held public hearings on the proposed testing changes earlier this month, and an administrative rule regarding EIA is likely to come before the committee later this spring. I respectfully request that, when this administrative rule comes before the committee, you schedule a public hearing on this matter. Such an open forum before a standing committee will allow those in the horse community to express any further concerns that they may have on this issue. It is my understanding that Mr. Peabody has contacted Representative Sheila Harsdorf on this matter as well, so she may also request such a hearing.

I thank you in advance for your attention to this matter. Please do not hesitate to contact me if you would like to discuss this matter or if I can be of assistance.

Best wishes,

AL BALDUS
State Representative

cc: Lamoine Peabody

AB/rr

February 20, 1995

Speaking Out On Equine Infectious Anemia (EIA) - Coggins Testing

There is a good way to handle the whole EIA problem in Wisconsin. Have the Wisconsin legislature repeal two laws - the 1990 law that went into effect January 1, 1991 and the 1993 law that went into effect February 1, 1994, both laws on EIA.

Why? The best reason may be because they do not work! They are nothing more than a health department bureaucracy, needless expense for tax dollars and a burden on every horse owner and 4H kid in the horse project.

Proof positive the 1990 law didn't work: the Wisconsin federal- approved lab tested 7,859 horses based on old laws. There were 28 positive horses or .0035627, less than 8/10 of 1%. The very next year when the 1991 law went into effect, there were 17,977 horses tested with only 16 positive, or .00089, less than 1/10 of 1%. These figures came from the National Equine Disease staff. Dr. Tim Cordes' phone number is 301-734-6954 in case you want to confirm these figures.

The 1993 law that went into effect on February 1, 1994 was even more of a disgrace. Horse people were forced to test. I'll use two figures, you decide which is correct. The federal figures for October 1, 1993 to September 30, 1994: out of 38,623 Wisconsin horses tested, 51 tested positive, or .0013204. The State figures for the same date are: out of 39,696 horses tested, 80 tested positive, or .0020153. *As established by these figures, there is no problem in Wisconsin regarding EIA.*

Let's go back and put a little common sense thinking in this. I quote Dr. Don O'Connor, DVM from his article of March 3, 1993. "The most severe stage is seen in horses following first exposure to EIA. Clinical signs usually appear 7 to 30 days after infection and include high intermittent fever, loss of condition and hemorrhage on mucous membranes. Roughly 25%-30% of horses die from this acute episode after 10-14 days."

Do you really think there is a horse owner that has a horse as sick as this description in the state of Wisconsin that didn't call his veterinarian? I don't. We may even be fairly safe to say most positive horses in Wisconsin have been observed by a veterinarian during the acute stage.

It points to a problem. Just what is the veterinarian's position? It is a reportable disease. Does the veterinarian report it to the state veterinarian or does he carry the sole responsibility to get the horse tested and follow up with a second test when the disease has had time to reach the stage that it will show up on a test? Or does the state veterinarian only become involved when a positive horse is determined by an approved test laboratory?

It's my opinion the state veterinarian and all his army of veterinarians can do a better job of policing EIA by taking care of their homework instead of running around the country trying to sell a testing program. A Coggins test tells you if your horse had EIA the day it was tested. A good fly spray protects your horse from the horse or deer fly that carries the EIA bug. Do you want your horse protected or do you want the false security of a test?

At the start, I mentioned it's a bureaucracy. Now let me tell you why it was well timed and planned. Take notice: all the laws made have one big control lever...tax dollars. If the fair board doesn't require a test - no tax money. Who puts on the horse events? Towns? Cities? You bet they need tax dollars! I note the Amish and team penning are exempt. These later two exemptions weren't in the law, they were rulings. The law basically is written so our state office can interrupt it as they choose.

I alone, along with the 50 people that have signed the petition, are not going to get the job done.

I will send a copy of this to Governor Tommy Thompson to alert him to what is going on and a copy to each legislator, but I urge horse owners to call or write their representatives and senators and urge them to repeal these laws.

Wisconsin horse people deserve to be free of this needless burden and if the state has money left, let them use it for wagon trails and trail riding. Nationally, there is only .18 or less than .2 of 1% of the horses tested are tested positive in the United States. Federal figures for the last three years show a decline in EIA. They caution it's too early to call this a trend.

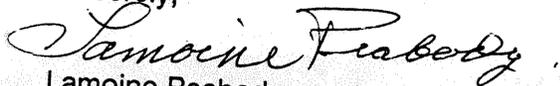
I have spent a life involved with horses and horse people, including 18 years as a 4H Horse Project leader, and I am confident you horse people will rise to this occasion to correct this error in judgement that has gone on in Wisconsin. I have made a lot of phone calls and listened to a lot of theories, one being: "if we test just a couple of horses in your herd it gives a reading on the whole herd." It's only a control measure. We'll have no law that horse people don't want.

I have seen figures that indicate we're controlling .3 of 1% of the EIA horses. Let's face it...EIA has been around 100 years. When we had the freedom to move horses to a show, a parade, to a 4H fair, or take a horse to a sale and sell it to another Wisconsin buyer, there were no problems. The control was by the veterinarian and the interstate requirements on horses.

In a conversation with a fine gentleman, our state veterinarian Mr. Tom Howard, I was advised that the problem horses were found pretty much in a riding stable, a boarding stable, or a stock contractor. I'm sure our state veterinarian has the authority, without laws, to control an infectious disease in limited areas.

Thanks for allowing me the opportunity to share the results of a year of study and investigation into this matter with you. Your comments are welcome.

Sincerely,



Lamoine Peabody
1524 Highway N
Roberts, WI 54023
Phone (715) 796-5542

OFFICE MEMO AD-2

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<input type="checkbox"/> Comment <input type="checkbox"/> Route	<input type="checkbox"/> For Your Inf. <input type="checkbox"/> Approve/Sign	<input type="checkbox"/> Prepare Reply <input type="checkbox"/> Take Action	<input type="checkbox"/> Return <input type="checkbox"/> File

W/in current calendar year

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 Health policies

August 1st, rule
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Let Sheryl
know when
hearing is

To: Representative Al Ott

From: Representative Sheryl K. Albers



Re: Equine Rules

Date: March 20, 1995

I am writing to request that public hearings be held on the Equine rules when they come to the Committee on Agriculture.

Concerns have been forwarded to me by constituents regarding the proposed rule.

Thank you for your consideration.

Ms. Sheila Harsdorf
Room 15 North
P.O. Box 8953
Madison, WI 53708

Mr. Al Baldus
Room 118 North
P.O. Box 8952
Madison, WI 53708

Mrs. Alice Clausing
Room 420 South
P.O. Box 7882
Madison, WI 53707-7882

At their meeting on March 10, 1995, The Wisconsin Draft Horse & Mule Association held a discussion on testing Wisconsin horses for EIA (Equine Infectious Anemia). By a unanimous vote, the members and Board of Directors decided to respectfully request members of Congress and the House of Representatives to consider rescinding the laws relating to testing of Wisconsin horses attending events in Wisconsin including fairs, shows, expositions, rodeos or trail rides. There are basically four reasons for this request and they are as follows:

Number 1:

EIA was isolated over 100 years ago and has only spread to approximately 2/10 of 1%. There were 39,696 Wisconsin horses tested as of September 30, 1994.

Number 2:

The EIA test is only partially true on the day the blood is drawn!

- a) Horses infected close to the test date would not show as positive for approximately 45 days.
- b) The horse could be infected anytime after the test and still be legal to go to shows, etc.

Number 3:

Tested horses and untested horses mingle in the pasture; and only those we take to events have been tested.

Number 4:

The laws are only designed to control, not to eliminate EIA in Wisconsin.

There are 105 Wisconsin Draft Horse and Mule members that would appreciate your consideration to rescind these laws.

Cordially yours,

Loretta Becker, Secretary
Wisconsin Draft Horse & Mule Association

February 20, 1995

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request for
rules

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Lamoine Peabody
1524 Highway N
Roberts, WI 54023
Phone (715) 796-5542

EIA outbreak at local fair alarmed horse owners

This is the second of two articles about Equine Infectious Anemia or "swamp fever," a contagious and infectious disease of horses and other equine animals including mules, donkeys, zebras and asses. The first article provided a scientific overview of EIA. This article describes proposed changes in Wisconsin's EIA program prompted by recent events and renewed public concern about the disease.

There is a new awareness of Equine Infectious Anemia throughout the United States, and Wisconsin is no exception. Although EIA has been present in Wisconsin since the 1880s, several incidents at local fairs last summer created renewed anxiety about the disease.

The County Today 3-10-93 GDHTA to host spring horse clinic

Cottage Grove

The Glacial Drumlín Horse Trail Association will feature Professor Kevin Schultz at its horse clinic here March 21, it was announced recently.

The clinic is set for 1 p.m. at Neil's Diamond, 4586 Baxter Road, Cottage Grove. Prof. Schultz from the University of Wisconsin School of Veterinary Medicine will discuss equine infectious anemia (EIA) and immunology.

Other speakers include Dr. Linda Black-Schultz discussing colic and wound and leg bandaging, and Gary Gibson, a trainer, who is to discuss preparing your horse for showing.

The clinic fee is \$5 for adults and \$2 for those under age 18.

by growing public awareness of the link between the virus that causes EIA and the human immunodeficiency virus, or HIV, which is the cause of AIDS. Both viruses belong to the same family of viruses, and because of their unique nature, infection with these viruses is lifelong. As a result, there is no cure and no vaccine for either disease.

At the request of equine industry representatives, the Wisconsin Department of Agriculture, Trade and Consumer Protection has developed a program to control EIA. If approved, this new program will start Jan. 1, 1994.

It is important to understand that the proposal is a control program, not an eradication program. That is, the program simply aims to keep uninfected horses un-

Funds go to the "Development Fund for Russell and Ella McCarthy Youth Park." The 180 acre park in Dane County, near the intersection of Highway N and Highway TT in the town of Sun Prairie, was donated to the county by Russell and the late Ella McCarthy. In January the GDHTA donated \$1,000 to the park fund for development.

The park offers overnight camping for youth groups as well as horse trails and 4-H facilities for horses and other animals. Donations to the fund can be sent to Dane County Park Department, c/o Ken LaPine, 4318 Robertson Road, Madison WI 53704. earmark the contribution "Development Fund for Russell and Ella McCarthy Youth Park."

infected by identifying and isolating infected horses so the disease cannot be spread. The program does not require mandatory euthanasia of infected horses, but it does require infected animals to be quarantined to prevent contact with uninfected horses.

Another important point is that this program seeks only to regulate public events and sales, not private conduct. In other words, horse owners would not be required to test for EIA if their animals are kept purely for private use and enjoyment. The new program has three basic provisions:

1. All equine animals must test negative for EIA within six months of any fair, exhibition or sale.

Current rules define "fair" to include state, county or district fairs, exhibitions, shows, exhibitions, rodeos or trail rides. The proposed rule requires the event sponsors to ensure that all animals have tested negative and to keep records identifying the persons who own the animals for at least two years.

The proposed rule also prohibits the sale of any equine animal in the state that has not been tested with an approved EIA test within six months prior to the sale. Exceptions to this requirement include animals consigned to an equine market to go directly to slaughter or nursing foals accompanying their dams.

If an animal tests positive, a permit from the department is required prior to sale, movement or transfer of custody. The department must grant or deny the permit within five days after it is requested. In requiring testing

within six months of an event or sale, the department is balancing the epidemiological need for frequent testing with practical concerns about the cost and inconvenience of EIA tests.

2. All equine animals deemed by the department to be infected must be quarantined.

Generally, an animal kept within 300 yards of an infected animal during fly season is considered exposed. This is based on research on the feeding habits of the biting flies that spread EIA. In such cases, the department's epidemiologist will conduct further studies to determine whether transmission of the virus was likely before ordering the quarantine.

A person affected by a quarantine is entitled to a hearing provided the hearing is requested within 30 days after the quarantine is served.

When an exposed animal is quarantined, it must be tested for EIA not less than 45 days and not more than 60 days after the last exposure, or not more than 15 days after the department's quarantine order is served, whichever test deadline is later.

The reason for waiting at least 45 days is that it can take up to 45 days before an infected horse will have detectable antibodies to the EIA virus.

If the animal tests negative, the department must release the quarantine. If the animal tests positive, the department must extend the quarantine under terms of the rule applying to "test positive" animals.

3) "Test positive" animal must be quarantined and permanently branded.

A quarantined animal must be kept in a stall that is screened against flies or must be kept at least 300 yards from other equine animals not known to be infected with EIA. This distance is the accepted rule of thumb in most states. These terms of quarantine are designed to allow horse owners to continue to enjoy their animals, while at the same time preventing the spread of EIA.

A person affected by a quarantine of a "test positive" animal is entitled to a hearing. Additionally, the department must retest the animal if the owner or custodian

than asks for a retest within 10 days after the quarantine notice is served. In this case, a \$25 retest fee would be charged to the owner or custodian.

If a quarantine stands after the time period for requesting a hearing has elapsed, the state animal owner or the infected animal to be branded. The branding goes on for a "35A" brand on the animal's neck. A 352Z branding was selected because it is considered the most readily identifiable infected horses.

And persons aware of these proposed changes in Wisconsin's EIA program can be directed to Donald O'Connor, Division of Animal Health, Madison, WI.

—Kevin T. Schultz, D.V.M.,
associate professor,
School of Veterinary Medicine,
DVMCP



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Only 69 horses test positive for EIA; program changes planned

Medison

From Jan. 1 to June 30 of 1994, a total of 69 horses tested positive for equine infectious anemia in Wisconsin, according to state equine epidemiologist and veterinarian Don O'Connor. He told members of the Equine Advisory Committee meeting here July 7 that the infected horses represented 29 farms in 22 counties.

The disease, which is similar to bovine leucosis and AIDS, is spread by large biting flies such as stable flies, horse flies and deer flies, state veterinarian Tom Howard explained. It also can be spread by unsterile needles and other surgical instruments.

Although 69 positive cases this year is higher than the two previous years combined, Dr. O'Connor pointed out that mandatory EIA testing for horses was not required until February 1994.

He also acknowledged that the number of positive cases of EIA is less than he expected. "Quite frankly, there are not as many positives as I had anticipated. I expected to see well over 100 cases by now," Dr. O'Connor said.

O'Connor said.

From 1992 to 1994, 135 horses of the total 61,331 tested at the state lab in Barron tested positive for EIA. Since veterinarians are not required to run blood samples through the Barron lab, committee members questioned if the ratio of 0.22 percent infected horses to negative horses was too high.

Dr. O'Connor later reported that 2,100 samples from Wisconsin horses were processed at out-of-state labs, and only one test came back positive, lowering the incidence rate to 0.21 percent.

After hearing this data and comments from horse owners attending the meeting, the Equine Advisory Committee voted to change the test's validity to be good for one calendar year from the date of the test, rather than its current six-month validity.

Committee members noted that since the disease is most often spread by biting flies during the "vector season"—which typically runs from May to October, depending on location within the state—a single test for the calendar year should be adequate.

horse calendar



For horses already tested on a multi-animal sheet, photocopies of the health paper, signed and stamped by the veterinarian, will be allowed.

The committee also voted to allow registration numbers to be used as an identification method on the health paper, as is common in many other species. If the animal is not registered, a lip tattoo or visual identification drawing will be required.

The committee asked that the Department of Animal Health "strongly attempt" to have this rule change in place by the 1995 show season, otherwise by 1996.

Many people attending the meeting voiced their concern that the EIA program is unfair, since not every horse in the state has to be tested.

One man commented that more than 300 horses showed up for a fourth of July parade in his area, yet no health papers for EIA were required because it wasn't a "show, sale or exhibition." Yet when he has 100 horses on his farm for a team penning event, he must require a negative Coggins test (the test for EIA).

"What's good for one is good for all," he said.

Others expressed concerns that as many as 30 horses are commingled at Amish gatherings, yet they do not have to be tested. Another man noted his tested horses are pastured next to his Amish neighbor's untested horses, effectively rendering the entire program worthless.

Most in the crowd agreed that they would support a mandatory testing program if every horse in the state had to be tested once a year and all positive horses were euthanized.

Currently, positive EIA horses do not have to be destroyed. If the owner chooses, he or she can keep the horse under quarantine indefinitely as long as the horse is separated from other horses by at least 300 yards or kept in a screened stall.

"Public acceptance of mandating the destruction of food animal species is relatively easy," Dr. Howard said. "But here we're dealing with a companion or pet animal. We passed in 1977 that mandatory testing and compulsive destruction of horses is just not acceptable to the public."

The advisory committee wrestled with how to address the concerns of the audience, but later chose not to act on those topics.

"I think we're getting through the worst of it," committee member Linda Wertheiser said. "It's been a little scary, but we're working through all the glitches in the program."

Carol Yohn, another committee member, added, "I would hope we don't scrap the whole program. It hasn't been in place long enough. We really need to give the program a chance."

A man in the audience said the good he sees in the program "far outweighs any inconvenience."

Dr. Howard wrapped up the meeting by asking all horse owners to work within the regulations.

"The success or failure of this program will ultimately rely on voluntary compliance," he stressed.

—Brenda Blum

Open horse show planned for July 22

Glenwood City

The first St. Croix County Fair WSCA Open Horse Show will be held July 22 at 6:30 p.m. during the St. Croix County Fair. The show will take place in the fairground's outdoor arena in Glenwood City.

Featuring 20 classes, the show will be divided into four age breaks: peewee, age 10 and under; junior, ages 11 to 13; intermediate, ages 14 to 17; and senior, ages 18 and over. Classification ages are as of Jan. 1, 1994.

According to coordinator Chris Libbey, the event is being put together this year in an effort to "broaden the fair" and attract spectators to horse activities. It was also designed to provide a "high-quality event" for horse exhibitors.

Ribbons will be awarded for winners in first through sixth place, and trophies will be given out for high points. Judge will be

For more information on the horse show, contact Chris Libbey at (715) 246-5623 or Julie Hudson at (715) 684-3606.

Entry fees for the contest are \$2.50 for single, \$5 for double, \$5 for jackpot, and \$1 for a number charge. No admission fee will be charged to spectators.

Horses must be certified negative for Coggins, and papers must be presented.

The St. Croix County 4-H game show, for 4-H horse project members only, will be held the same day at 5 p.m. Contest will include egg and spoon, ball, rel racing, pole weaving, and bridle-a-horse.

July 13

Barns and poles, 6:30 p.m. Pleasant Subject Inc., intersection of highways 85 and 37 south, Eau Claire. Information: (715) 835-4330.

July 14-16

Valley Crown Morgan horse show, 9 a.m. to 10 p.m., Sunbury, Ohio, Ohio.

July 15-17

Region 10 horse show, Friday and Saturday 8 a.m. to 10 p.m., Sunday 8 a.m. to 4 p.m., Colby and Van, Wisconsin State Fair Park, West Mills. Information: (414) 548-8960.

July 16

Valley Crown Morgan horse show, 9 a.m. to 10 p.m., Sunbury, Ohio.

Saddler's Association horse show, eqpo members, Marquette.

July 20

Shavano County fair horse show, 6 p.m., Fairgrounds, Shavano.

July 20-21

Wisconsin Harness Horse Association sponsored harness race, 7 p.m. Wednesday, 7 p.m. Thursday, Barron County Fair, Rice Lake. Entries close Monday, July 11. Information: Kathleen Larson, 2074 18th St., Rice Lake, phone (715) 724-7460, (715) 234-3737.

July 22

St. Croix County Fair, WSCA All-gene show (sponsored by St. Croix County Horse Committee), 6:30 p.m. rain or shine. St. Croix County Fairgrounds, Glenwood City.

July 24-30

Weight-in 8 to 10 a.m., Sheldon Co-op Feed Mill. Information: Glen L. Larson, secretary, (414) 864-2436.

Wisconsin Horse Pullers Assn., 1:30 p.m., Donora, Wis. Two classes: Weight-in 8 to 11 a.m. at Donora Co-op Feed Mill. Information: Glen L. Larson, secretary, (414) 864-2436.

Wisconsin Horse Pullers Assn., 11 a.m., Deerfield. Two classes: 3:00 p.m. and hereafter. Weight-in 8 to 9:30 a.m. Deerfield Firemen Park. Information: Glen L. Larson, secretary, (414) 864-2436.

Wisconsin Horse Pullers Assn., 5 p.m., North Dakota State Fairgrounds, Minot, ND. Two classes: 3:00 lb. and heavier. Information: North Dakota State Fair Draft Horse Pulling Contest, P.O. Box 1796, Minot, ND 58702 or call (701) 857-7620; Glen L. Larson, secretary, (414) 864-2436.



FROM TURF TO DIRT

TRAVELERS

Experts explain all you need to know about EIA

This is the first of two articles about Equine Infectious Anemia (EIA), commonly called "swamp fever." In answer to renewed concern and misconceptions which persist, the authors give an overview of EIA, what causes the disease, as well as its transmission, symptoms and diagnosis.

Madison

Equine Infectious Anemia (EIA) is a contagious disease of horses and other equine animals, including mules, donkeys, zebras and asses. Although the majority of horses with EIA show no clinical signs, symptoms can include intermittent fever, weakness, weight loss, swelling and a characteristic anemia which gives EIA its name.

EIA has been present in Wisconsin since the 1880s. Around 1900, studies demonstrated that the infectious agent causing "swamp fever" was a virus. By the early 1970s, it was demonstrated that the EIA virus is actually a special type of virus called a "retrovirus."

The family of retroviruses to which EIA belongs also includes the Human Immunodeficiency Virus (HIV) which is the cause of AIDS. HIV and the EIA virus are shaped exactly the same, their genetic material has a close relationship based on their gene sequence, and they both infect a type of white blood cell known as a monocyte.

Retroviruses such as HIV and EIAV are unique agents because when they infect cells they can transcribe their genetic material to integrate themselves into the host cell's genes. Thus, the virus becomes a permanent part of the host cell. This is why a horse infected with the EIA virus is infected for life.

HIV and EIAV differ significantly in how they are transmitted. Large biting flies carry EIAV, but there is no evidence that insects transmit HIV. Unlike HIV, there is no evidence that EIAV is spread sexually or by secretions even though both have been shown to occur in experimental settings.

EIA spreads primarily by "mechanical means;" that is, blood is transferred from an infected horse to an uninfected one. Biting flies are a key factor in carrying the infected blood to an uninfected horse. Insects responsible are large blood-sucking flies such as horse flies, deer flies and stable flies. The virus also can be spread by surgical instruments or needles contaminated with infected blood.

All horses infected with EIA represent a risk of infection. The virus is spread when flies feeding on an infected horse are interrupted and relocate to an uninfected horse.

An acutely ill horse can have up to 100,000 times more of the virus in its bloodstream than an infected horse showing no symptoms, but the sick horse will be less interested in interrupting a fly feed.

the mare's blood. Sick mares are much more likely to transfer infection to the foal than those that appear well. However, infection from mare to foal in this latter group does occasionally occur.

Once infected, a horse's fate depends on a number of factors, including its own state of health and environmental stresses. The highest percentage of infected horses never show clinical symptoms of the disease, although they place other horses at risk for transmission.

When symptoms do become evident, they fall in three categories: acute, subacute and chronic. Some horses progress through all three stages, while others may exhibit only the chronic symptoms.

The most severe stage, acute disease, is seen in horses following first exposure to EIA. Clinical signs usually appear seven to 30 days after infection and include high intermittent fever, loss of condition and hemorrhages on mucous membranes.

It is presumed that acute disease occurs because of the massive virus replication and direct damage to cells in the horse. During peak fever episodes, the amount of EIAV in a horse's blood is often greater than 100 million infectious units per milliliter of blood. To put this in perspective, about 5 trillion viruses per horse.

es die from this initial acute episode after 10 to 14 days. Animals surviving the initial attack of EIA may no longer show symptoms. Although many temporarily recover from this stage after an illness of 3 to 21 days, they then enter the "subacute stage."

The classical symptoms associated with EIA appear during the subacute stage. Subacute symptoms include weight loss, recurrent bouts of anemia (occurring about every two weeks), and swelling — especially of the legs and belly.

Subacute symptoms gradually become less intense over time. The majority of the recurrent episodes occur within the first year after infection.

The disease episodes occur for two reasons. First, changes in the horse and damage to cells. Second, as the immune system tries to kill the virus, it destroys the horse's own cells.

The immune system's response to the virus causes chronic EIA. Symptoms include chronic swelling, anemia and weight loss. Some episodes of the disease can occur; they appear to be related to stress or injections of cortisone.

There is no cure and no vaccine for EIA. Because there is no vaccine, control of EIA depends on diagnosis.

Two federally-approved blood tests are routinely used to determine if an animal is infected. They are the Agar Gel Immunodiffusion (AGID or Coggins) test and the Competitive Enzyme Linked Immuno Sorbent Assay (CELISA) test.

The tests detect whether antibodies to EIAV are in the blood of infected horses. The immune system produces EIAV antibodies in response to the infection. The AGID and CELISA tests are considered at least 95% accurate in identifying infected and uninfected horses.

The AGID or Coggins test was developed by Dr. Leroy Coggins and his cowworkers in 1970. It has become the most common EIA blood test. The CELISA test is a recently-approved EIA blood test.

Neither test gives a false positive. The problem with both tests, however, is that they can give false negatives — hence the 95% accuracy rating.

In Wisconsin, horses with positive reactions to either test are retested using the other test. Owners, however, pay only for the original test.

Finally, there is the issue of "passive immunity" or antibodies the foal acquires from colostrum milk. It is well established that uninfected foals may be born to infected mares. These foals acquire colostrum antibodies and may test positive shortly after birth.

These antibodies diminish over time and generally cannot be detected by the time the foal is six months old. Foals born to infected mares should be retested at seven months or older. If they were positive on an earlier test, uninfected foals will test negative at this time.

EIA blood tests are performed at state and federally approved laboratories. Any questions about available laboratories, test procedures or cost, can be answered by your veterinarian or the WDATCP, Division of Animal Health, Madison, WI.

Next week's article will discuss proposed changes in Wisconsin's EIA program.

— Donald O'Connor, D.V.M., Equine Program Epidemiologist WDATCP

— Kevin T. Schultz, D.V.M., Associate Professor School of Veterinary Medicine

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Country Today 3/3/93

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Legislator awards ag department 'Uff Da' for EIA stand

Madison

State Rep. DuWayne Johnsrud says he thinks the ag department is going overboard by requiring that every boy and girl taking a horse or pony to a horse show, trail ride or parade must test it for swamp fever before leaving the farm.

Rep. Johnsrud R-Eastman nominated the Department of Agriculture, Trade and Consumer Protection for his "Uff Da of the Month" award.

He is referring to equine infectious anemia, also known as swamp fever.

"I just don't see a need for such a far-reaching rule," said Rep. Johnsrud. "The fact is that this is not a disease of great frequency."

According to the DATCP,

"To throw a blanket over the whole state by requiring this of everyone is overdoing it, especially for a disease that is hardly even an issue out in the real world."

17,600 Wisconsin horses were tested for EIA in 1993, and 23 infected animals were found.

"There seem to be a lot of loose ends remaining with the rule. For instance, no one can tell me who is responsible at these events to check to make sure horse owners have complied with this rule. And there is no form to verify that the test has been done and to indicate what the test results were."

"How can you regulate some-

DuWayne Johnsrud State representative (R-Eastman) thing by just taking people's word for it," he asked.

The state's new rule, effective Feb. 1, requires owners to test for EIA six months before sales, shows, exhibitions, fairs, rodeos and trial rides. Event sponsors must retain the records for two years.

Rep. Johnsrud cites a number of additional problems with the new rule. He maintains that the cost of testing creates a financial hardship, especially for those

owning many horses.

"To have to test each horse twice a year at, say, \$40 a pop, can get pretty expensive," he said. "And I really take issue with the effect this will have on our kids. Here we are trying to encourage our young people to get involved in 4-H and county fairs and then we turn around and make it too expensive for them to participate. That's just not right."

Rep. Johnsrud also objects to requirements for horses that test positive. If the owner wants to sell the animal for kill, the owner must hire a licensed hauler instead of transporting the condemned animal himself or herself.

The problem, says Rep. Johnsrud, is that the DATCP won't have a process to license haulers until July. That leaves at least five months where owners have no alternative to illegally transporting an infected animal.

A third problem lies in the rule that exempts the Amish from the new rule.

"By virtue of the way the regulation has been written, the Amish can travel along the countryside without having to test their horses like the rest of the state," Rep. Johnsrud observed. "Sure, they're not taking their horses to shows and all, but their horses are as much of a risk for infection as any other horse."

He recommends that Wisconsin follow the example of the neighboring states of Illinois, Iowa and Minnesota which have no rules for intrastate events.

horses



"It's my understanding that most cases of swamp fever are caused by out-of-state horses," said Rep. Johnsrud. "As far as interstate movement of horses in concerned, I think testing every six months is appropriate."

Rep. Johnsrud noted that part of the problem with this rule lies in the Equine Advisory Council, which drafted the new rule, comprised mostly breeders and trainers.

"I don't think the concerns of the normal, rural horse owner were addressed. No one communicated to these people what the far-reaching effects of this new rule would actually be and it's really turned out to be detrimental to horse owners," he said.

"The way the laws is right now, the people who run events can require that horses be tested before they can take part in the event, and that's fine. But to throw a blanket over the whole state by requiring this of everyone is overdoing it, especially for a disease that is hardly even an issue out in the real world."

Rep. Johnsrud has sent a letter to DATCP Secretary Alan Tracy and to the Agriculture Board, asking that the rule be reconsidered.



May 17, 1995

To: Wisconsin State Assembly

There is a proposal to change the Equine Infectious Anemia (EIA) testing laws from 6 months to 1 year. I think every horse owner is in favor of that change and we do not want to hold this up and cost horse owners another \$100,000 in needless expense.

I am told that to change the law at this point would require a 2nd test for 1995. The only changes in EIA law we would like are those after 1990 that went into effect 1/1/91 that caused 10,000 4-H kids to test their ponies to go to a fair.

The other EIA law was in January 1994 effective 2/1/94. As a horse owner, we do not want horses coming into Wisconsin illegally that do not have a Coggins Test. We believe there are a number of horses that enter Wisconsin without a test. There are 17 states that have a 6 month law. All the other states have a 1 year law according to information I have received. Therefore, we are strongly in favor of our interstate laws and don't want these changed.

EIA or Coggins was isolated over 100 years ago. It is only spread to .2 of 1% based on the 39,696 Wisconsin horses tested as of 9/30/94. If we use federal figures it is only .13 of 1% as of 9/30/94. This indicates this is a slow spreading disease. Prior to 1994 it was controlled by our intrastate shipment laws which appear to have controlled the disease quite well.

The EIA test tells whether the horse is infected with EIA the day the blood was drawn. If a horse was recently infected it would not show up as a positive horse until the next blood test.

Under present laws, tested horses and untested horses mingle in summer pasture and still it is illegal to take those untested horses to an event in Wisconsin. If it is a contagious disease and tested horses are taken from the same pasture as untested and go to events, what has been gained? There is no protection for other horses at the event.

EIA is spread from one horse to another by a horse fly or a deer fly. It is not spread by mosquitoes or house flies. The other way it has to be spread is by a surgical instrument, basically a needle. A good education program for horse people could and would prevent a lot of positive horses. Anyone that has helped a Veterinarian vaccinate cattle they will use the same needle on all the cattle. When you are dealing with horses and if you do this you are spreading EIA if you have a positive horse in the herd.

There are ways to prevent EIA. I note in the Jeffers Livestock, Equine and Pet Catalog for Spring 95, lists 18 different sprays that are effective against horse and deer flies; some last for 3 days. According to the Merck Veterinary Manual the germ can be inactivated by a common disinfectant that contains a detergent.

I have tried to find a bulletin or information put out by the Ag Dept. to horse owners or 4-H that gives this information so I would urge our State AG Dept. to put out bulletins to this effect. The only bulletin I have ever seen is the new regulations effective 2/1/94 and there is nothing in there on prevention.

As a Wisconsin horse owner, we would like you to consider changing the law to give Wisconsin residents the same freedom our neighbor states have to attend events like Illinois, Iowa and Minnesota, which have no rules for intrastate events for residents of their state.

Illinois Equine Infectious Anemia Control Act has some points in it we would like to see used in Wisconsin. "Tests of equine moving within the state. All equidae more than 12 months of age participating in an advertised equine event shall be accompanied by a negative official test for EIA conducted within one year. A Certificate of Veterinary Inspection is not required for Illinois equidae".

When a single reactor is disclosed on an official test within Illinois, owners are required to submit all equidae within a 1 1/2 mile radius of the reactor for an EIA test within 3 months. In the case of multiple reactors, all equidae within a 3 mile radius of the reactors shall be tested for EIA within 3 months. Veterinarians employed by the Dept. will do the testing at no cost to the owner. If the owner wishes his or her private Veterinarian conduct the test, the State will not pay the private veterinarian to do the testing, but will waive the laboratory fee if the sample is submitted to a Dept. operated laboratory. A retest of any remaining equidae on the premises where a reactor was disclosed and either shipped to slaughter or euthanized, shall be conducted by the Dept. not less than 6 months nor more than 1 year after the reactor has left the premises. (Refer to Section 116.10 Testing of Illinois Equidae of the enclosed pamphlet).

In Wisconsin, I expect there will be some rebuff on the cost of this type of program. The cost of an EIA test at the Barron Lab is \$4.00. If everything is considered the cost to the State of Wisconsin would be a minimal increase, the difference being our State Vets would be doing veterinary work instead of policing Wisconsin residents.

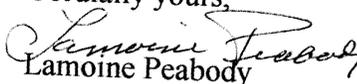
I have a folder for each of you on the Agriculture Committee which contains a copy of this letter, my letter "Speaking out on EIA", a map of the state of Wisconsin which shows where all the positive horses were on 9/30/94, a copy of the Federal Equine Anemia break down by states for the last 4 years. Also, copies of the Country Today articles which pertain to EIA. It was shocking to me to read about Don O'Connors "EIA Outbreak At Local Fair Alarms Horse People". This is a scare tactic headline and was printed 3/3/93. State Rep Johnsrud's article does a better job than I can do explaining the average horse persons position.

We would like these EIA changes considered for a very important reason; it is hurting participation at small town events. At our last Field Day, the number of horses participating was down. At the horse parades attendance is down and some events are moving outside of the state for their event.

It is my understanding the large computerized events like the Horse Expo has not been hurt by the law; however, it is hurting the average horse person. The reason the big events are not hurt, these shows are people that have a Coggins test anyway because they are showing in other states. So what we are hurting is small town USA!

There is really no way a horse could catch Coggins at a winter parade in Wisconsin because there are no flies out, so it is pretty foolish to require a test for a winter parade, keep records, etc.

Thank you for your time and your consideration. We wanted you to know how the average tax payer feels about this law in its present form.

Cordially yours,

Lamoine Peabody
1524 Highway North
Roberts, WI 54023
715/796-5542

Number = Number of EIA Positive
for the County

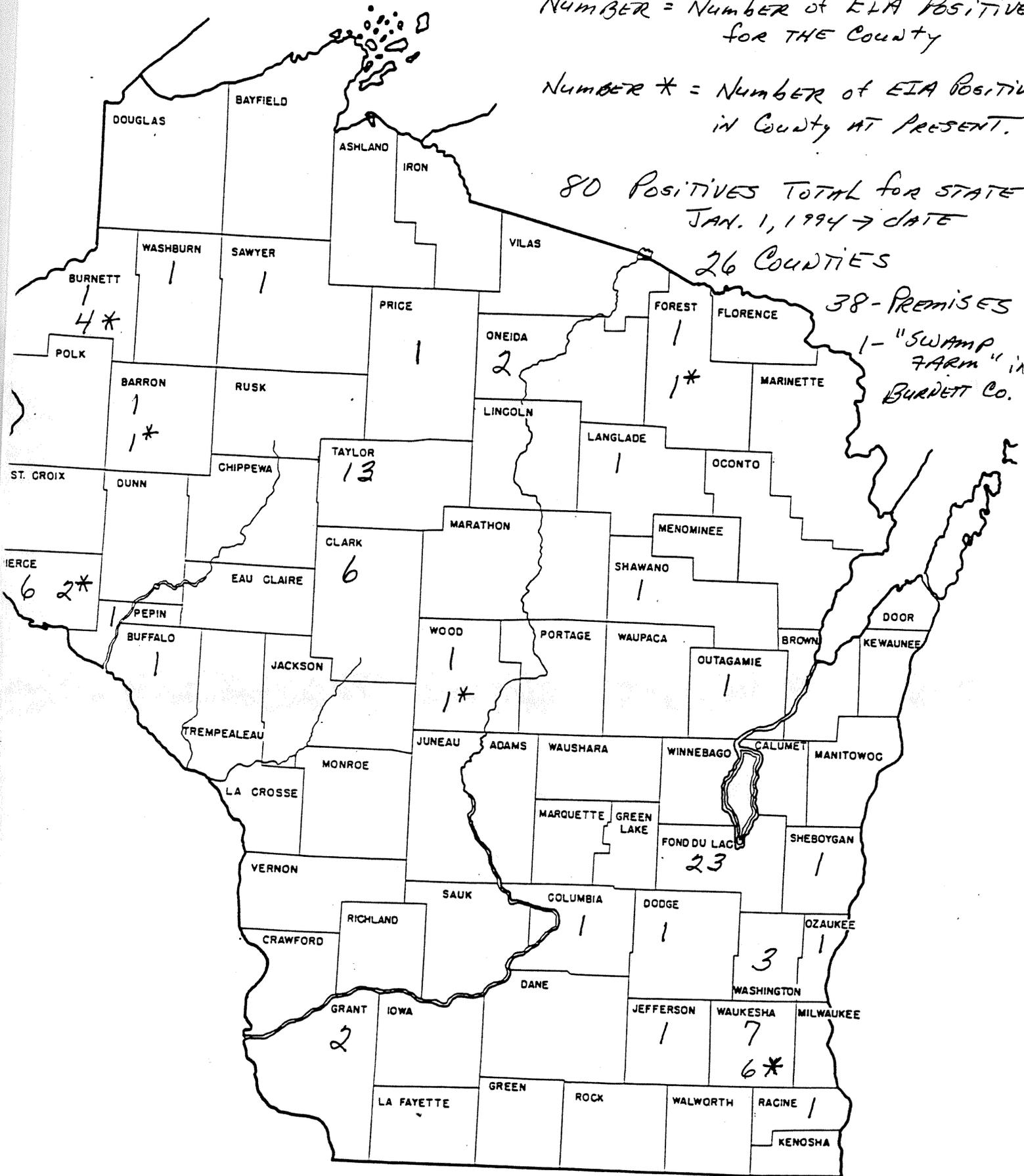
Number * = Number of EIA Positive
in County at Present.

80 Positives Total for State
Jan. 1, 1994 → date

26 Counties

38 - Premises

1 - "Swamp
Farm" in
Burdett Co.



TOTAL NUMBER of HORSES TESTED JAN. 1, 1994 → DATE

BARRON LABORATORY = 34,520

OUT OF STATE LABS = 5,176

I. Patterns of Selected Diseases

Equine Infectious Anemia (EIA)

Sources: Dr. Tim Cordes
 USDA:APHIS:VS
 Equine Diseases Staff
 (301) 436-6954

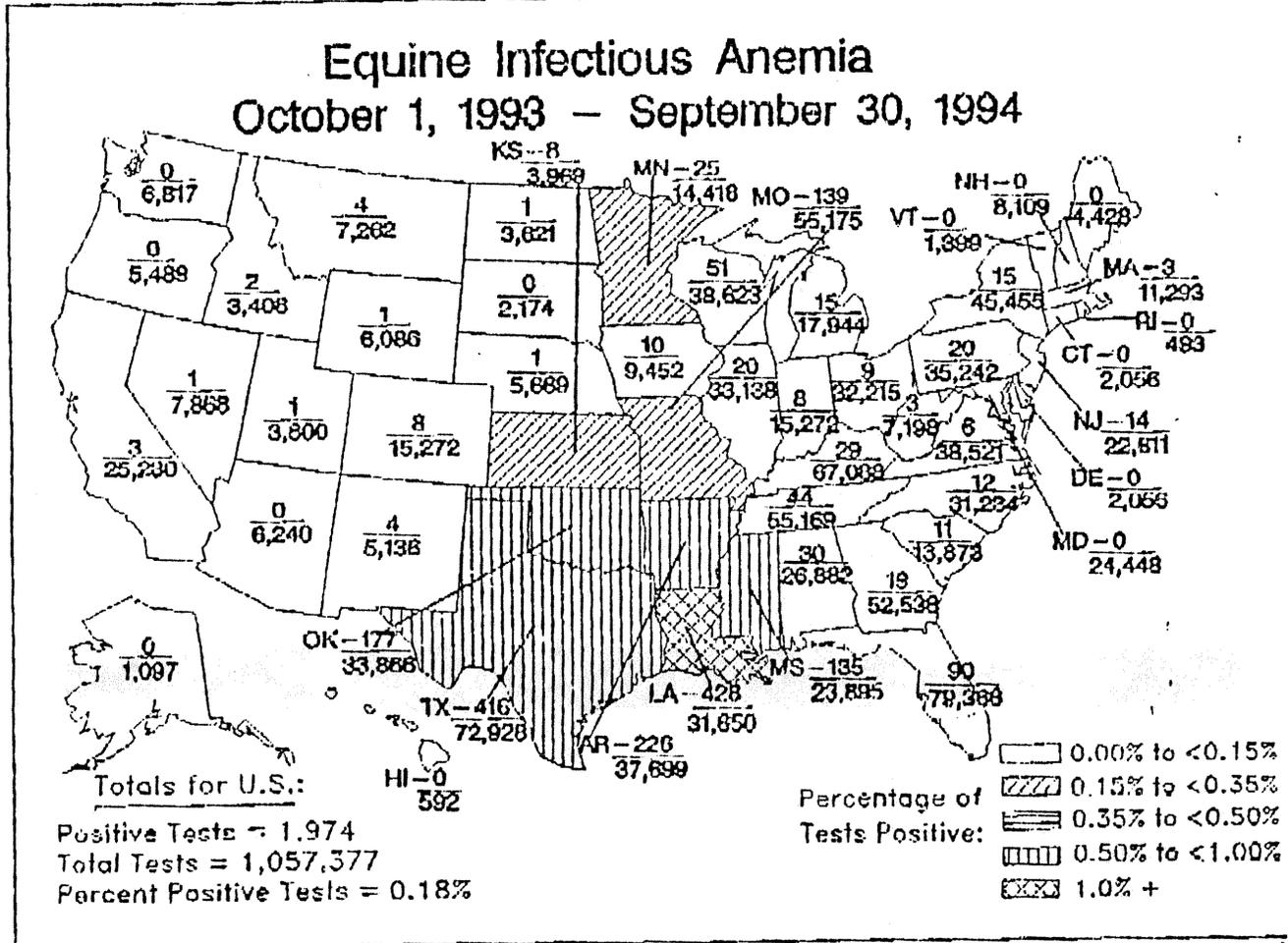


Figure 18

An increased number of tests for equine infectious anemia (EIA) this year over last (1,057,377 compared to 963,888) and the decreased percent of positives over the last 3 years (0.18/0.24/0.277 percent, 1994, 1993 and 1992, respectively) may warrant further observation (Figure 18). It is too early to predict a trend.

Caution should be used in interpreting both the number of agar gel immunodiffusion (AGID) tests that were positive and the percentage of total tests positive. Testing for EIA is performed primarily to comply with regulations on the movement of horses. These regulations may vary from one State to another. Individual horses may be tested more than once. Thus, the number of positive tests reported from a given State may not be a good indicator of the prevalence of EIA in that State.

I. Patterns of Selected Diseases

Equine Infectious Anemia (EIA)

Source: Dr. Joyce Bowling, USDA:APHIS:VS,
 Import-Export Animals Staff, (301) 436-4325

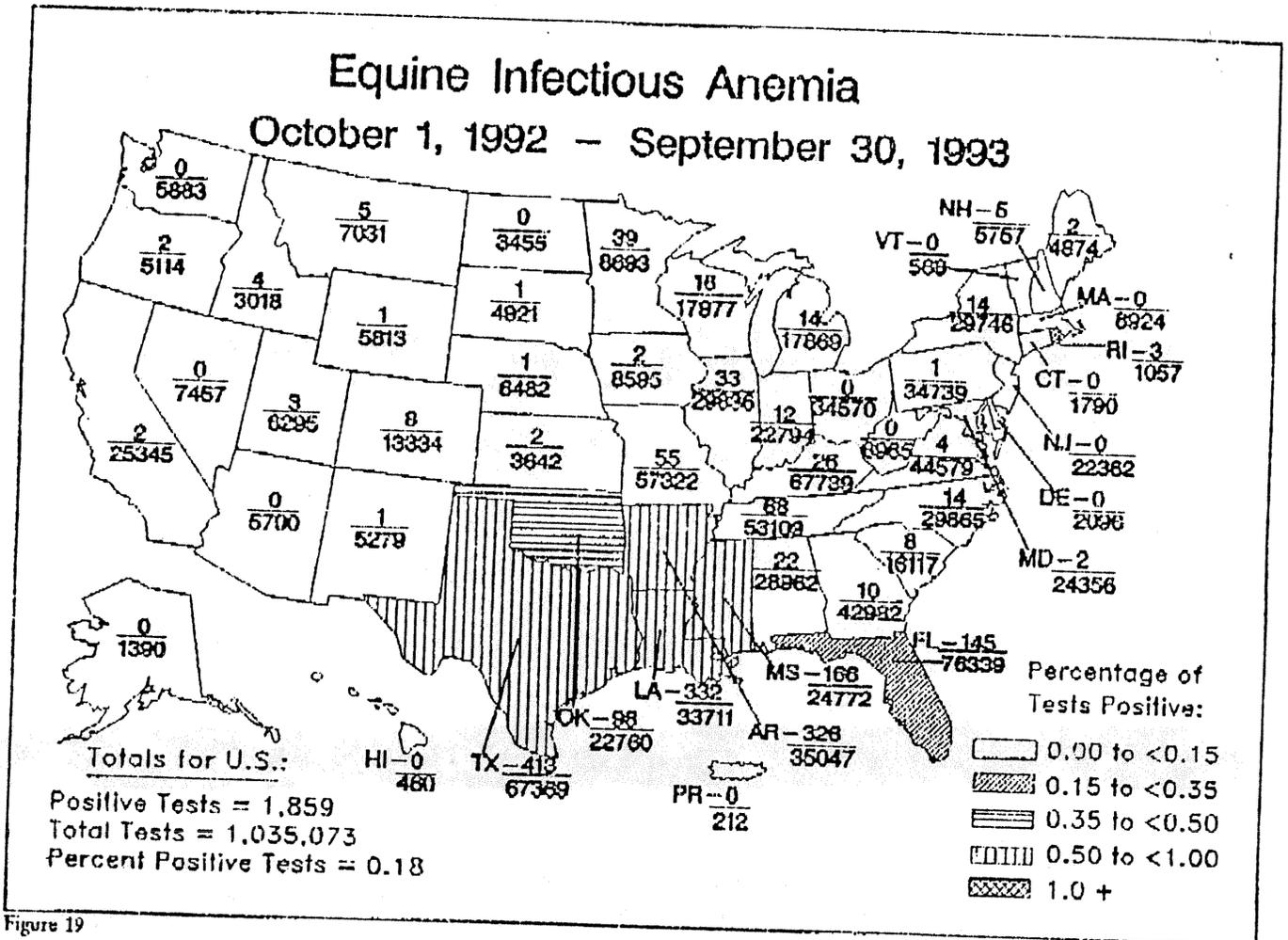


Figure 19

The percentage of AGID-positive tests has decreased over the last two years with 0.28, 0.24, and 0.18 percent positive as of September 30, 1991, 1992, and 1993 respectively (Figure 19). Caution should be used in interpreting both the number of agar gel immunodiffusion (AGID) tests which were positive and the percentage of total tests positive for a State. Testing for equine infectious anemia (EIA) is performed primarily to comply with regulations on the movement of horses, and these regulations may vary from one State to another. Thus, the number of positive tests reported from a given State may not be a good indicator of the prevalence of EIA in that State.

I. Patterns of Selected Diseases (continued)

Equine Infectious Anemia (EIA)

Source: Dr. Tommy Thomas
 USDA:APHIS:VS
 Equine Diseases Staff
 (301) 436-6954

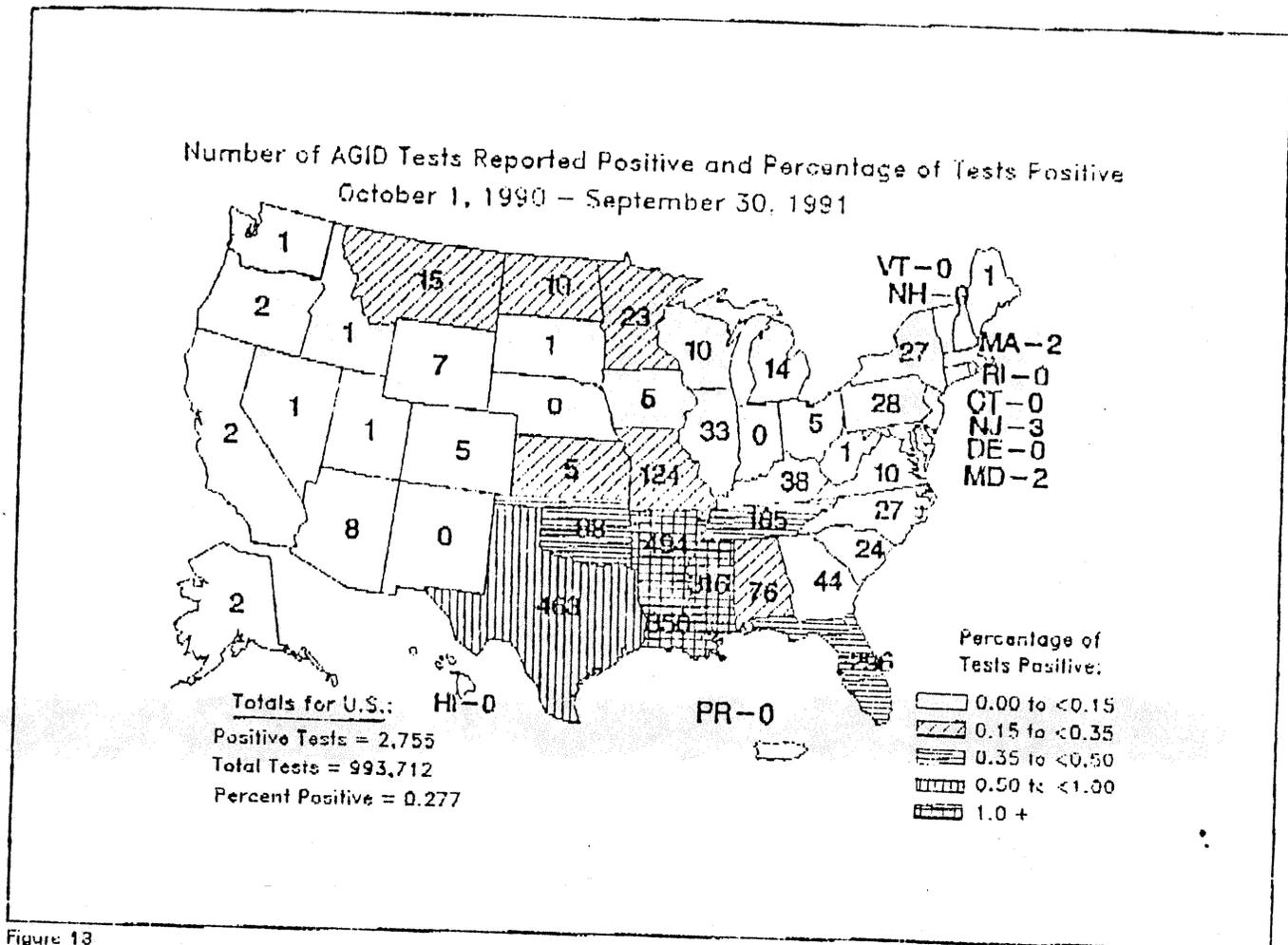


Figure 13

Caution should be used in interpreting both the number of agar gel immunodiffusion (AGID) tests which were positive and the percentage of total tests positive. Testing for equine infectious anemia (EIA) is performed primarily to comply with regulations on the movement of horses and these regulations may vary from one State to another. Thus, the number of positive tests reported from a given State may not be a good indicator of the prevalence of EIA in that State.



State of Wisconsin
Tommy G. Thompson, Governor

Department of Agriculture, Trade and Consumer Protection
Alan T. Tracy, Secretary

Dr. Tom Howard / Dr. Don O'Connor

2811 Agriculture Drive
Madison, Wisconsin 53704-6777

Hearing testimony
DATCP Administrative Rules pertaining to Equine Infectious Anemia
17 May 1995

PO Box 8911
Madison, WI 53708-8911

Chairman Ott and Committee Members:

Thank you for the opportunity to appear today to describe the history and experience of slightly over one year of operation of the Wisconsin Equine Infectious Anemia control program, which is implemented by DATCP through certain provisions of Chapters DATCP 10 and 11, Wisconsin Administrative Code. Equine Infectious Anemia is an incurable viral infection of equine species that produces fever, anemia, jaundice, loss of weight and fitness for use. It is caused by a retrovirus that is spread among animals by biting flies and human-caused transfer of blood, such as needles, hoof knives, etc.

In some respects this program represents a point of departure from precedent with respect to Wisconsin animal disease programs. Equine Infectious Anemia has no public health significance. The host species are raised and kept primarily as companion or performance animals. For those reasons, and because of an unsuccessful attempt to implement a compulsory EIA eradication program in Wisconsin during the late 1970's, the present program was designed to control EIA through testing of horses prior to sale or participation in shows, expositions, fairs and trail rides.

It is a measure of the diversity of interests and uses of their animals among Wisconsin horse owners that this program continues to be controversial three years after the Department first began working with its Equine Advisory Council and holding public meetings to discuss EIA control. Some horse owners and legislators have raised concerns about potential punitive actions against horse owners by the department. We believe such an approach would be very counterproductive, and contrary to the department's broader policy to seek voluntary compliance with its regulations. For the EIA program to succeed, most Wisconsin horse owners need to "buy-in" to most aspects of the program.

The most time-consuming of the department's compliance efforts in 1994 was working with horse event managers in the same way we have worked with county and district fairs for many years. Our objective has been to familiarize event managers with the program and the type of test documentation they should be looking for, with the expectation that these events will be self-policing. As in other disease programs, we give compliance priority to cases of suspected illegal imports or fraudulent health documents. Four such EIA-related cases were investigated in 1994: two involved out-of-state individuals and were transferred to USDA

Summary of the 1994 EIA Program

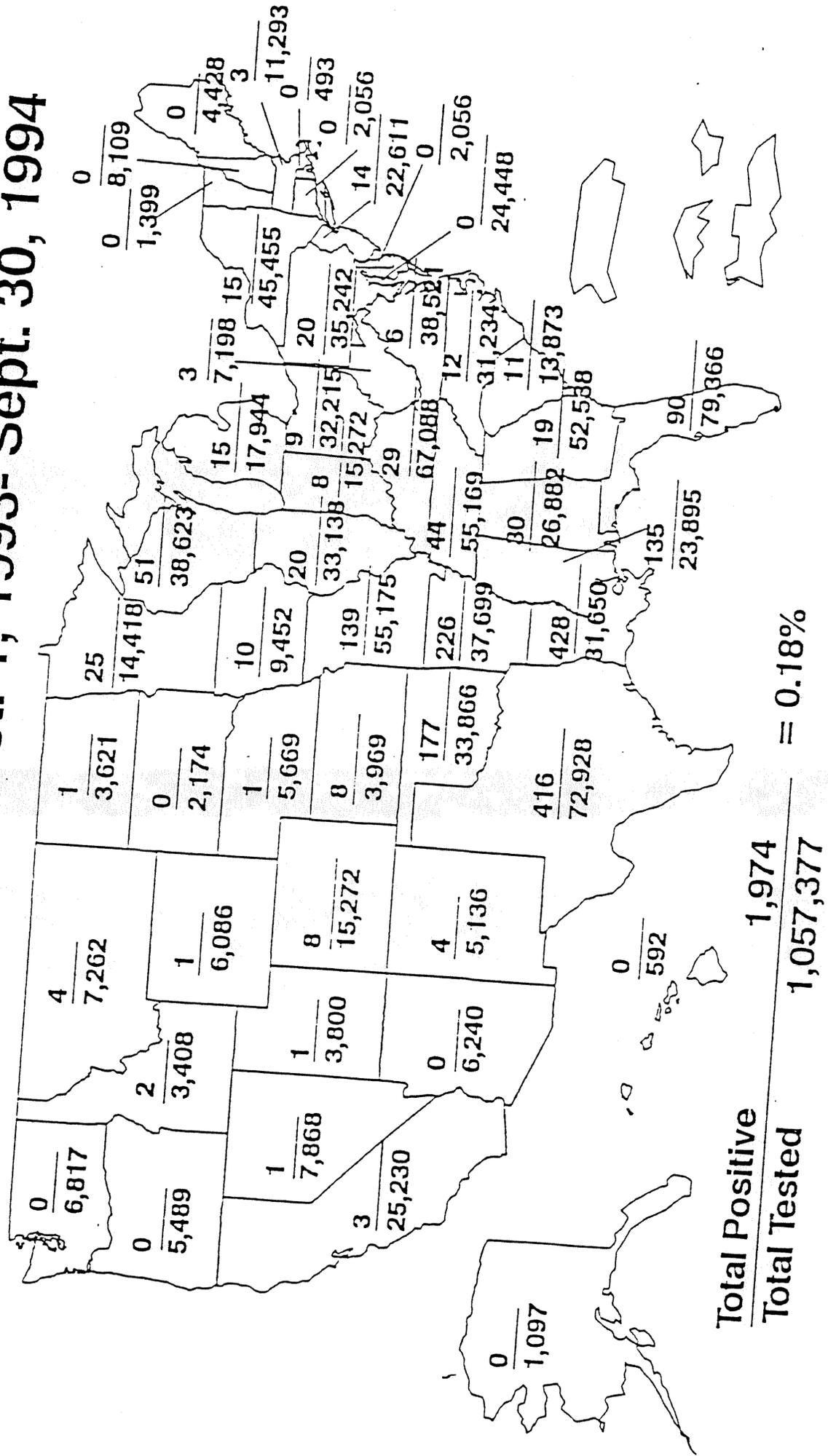
Total number of tests conducted: approximately	40,000
Test positive cases carried forward from 1993	16
Total number of test positive animals in 1994	66
Total number of positive cases investigated, 1994	82
Total number of premises affected	39
Total number of counties affected	27

Summary of EIA Program 1995

Total number of animals tested to date:	19,541
Test positive cases carried forward from 1994	9
Total number of test positive cases in 1995	14
Total number of positive cases investigated, 1995	23
Total number of premises affected	9
Total number of counties affected	8

Equine Infectious Anemia

Tests Reported from Oct. 1, 1993- Sept. 30, 1994



Assembly Committee on Agriculture

DATE 5-17-95

EXECUTIVE SESSION PUBLIC HEARING BILL NUMBER CR 95-013

MOVED BY Olsen

SECONDED BY Zukowski

MOTION Waived further committee jurisdiction over CR 95-013 pursuant to 227.19 (4)(c)

	AYES	NOES	ABSENT	PRESENT	ABSENT
REPRESENTATIVES:					
Ott, Alvin , Chair	✓			✓	
Ward, David	✓			✓	
Ainsworth, John	✓			✓	
Zukowski, Robert	✓			✓	
Otte, Clifford	✓			✓	
Skindrud, Richard	✓			✓	
Hahn, Eugene	✓			✓	
Olsen, Luther	✓			✓	
Gronmeus, Barbara	✓			✓	
Baldus, Al	✓			✓	
Reynolds, Martin	✓			✓	
Springer, Thomas	✓			✓	
Wilder, Michael	✓			✓	
Dueholm, Robert		✓		✓	
Totals	13	1	0	14	0

MOTION CARRIED

MOTION FAILED



ALVIN R. OTT

State Representative
3rd Assembly District

May 18, 1995

The Honorable Glenn Grothman, Co-Chair
Joint Committee for Review of Administrative Rules
402 H
Inter-Departmental Mail

The Honorable Tim Weeden, Co-Chair
Joint Committee for Review of Administrative Rules
37 South
Inter-Departmental Mail

Dear Representative Grothman and Senator Weeden:

I'm writing to inform you that on May 17th, 1995 the Assembly Committee on Agriculture voted 13-1 to waive further jurisdiction over Clearinghouse Rule 95-013 submitted by the Department of Agriculture, Trade & Consumer Protection.

The original deadline for committee action on CR95-013 was May 19th, 1995. However, a public hearing on the rule was noticed on May 8th, 1995, extending the time period for committee action to June 7th, 1995. As I indicated above, however, the committee has waived action on CR95-013 during the remainder of the 30-day time period pursuant to Chapter 227.19 (4)(c).

Please feel free to contact me if you have any questions.

Sincerely,

Alvin R. Ott, Chair
Assembly Agriculture
Committee

ARO:kjr



Office:
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P.O. Box 8953, State Capitol
(608) 266-5831

Toll-free
Legislative Hotline:
1 (800) 362-9472

Home:
P.O. Box 112
Forest Junction, Wisconsin 54123
(414) 989-1240

Ranking Member: Agriculture, Forestry and Rural Affairs / Member: Environmental Resources; Labor and Job Training

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Assembly Hearing Slip

(Please print plainly)

Date: Don Fearing 5-17-95

Bill No. EIA

Or Subject Don Fearing

(Name) Box 113

(Street Address or Route Number) Lime Ridge WI 53942

(City & Zip Code) Willow Valley Saddle Club

(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 210 West
State Capitol
Madison, WI 53702
show - this guy opens for 300 people

Assembly Hearing Slip

(Please print plainly)

Date: 12 MAY 95

Bill No. DATCP rules

Or Subject T.H. Howard & Dr. O'Connor

(Name) DATCA

(Street Address or Route Number) MADISON

(City & Zip Code) DATCA

(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 210 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 5/17/95

Bill No. EIA

Or Subject ARMED

(Name) Roberts

(Street Address or Route Number) 1524 Hy N-1

(City & Zip Code) Wis

(Representing) Horse People

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 210 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: May 17 '95

Bill No. _____

Or Subject E.P.A.

(Name) Ellen E.P.

(Street Address or Route Number)

25340 Schepard Ln

(City & Zip Code) Johnson Creek WI

(Representing) _____

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 210 West
State Capitol
Madison, WI 53702

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

NOTICE OF SUBMISSION OF PROPOSED RULES TO
PRESIDING OFFICERS OF EACH HOUSE OF THE LEGISLATURE

NOTICE IS HEREBY GIVEN, pursuant to s. 227.19(2), Stats., that the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection is submitting a final draft of proposed Clearinghouse Rule Number 95-013 to the presiding officer of each house of the legislature for standing committee review. The proposed rule adopts, amends and repeals Chapters ATCP 10 and 11, relating to animal diseases and animal movements.

Dated this 17th day of April, 1995.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE
AND CONSUMER PROTECTION

By


Alan T. Tracy, Secretary



State of Wisconsin
Tommy G. Thompson, Governor

Department of Agriculture, Trade and Consumer Protection
Alan T. Tracy, Secretary

2811 Agriculture Drive
Madison, Wisconsin 53704-6777

PO Box 8911
Madison, WI 53708-8911

DATE: April 12, 1995

TO: The Honorable Brian Rude
President, Wisconsin State Senate
Rm. 239 South, State Capitol
Madison, WI 53702

The Honorable David Prosser
Speaker, Wisconsin State Assembly
Rm. 21 North, State Capitol
Madison, WI 53702

FROM: Alan T. Tracy, Secretary
Department of Agriculture, Trade and Consumer
Protection

SUBJECT: Proposed Animal Health Rules (Clearinghouse Rule #95-013)

Pursuant to ss. 227.19(2) and (3), Stats., the department of Agriculture, Trade and Consumer Protection hereby transmits the above rule for legislative committee review. We are enclosing three copies of the final draft rule, together with the following report. Pursuant to s. 227.19(2), Stats., the department will publish a notice of this referral in the Wisconsin Administrative Register.

1. BACKGROUND; EXPLANATION OF NEED FOR RULE

The Department of Agriculture, Trade and Consumer Protection currently administers animal health rules under chs. ATP 10-12, Wis. Adm. Code. These rules help prevent and control the spread of serious animal diseases that can affect domestic livestock and other animals. Effective control of animal disease protects Wisconsin's major livestock industries, and also safeguards the human food chain.

This rule revises chs. ATP 10-11 to do the following:

- Ease pseudorabies and swine brucellosis testing requirements on a "permanent" basis. (The department implemented an emergency rule to this effect on February 1, 1995.)
- Ease current testing requirements related to equine infectious anemia.

Pseudorabies Testing

Wisconsin's pseudorabies eradication program has progressed to the point that the National Pseudorabies Control Board recently

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granted Stage IV status to all counties except Grant and Crawford. Stage IV status is granted to an area that is free of pseudorabies for at least one year and meets certain disease surveillance requirements. Producers located in the Stage IV area can now ship their swine interstate to many destinations without a pseudorabies test, and without having to participate in a program of monthly herd testing.

Paradoxically, department rules still require pseudorabies testing for intrastate movement of swine that could be moved to another state without any testing. It is costly and unnecessary to require Wisconsin producers from the Stage IV area to test in order to sell breeding stock or to exhibit. This rule relaxes current pseudorabies testing requirements as follows:

- It removes current pseudorabies testing requirements for the sale, exhibition and intrastate movement of swine originating from the Stage IV area of Wisconsin.
- It removes current import testing requirements for swine imported from areas outside this state that have achieved Stage IV status. It also eliminates post-import isolation and PRV testing for swine originating from Stage IV and V states and areas.
- It allows owners of "qualified pseudorabies negative herds" to maintain that herd certification when they import swine from Stage IV and V states and areas without testing for pseudorabies.
- It reduces the amount of monthly testing required to maintain a "qualified pseudorabies negative herd" certification, from 10% of the herd per month to 7% per month. In lieu of monthly testing, the herd owner may choose to test 20% of the herd each quarter.

Swine Brucellosis Testing

Wisconsin is currently free of swine brucellosis, and the disease has nearly been eradicated nationwide. This rule removes current swine brucellosis testing requirements for intrastate movement of swine. It also removes current import testing requirements for swine imported from brucellosis-free states.

Equine Infectious Anemia

Under current rules, no person may import an equine animal (e.g., a horse) into this state, or sell, transfer or exhibit an equine animal within this state, unless the animal tests negative for

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equine infectious anemia (EIA) not more than 6 months before it is imported, sold, transferred or exhibited. This rule changes the current testing requirement. Under this rule, no person may import, sell, transfer or exhibit an equine animal unless one of the following applies:

- The animal has tested negative for EIA during the calendar year in which it is imported, sold, transferred or exhibited.
- The animal is imported, sold, transferred or exhibited on or before January 31 of any calendar year, and the animal tested negative for EIA during the preceding calendar year.

Rulemaking Proceedings

The DATCP Board approved this rule for public hearing on January 25, 1995. The department held hearings on February 28, 1995 in Lancaster and Altoona; and on March 2 in Waukesha and Madison. Notice was placed in the administrative register, sent to a variety of state newspapers including all the agricultural papers, sent to 35 horse associations, and sent to the Wisconsin Pork Producers. Based on comments received in writing and made orally during the hearing process, the department made changes in the rule. The DATCP Board approved the final draft rule on April 11, 1995.

2. RULE MODIFICATIONS AFTER PUBLIC HEARINGS:

Under the hearing draft rule, no exemption was given from isolation and post-import pseudorabies testing of swine imported from Stage IV and V states and areas. The final draft rule adds this exemption.

Under the hearing draft rule, horses participating in events which required equine infectious anemia (EIA) testing during the first ten days in January could use a negative EIA test from the previous year. The final draft rule extends this grace period to the end of January.

3. RESPONSE TO RULES CLEARINGHOUSE COMMENTS:

The Legislative Council Rules Clearinghouse pointed out one formatting problem in ATCP 10.30. This problem was corrected in the final draft rule. They also found an inconsistency relative to ch. ATCP 10.30 (6) Status of Individual Swine. This section has been deleted in the final draft rule to alleviate the problem.

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4. **FISCAL ESTIMATE:**

A fiscal estimate on the proposed rule is attached as Appendix B.

5. **FINAL REGULATORY FLEXIBILITY ANALYSIS:**

A final regulatory flexibility analysis is attached as Appendix C.

6. **HEARING TESTIMONY:**

The department held four hearings on the initial draft rule on February 28 and March 2, 1995, in Lancaster, Altoona, Waukesha and Madison. The department also accepted written comments for the hearing record.

Registered or testified

Appendix A contains a listing of who registered, testified and wrote comments both in support of and in opposition to the proposed rule changes.

HEARING TESTIMONY

Appendix A

Public hearings were held at Lancaster and Altoona on February 28, and at Waukesha and Madison on March 2.

Testifying in favor of the proposal:

James Price, Eleva, WI
Linda Werkheiser, Wis Harness Racing Assoc., Mondovi, WI,
LaVonne Williamson, Wis State Horse Council, Midwest Horse Fair,
Eleva, WI
Julie Dachel, Chippewa Valley Trail Riders, Chippewa Falls, WI
Eunice Pitts, Chippewa Valley Trail Riders, Jim Falls, WI
Lynn Harrison, Wis Pork Producers Assoc., Elk Mound, WI
John Mikesell, Menomonie, WI
Bruce Gutknecht, Glen Haven, WI
Sam Anderson, Glacial Drumlin Horse Trail Assoc., Marshall, WI
John Yonke, Brodhead, WI
Gail Seasor, Madison, WI
DeVona Udulutch, Janesville, WI

Registering in favor of the proposal:

Sandy Lueck, Chippewa Falls, WI
Robert Schmitz, Woodman, WI
Mike Cooley, Lancaster, WI
Loren Lane, Mt. Hope, WI
Paulette Kear, Marshall, WI
Gary Steers, Columbus, WI
Scott Steers, Columbus, WI
Shana Kilby, Janesville, WI
Geraldine Kilby, Janesville, WI
Phil Francis, Janesville, WI
Betty Francis, Janesville, WI
Wayne Udulutch, Janesville, WI
Juanita Yonke, Brodhead, WI
Bruce Taylor, Wonewoc, WI

Registering neither for nor against the proposal:

Christine Martinson, Augusta, WI
Gerald Martinson, Augusta, WI
Wendy Martinson, Augusta, WI
Tybie Price, Eleva, WI
Jodi McElwaine, Eleva, WI
Sylvia Nesja, Eleva, WI
James Jaenke, Strum, WI
Kim Cunningham, Menomonie, WI
Barbara Shilts, Chippewa Falls, WI
Dan Fransway, Chippewa Falls, WI
Jeanette Schlegel, Strum, WI
Julie Ausen, Eleva, WI
Tammy Schlegel, Strum, WI

Scott Pauly, Menomonie, WI
Gary Stelpflug, Lancaster, WI
Don Mezera, Eastman, WI
Judy Steckelberg, Lone Rock, WI
Lynn Steckelberg, Lone Rock, WI
Daniel Boom, Prairie du Chien, WI
Don O'Connor, South Wayne, WI
Julian Lane, Lancaaster, WI
Robert Wolf, Lancaster, WI
John Fletcher, Monona, WI
Skip Lemanski, Cottage Grove, WI
Janelle Thomas, Sun Prairie, WI

Testifying in opposition to the proposal:

Tom Wright, Eau Claire, WI

Testifying in favor of proposed changes but against the EIA program:

Roger Hiller, Soldiers Grove, WI
Dale Bontreger, Cassville, WI
Bob Davies, Eastman, WI
Richard Martin, Prairie du Chien, WI
Kenneth Burdick, LaValle, WI
Maxine Faulkner, Crawford Saddle & Surrey Club, Boscobel, WI
Ben Redington, Eastman, WI
Duane Nagle, Crawford Saddle N Surrey, Inc, Prairie du Chien, WI
Linda Olson, Viroqua, WI
Jeannie Fletcher, Monona, WI

Registering in opposition to the proposal:

Donald Robinson, Augusta, WI
Lewis Ressel, Osseo, WI
Anita Bortling, Hazel Green, WI
Anna O'Neal, Hazel Green, WI

Submitting Telephone or Fax comments in support of the proposal:

Ann Ray, Manitowoc, WI
David Weitz, Mondovi, WI
Dr. Mark Mattison, LaCrosse, WI
Cynthia Angle, Omro, WI

Submitting written comments in support of the proposal:

Val Nechkash, Appleton, WI
Howard Richards, WI Pork Producers, Lancaster, WI
Shirley May, Milton, WI
Stan Hensley, Baldwin, WI
Dennis Peterson, Wis High School Rodio Assoc., Cassville, WI
David Breuer, Glen Haven, WI
Bob & Cindy Anderson, Janesville, WI

Vicki Garro, Superior, WI
Floyd Finney, Milton, WI
Ted Dahlberg, Northwoods Harness Club, petition with 21
signatures, Solon Springs, WI
Georgia Honeysett, Janesville, WI
Delores Hulback, Spring Valley, WI
Barb Arnold, Broken Wheel Riding Club, Seymour, WI
Cheryl Schinker, Townsend, WI
Dr. Gary Babenhorst, Berlin, WI
Cheryl Hackbarth, Townsend, WI
David & Sue Christianson, Townsend, WI
Allen Maves, Elk Mound, WI
Dennis & Carol Lempel, Leona, WI
Jim Odekirk, Silver Dollar Saddle Club, Argonne, WI
Jim & Kim Odekirk, Eleva, WI
Mary Loomis, Dream Field Youth Riding Acad., East Troy, WI
Kathy Michels, Eau Claire, WI
Gordy Loomis, Eleva, WI
Shelby Collins, Eleva, WI
Donald Bonte, Glenwood City, WI
Russell DeBoer, Emerald, WI
Robert Palewicz, Glenwood City, WI
Tricia Aspen, Dunn County Horse & Pony Project, Colfax, WI with
an 83 signature petition.
Joanne Pembroke, Edgerton, WI, with a sixteen signature petition.
Rita Dale, Glenwood City, WI
Mark Porter, Oregon, WI
Betty Bobb, Wisconsin State Horse Council, Cato, WI
Tracy Porter, Milton, WI

Submitting written comments in opposition to the proposal:

Linda Melski, Marshfield, WI

Submitting written comments which support or are neutral to the proposal, but against the EIA Program.

LaMoine Peabody, Roberts, WI, with three petitions. The first supports a six month test for imports, and an annual test for all other horses (28). The second promotes going to an annual test, but also promotes forcing all horses to test (25). The third supports eliminating the EIA test for winter events, when there is no threat of disease spread.

Donald Beeck, Two Rivers, WI
Sharon Phillipps, Prescott, WI
Cathy Winston, Elkhorn, WI

As a result of written comments submitted, comments received at the public hearings, and Rules Clearinghouse comments, several changes were made to the proposed rule.

The proposed rule was changed (ATCP 11.20(5)) to exempt swine imported from pseudorabies Stage IV or V states and areas from isolation and post-import testing for pseudorabies.

The proposed rule allows a previous year's negative EIA test to be used for events in the first 10 days of January to allow time to have the blood sample drawn, tested and results returned to the owner. This exemption is extended to 31 days.

The Rules Clearinghouse pointed out a technical problem which resulted in the deletion of ATCP 10.30(6).

There were numerous comments espousing the elimination of the equine infectious anemia program entirely. These and other comments which did not address the changes proposed, but other program changes are directed to the Department's Equine Advisory Council.

Final Draft
3/10/95

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

1 The state of Wisconsin department of agriculture, trade and
2 consumer protection proposes an order to repeal ATCP 10.30(6) and
3 11.23(1); to amend ATCP 10.30(4)(a)2 and (5), 11.20(2)(b)3 and 4,
4 11.23(2)(a)1 and (b)1, 11.30(1)(a)2, and 11.62(2)(b) and (c)3; to
5 repeal and recreate ATCP 10.30(2) and (7), 11.30(2)(a), 11.34(1)
6 and 11.62(6)(a); and to create ATCP 11.20(5)(b)5 and
7 11.62(6)(am); relating to pseudorabies, swine brucellosis and
8 equine infectious anemia.
9

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

Statutory authority: ss: 93.07(1) and 95.27(8), Stats.
Statutes interpreted: ss: 93.07(10)(a) and 95.27, Stats.

This rule eases current testing requirements for pseudorabies, swine brucellosis and equine infectious anemia.

Testing Required for "Qualified Pseudorabies Negative Herd"

Under current rules, the department may annually certify a herd of swine as a "qualified pseudorabies negative herd." Certification facilitates the sale and movement of swine from that herd.

Under current rules, a herd of swine certified as a "qualified pseudorabies negative herd" must be tested for pseudorabies each month. In each monthly test, a veterinarian must test at least 10% of the animals in the herd over 6 months old. Every animal over 6 months old must be tested at least once each year.

This rule eases the current testing requirements for a "qualified pseudorabies negative herd." Under this rule, a herd owner may choose to have the herd tested on a monthly or quarterly basis. If the herd owner chooses monthly testing, a veterinarian must test at least 7% of the herd members over 6 months old each month. If the herd owner selects quarterly testing, a veterinarian must test at least 20% of the herd members over 6

months old each quarter. A herd owner may change the owner's choice of testing procedure (monthly vs. quarterly) when the department renews the annual herd certification.

Under current rules, an individual swine does not qualify as a member of a qualified negative herd unless the animal was in the herd at least 30 days and was tested in the most recent herd test. This rule repeals this current provision.

Adding Swine to a "Qualified Pseudorabies Negative Herd"

Under current rules, swine may be added to a "qualified pseudorabies negative herd" if one of the following applies:

- The swine originate from another "qualified pseudorabies negative herd" or from a "qualified pseudorabies negative grow-out herd."
- The swine test negative for pseudorabies not more than 30 days before they are added to the herd, and retest negative between 30 and 45 days after they are added to the herd.

Under this rule, swine may also be added to a "qualified pseudorabies negative herd" without pseudorabies testing if they originate from a stage IV or V state or area designated by the national pseudorabies control board.

Importing Swine; Pseudorabies Testing

Under current rules, swine must be tested for pseudorabies before they are imported into this state. There are several exemptions to the pre-import testing requirement. This rule modifies 2 of those exemptions as follows:

- Under current rules, swine imported from a "qualified pseudorabies negative herd" are exempt from pre-import testing. This rule clarifies that this exemption applies only if the herd is certified as a "qualified pseudorabies negative herd" on the basis of monthly, rather than quarterly testing.
- Under current rules, swine are exempt from pre-import testing if they are imported from a "low incidence pseudorabies area" as determined by the department. This rule changes this exemption so that it applies to swine imported from a stage IV or V state or area designated by the national pseudorabies control board.

Under current rules, swine imported into this state are required to be isolated from all other swine on the receiving premises until the imported swine test negative on a pseudorabies test at least 30 days after import. There are a number of exceptions to

this requirement. This rule adds an exception to the isolation and retest requirement for swine imported from a stage IV or V state or area.

Moving Swine Within this State; Pseudorabies Testing

Under current rules, if a sow or boar is over 5 months old or weighs more than 175 lbs., it must test negative for pseudorabies before it is moved within this state. There is currently an exemption for sows or boars that originate from a "qualified pseudorabies negative herd." This rule expands the current exemption. Under this rule, a sow or boar is also exempt if it originates from a "qualified pseudorabies negative grow-out herd" or from a stage IV or V state or area designated by the national pseudorabies control board.

Swine Exhibited at a Fair or Livestock Exhibition; Pseudorabies Testing

Under current rules, breeding swine must test negative for pseudorabies not more than 30 days before they are exhibited at a fair or livestock exhibition. There is currently an exemption for swine originating from a "qualified pseudorabies negative herd" or a "qualified pseudorabies negative grow-out herd." This rule adds an exemption for swine originating from a stage IV or V state or area designated by the national pseudorabies control board.

Current rules prohibit the exhibition of non-breeding swine at a fair or livestock exhibition unless one of the following applies:

- All breeding swine are removed from the fair or exhibition before the non-breeding swine arrive, and the non-breeding swine are shipped directly from the fair or exhibition to slaughter.
- The non-breeding swine test negative for pseudorabies not more than 30 days before they are exhibited at the fair or exhibition.
- The non-breeding swine originate from a "qualified pseudorabies negative herd" or a "qualified pseudorabies negative grow-out herd" in this state.

Under this rule, non-breeding swine may also be shown at a fair or livestock exhibition if they originate from a stage IV or V state or area designated by the national pseudorabies control board.

Moving Swine Within this State; Brucellosis Testing

Under current rules, subject to certain exceptions, no breeding boar over 5 months old may be moved within this state unless the boar tests negative for swine brucellosis. This rule eliminates the current brucellosis testing requirement for boars moved within this state.

Importing Swine; Brucellosis Testing

Under current rules, swine must test negative for swine brucellosis not more than 30 days before they are imported into this state. There are several exemptions to the current pre-import testing requirement. This rule expands the current exemptions. Under this rule, swine imported directly from a brucellosis-free state or country need not be tested for swine brucellosis before they are imported into this state.

Importing, Selling or Exhibiting Equine Animals; Testing for Equine Infectious Anemia

Under current rules, no person may import an equine animal (e.g., a horse) into this state, or sell, transfer or exhibit an equine animal within this state, unless the animal tests negative for equine infectious anemia (EIA) not more than 6 months before it is imported, sold, transferred or exhibited. This rule changes the current testing requirement. Under this rule, no person may import, sell, transfer or exhibit an equine animal unless one of the following applies:

- The animal has tested negative for EIA during the calendar year in which it is imported, sold, transferred or exhibited.
- The animal is imported, sold, transferred or exhibited on or before January 31 of any calendar year, and the animal tested negative for EIA during the preceding calendar year.

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

2 ATCP 10.30(2) TESTING TO MAINTAIN CERTIFICATION. (a) A
3 veterinarian shall test a qualified pseudorabies negative herd
4 according to one of the following procedures selected by the herd
5 owner:
6

1 1. On or before the same date each month, the veterinarian
2 may test at least 7% of all swine in the herd that are over 6
3 months old. If swine over 6 months old are kept in groups, the
4 veterinarian shall test at least 7% of each group each month.

5 2. During each quarter, the veterinarian may test at least
6 20% of all swine in the herd that are over 6 months old. If
7 swine over 6 months old are kept in groups, the veterinarian
8 shall test at least 20% of each group each quarter.

9 (b) A herd owner who selects a testing procedure under par.
10 (a) may change his or her selection, with department approval,
11 when the department renews the annual herd certification under
12 sub. (5).

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

14 ATCP 10.30(4)(a)2 Swine are added ~~from another herd, other~~
15 ~~than a qualified pseudorabies negative herd, without meeting the~~
16 ~~requirements under~~ to the herd in violation of sub. (7).

17 (5) ANNUAL RECERTIFICATION. The department may annually
18 renew a qualified pseudorabies negative herd certificate if all
19 ~~animals in the herd over 6 months of age have passed an approved~~
20 ~~test as provided under~~ the herd is tested in compliance with sub.
21 (2).

22 **SECTION 3.** ATCP 10.30(6) is repealed.

23 **SECTION 4.** ATCP 10.30(7) is repealed and recreated to read:

24 ATCP 10.30(7) No swine may be added to a qualified
25 pseudorabies negative herd unless one of the following applies:
26

1 (a) The swine originate from a qualified pseudorabies
2 negative herd or a qualified pseudorabies negative grow-out herd.

3 (b) The swine originate from a stage IV or stage V state or
4 area designated by the national pseudorabies control board.

5 (c) The swine test negative for pseudorabies not more than
6 30 days before they are added to the herd, and retest negative
7 between 30 and 45 days after they are added to the herd. The
8 swine shall be isolated from other swine in the herd until they
9 retest negative except that, in an emergency, the department may
10 waive the requirement that a boar be isolated from other swine in
11 the herd.

12 SECTION 5. ATCP 11.20(2)(b)3 and 4 are amended to read:

13 ATCP 11.20(2)(b)3 Swine originating from a qualified
14 pseudorabies negative herd ~~as defined under s. ATCP 11.01(68)~~ if
15 the herd is certified as a qualified pseudorabies negative herd
16 based on monthly, rather than quarterly testing.

17 (b)4 ~~Feeder swine~~ Swine originating from a ~~low incidence~~
18 ~~pseudorabies area, as determined by the department in writing~~
19 stage IV or V state or area designated by the national
20 pseudorabies control board.

21 SECTION 6. ATCP 11.20(5)(b)5 is created to read:

22 ATCP 11.20(5)(b)5 Swine originating from a stage IV or V
23 state or area designated by the national pseudorabies control
24 board.

25 SECTION 7. ATCP 11.23(1) is repealed.

1 **SECTION 8.** ATCP 11.23(2)(a)1 and (b)1 are amended to read:
2 ATCP 11.23(2)(a)1 A sow or boar ~~intended for breeding, if~~
3 ~~the sow or boar~~ that is more than 5 months old or weighs more
4 than 175 pounds.

5 (b)1 A sow or boar under par. (a)1, or any swine under par.
6 (a)2, originating from a qualified pseudorabies negative herd, a
7 qualified pseudorabies negative grow-out herd, or a stage IV or V
8 area designated by the national pseudorabies control board.

9 **SECTION 9.** ATCP 11.30(1)(a)2 is amended to read:

10 ATCP 11.30(1)(a)2 A report of a negative test for equine
11 infectious anemia conducted ~~not more than 6 months before the~~
12 ~~animal enters this state, unless the animal is exempt from~~
13 ~~testing under~~ according to sub. (2).

14 **SECTION 10.** ATCP 11.30(2)(a) is repealed and recreated to
15 read:

16 (2)(a) Requirement. Except as provided under par. (b), no
17 person may import any equine animal into this state unless one of
18 the following applies:

19 1. The animal has tested negative on an equine infectious
20 anemia test conducted during the calendar year in which the
21 animal is imported into this state.

22 2. The animal is imported on or before January 31 of any
23 calendar year and the animal tested negative for equine
24 infectious anemia during the preceding calendar year.
25

1 **SECTION 11.** ATCP 11.34(1) is repealed and recreated to
2 read:

3 ATCP 11.34(1) TEST REQUIRED. Except as provided under sub.
4 (2), no person may sell or transfer ownership of any equine
5 animal in this state unless one of the following applies:

6 (a) The animal has been tested for equine infectious anemia
7 during the calendar year in which the sale or transfer occurs.

8 (b) The sale or transfer occurs on or before January 31 of
9 any calendar year and the animal has been tested for equine
10 infectious anemia during the preceding calendar year.

11 **SECTION 12.** ATCP 11.62(2)(b) and (c)3 are amended to read:

12 ATCP 11.62(2)(b) No person may exhibit any breeding swine
13 at a fair or livestock exhibition unless the swine tests negative
14 for pseudorabies in a pseudorabies test performed within not more
15 than 30 days prior to exhibition before the person exhibits that
16 swine, or the swine originates from a qualified pseudorabies
17 negative herd, ~~or~~ a qualified pseudorabies negative grow-out herd
18 in this state, or a stage IV or V state or area designated by the
19 national pseudorabies control board.

20 (c)3 The non-breeding swine originate from a qualified
21 pseudorabies negative herd, ~~or~~ a qualified negative pseudorabies
22 grow-out herd in this state, or a stage IV or V state or area
23 designated by the national pseudorabies control board.

SECTION 13. ATCP 11.62(6)(a) is repealed and recreated to
read:

FISCAL ESTIMATE
DOA-2048 (R 10/94)

ORIGINAL
 CORRECTED
 UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
ATCP 10 & ATCP 11
Amendment No. if Applicable.

Subject: Technical Changes to ch ATCP 10 and 11 relating to animal movement and diseases.

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

Increase Existing Appropriation
 Decrease Existing Appropriation
 Create New Appropriation
 Increase Existing Revenues
 Decrease Existing Revenues

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No
 Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others
 School Districts VTAE Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

20.115(2)(g)

Assumptions Used in Arriving at Fiscal Estimate

Testing requirements changes for pseudorabies:
(1) Without this rule change, tests for sales and exhibits for the coming year would have been the same as they were in the last four quarters. For the Stage IV area (69 counties), these totalled about 12,800 tests. These 12,800 test will no longer be needed. (2) For the 97 Qualified Pseudorabies Negative Herds, 26 herds or 26% will continue to maintain their certification. For these herds the rule will reduce their tests by over 2,000 tests total. (3) For the other 71 herds which will no longer test to maintain status, about 19,500 tests will no longer be needed. (4) For each test, the Wisconsin Animal Health Laboratory (WAHL) receives \$2 in program revenue. A total reduction of 34,300 tests would result in a reduction of \$68,600 in program revenues. (5) Changes in the requirements for testing equine animals for equine infectious anemia (EIA) will result in about 2500 less tests required. This will reduce program revenues to WAHL by about \$10,000. (6) Direct costs to conduct the pseudorabies tests are about \$36,700. (7) Direct costs to conduct the EIA tests are about \$6,400.

Long-Range Fiscal Implications

The total reduction of 34,300 pseudorabies tests and 2,500 EIA tests will result in a loss of \$78,600 in program revenues to WAHL. This loss of funds will cause adjustments in the funding available for materials purchases and the filling of vacant positions. The Division is looking at the potential to perform other laboratory tests which could generate revenues to offset this loss.

Agency/Prepared by: (Name & Phone No.)
Larry P. Jung (608) 224-4885
DATCP

Authorized Signature/Telephone No. Date
Barbara Knapp
Barbara Knapp 224-4746

FISCAL ESTIMATE WORKSHEET

Detailed Estimate of Annual Fiscal Effect
DOA-2047(R 10/94)

ORIGINAL
 CORRECTED
 UPDATED
 SUPPLEMENTAL

1995 SESSION

LRB or Bill No/Adm. Rule No.
ATCP 10 & ATCP 11

Amendment No.

Subject: Technical changes to ch ATCP 10 and 11 relating to animal movement and diseases.

I. One-time Costs or Revenue Fluctuations for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:

A. State Costs by Category	Annualized Fiscal Impact on State funds from:	
	Increased Costs	Decreased Costs
State Operations-Salaries and Fringes (FTE Position Changes)	\$ (FTE)	\$ - 20,200 (- 0.7FTE)
State Operations-Other Costs		- 22,900
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	\$	\$ - 43,100
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$	\$ -
FED	\$	\$ -
PRO/PRS	\$	\$ - 43,100
SEG/SEG-S	\$	\$ -
III. State Revenues- GPR Taxes	Increased Rev.	Decreased Rev.
Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fees, etc.)	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		- 78,600
SEG/SEG-S		-
TOTAL State Revenues	\$	\$ - 78,600

NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$ -43,100	\$
NET CHANGE IN REVENUES	\$ -78,600	\$

Agency/Prepared by: (Name & Phone No.)
Agriculture, Trade & Consumer Protection
Larry P. Jung 224-4885

Authorized Signature/Telephone No.
Barbara Knapp 224-4746
Barbara Knapp

Date
03/13/95

REGULATORY FLEXIBILITY ANALYSISRule Related to Pseudorabies
and Swine Brucellosis Testing
and Equine Infectious Anemia TestingGeneral Overview

This rule will affect small businesses in Wisconsin. It includes provisions which relate to small business engaged in the practice of veterinary medicine, production of pork, and those related to equine animals, particularly horses.

Pseudorabies Testing Procedures

The National Pseudorabies Control Board recently granted stage IV status to 70 of Wisconsin's 72 counties (one county has subsequently lost stage IV status). Achievement of stage IV status permits the department to ease pseudorabies testing requirements in 69 counties. It is anticipated that the rule change will result in approximately 34,300 fewer pseudorabies tests being performed in Wisconsin each year.

Each test costs the pork producer about \$10. Of this, \$7.50 is for on site veterinary services, and \$2.50 is for laboratory services to complete the test. Therefore this rule can be expected to save the pork producers about \$343,000 in direct testing costs per year. At the same time, practicing veterinarians will lose about \$257,250 in swine testing fees per year.

There should be some level of savings to pork producers who import animals from stage IV and V states or areas as designated by the national pseudorabies control board, if the price paid by the importing producer reflects the savings associated with not needing to have the animal tested prior to import. Figures for the amount of savings generated in this way are not available.

Brucellosis Testing procedures

Wisconsin is free of swine brucellosis and the disease has been nearly eradicated in the United States. Therefore, this rule eases testing requirements for swine brucellosis by permitting movement within the state without pre-movement tests and permitting import into the state without pre-import tests if the animal originates from a brucellosis free state or country.

It is estimated that this change will result in 16,000 fewer swine brucellosis test being conducted in Wisconsin per year. It costs the producer approximately \$8 to have a pig tested for swine brucellosis, \$7.50 for on site veterinary services and \$.50 for laboratory costs to complete the test. Therefore, pork producers are expected to save about \$128,000 per year due to the reduction in swine brucellosis testing because of this rule. At

the same time, veterinarians will receive approximately \$120,000 per year less in fees for conducting swine brucellosis tests.

It is anticipated that producers who import swine from brucellosis free states or countries may realize some savings in purchase costs because of the reduced cost of testing prior to import. Figures for the amount of this savings are not available.

Equine Infectious Anemia

Under current rules, a horse must be tested for equine infectious anemia within six months prior to sale, exhibit, or participation in an organized event. This rule eases that requirement. Under this rule, the horse must be tested during the calendar year prior to the sale, exhibition, or participation in an organized event. It is estimated that approximately 2500 fewer equine infectious anemia tests will be conducted in Wisconsin because of this rule change.

The cost to the horse owner or stable operator who pays for the test is approximately \$20 per test, \$16 for on site veterinarian services and \$4 for laboratory costs to complete the test. Therefore, it is anticipated that horse owners or stable owners would realize a savings of approximately \$50,000 per year. At the same time veterinarians would realize a loss of fees of approximately \$40,000.

Dated March 15, 1995.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By 
Dr. Thomas H. Howard
Administrator,
Animal Health Division

ATCP 11.62(6)(a) Except as provided under par. (am), no person may exhibit any equine animal at a fair or livestock exhibition unless one of the following applies:

1. The animal has tested negative for equine infectious anemia during the calendar year in which the animal is exhibited at the fair or livestock exhibition.

2. The animal is exhibited on or before January 31 of any calendar year and the animal tested negative for equine infectious anemia during the preceding calendar year.

SECTION 14. ATCP 11.62(6)(am) is created to read:

(am) Paragraph (a) does not apply to a nursing foal accompanying its dam if the dam has tested negative for equine infectious anemia according to par. (a).

SECTION 15. The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided under s. 227.22(2)(intro.), Stats.

Dated this _____ day of _____, 19____.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

Alan T. Tracy, Secretary