

# Wisconsin Department of Agriculture, Trade and Consumer Protection

## Business Impact Analysis<sup>1</sup>

<b><i>Rule Subject:</i></b>	<b>Animal Diseases and Movement</b>
<b><i>Adm. Code Reference:</i></b>	<b>ATCP 10-12</b>
<b><i>Rules Clearinghouse #:</i></b>	<b>Not yet assigned</b>
<b><i>DATCP Docket #:</i></b>	<b>04-R-10</b>

This rule consolidates, reorganizes and clarifies Wisconsin's current animal health and disease control rules, so that the rules will be easier to read and understand. This rule does *not* significantly alter the substance of the current rules, except that this rule:

- Provides more cost-effective disease monitoring options for small poultry producers who cannot easily participate in the national poultry improvement plan.
- Adopts federal standards for voluntary Johne's disease testing and herd management, and expands producer eligibility for reimbursement of testing and herd management costs (based on the availability of federal funding).
- Requires official individual identification of sheep and goats sold or moved within this state, consistent with federal standards (slaughter animals are exempt, if neutered or under 12 months old). This change will facilitate exports of Wisconsin sheep and goats.
- Strengthens and clarifies disease control standards related to fairs and livestock exhibitions, including organized swap meets, which can spread serious disease if not properly managed. This rule clarifies the responsibilities of exhibition organizers and exhibitors.
- Coordinates animal health rules with Wisconsin's new livestock premises identification law. For example, certificates of veterinary inspection must include livestock premises identification numbers *if any*. This rule does *not* expand current premises registration requirements or sanctions.
- Modifies current regulations related to fish farms, fish imports and fish health. This rule eliminates the requirement of an annual health certification for fish farms. This rule streamlines and clarifies current fish import requirements, and creates a \$50 fee for a fish import permit. DATCP must approve a fish health certificate before a person imports fish, or introduces fish to waters of the state, based on that health certificate.

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<sup>1</sup> This analysis includes, but is not limited to, a small business analysis ("regulatory flexibility analysis") under s. 227.114, Stats.

- Updates the current list of reportable diseases (deletes 4 diseases).
- Makes minor technical changes in current rules related to farm-raised deer.
- Makes minor updates and technical changes to other rules, as necessary.

### **Business Impact**

This rule will have a generally positive impact on business. This rule will have few, if any, negative impacts on business. Negative impacts, if any, will be limited. This rule affects the following businesses in the following ways (many of these businesses are “small businesses”):

- ***Poultry producers.*** This rule will help small poultry operators, and will have little or no effect on large operators. *Current* rules prohibit the sale or distribution of poultry or eggs, for breeding, hatching or exhibition, unless they originate from flocks enrolled in the national poultry improvement plan and meet disease-free classification standards under that plan. However, the national poultry improvement plan is primarily designed for large poultry operators, and may not be cost-effective for small operators. This rule provides cost-effective disease monitoring options that will provide greater market access for small operators.

Under this rule, a flock owner who is not enrolled in the national poultry improvement program may nevertheless sell or move poultry for breeding, hatching or exhibition if the flock is enrolled as a *Wisconsin tested flock* or *Wisconsin associate flock*. A flock may be enrolled as a *Wisconsin tested flock* if the flock owner tests the flock annually for pullorum, fowl typhoid and, in the case of turkeys, *Mycoplasma gallisepticum*. A flock may be enrolled as a *Wisconsin associate flock* if it consists entirely of birds obtained from a *Wisconsin tested flock*. There is no charge to enroll in either program. DATCP will issue certificates that flock owners can use to document enrollment.

- ***Dairy, cattle and goat producers.*** This rule will assist dairy, cattle and goat producers by expanding reimbursement of producers costs for voluntary Johne’s disease herd testing, herd risk assessment, herd management plans, and vaccination (current rules allow reimbursement of testing costs only). Participation in the Johne’s disease program is voluntary. This rule removes some existing barriers to participation, and provides more testing and management options for producers. This may encourage participation, and may help to control a very serious disease threat to the Wisconsin dairy and livestock industry.

In order to be eligible for cost reimbursement, herd owners must have a herd risk assessment and management plan that meet federal standards. However, this will not be a significant burden because:

- Over half of the herds currently enrolled in the Johne's disease program already have approved herd risk assessments and management plans.
- This rule provides for reimbursement of costs to prepare herd risk assessments and management plans.
- Herd risk assessments and management plans, if followed, will improve herd health and productivity.

This rule sets maximum reimbursement amounts for laboratory testing fees, but expands reimbursement for other activities including herd risk assessment, herd management plans and vaccination. This will be a net plus for participating herd owners.

This rule changes reimbursement procedures, so that DATCP can reimburse herd owner costs in a timelier manner. Currently, herd owners may wait over a year for reimbursements.

This rule removes the requirement for Johne's disease reactors to be permanently identified. This requirement is difficult to enforce and it devalues animals at slaughter. Other states have been removing this requirement as well.

This rule preserves the confidentiality of Johne's disease herd records, per current law.

- ***Fish farm operators.*** This rule eliminates the current requirement for an annual health inspection of fish farms in this state, which will save every fish farm operator an average of \$200 per year.

This rule streamlines fish import regulations, to make them more workable and effective. This rule establishes a modest \$50 fee for a fish import permit, to facilitate better review of fish health certificates related to fish imports (the fee will affect only 2% of registered fish farms). In many cases, DATCP issues permits that cover multiple shipments from an inspected source.

Under this rule, permits expire one year from the date of issuance, rather than on a calendar year basis. DATCP may shorten permit expiration dates, and may set those dates to correspond to health certificate expiration dates. This will avoid confusion, but may require additional permits in some cases. The change will have a limited effect on importers.

Under current rules, qualified veterinarians or fish health inspectors must issue fish health certificates for fish imports and stocking to waters of the state. Under this rule, the fish health certificates must also be pre-approved by DATCP. This may delay the import or stocking process in a few limited cases. But most import and stocking operations will not be adversely affected, and delays if any will be short (DATCP has a maximum of 30 days to approve).

This rule requires fish health inspectors and laboratories to report all test results for certain diseases, not just positive test results. This will not impose a significant burden, and will provide better statewide information on disease testing and test findings.

- ***Sheep and goat owners.*** This rule requires official individual identification of sheep and goats that are sold or moved in commerce, consistent with standards under the federal scrapie control program. This may increase costs for some sheep and goat owners. However, it will facilitate interstate export of sheep and goats, and will provide better disease control and trace back. This rule allows for various forms of official individual identification, some of which can be easily applied by sheep and goat owners themselves at little or no cost.
- ***Organizers and exhibitors at fairs and exhibitions.*** This rule clarifies and strengthens current animal health rules related to fairs and exhibitions, including events such as organized swap meets and trail rides. This rule clarifies the obligations of event organizers and exhibitors. Exhibitors must comply with current animal health rules related to fairs and exhibitions, and must document compliance to the event organizer. Organizers must keep a record of exhibited animals, and must review and keep a record of relevant animal health documentation. Events lasting over 24 hours must have an attending veterinarian. This rule will not have a significant impact on most fairs and exhibitions, except that it may affect certain events such as organized swap meets that may not be adhering to current rules related to fairs and exhibitions.
- ***Farm-raised deer keepers.*** This rule makes minor technical changes to current rules related to farm-raised deer. The rule changes will have little if any impact on most farm-raised deer keepers.
- ***Wisconsin certified veterinarians and their clients.*** This rule may affect veterinarians in the following ways:
  - It makes slight changes to current rules governing certificates of veterinary inspection (the changes should have little impact on veterinarians or their clients, but will improve animal health documentation).

- It expands reimbursement of veterinary costs related to Johne’s disease testing, herd management and vaccination, but only if the services are provided by specially trained veterinarians. The reimbursement will be very beneficial for veterinarians and their clients, but veterinarians must complete training to qualify. Any veterinarian may take the brief (less than one day) required training course offered by DATCP. There is a \$200 cost for initial certification and \$100 for the renewal certification that is required every 3 years. Training is currently financed by federal grant funds, so there is no cost to veterinarians.
- It eliminates annual fish farm health certification requirements. This will save each fish farm operator an average of \$200 per year. Veterinarians who perform annual fish farm health inspections may experience some loss of income.
- ***Persons who raise, ship and market animals.*** This rule consolidates, reorganizes and clarifies current animal health rules, so that the rules will be easier to read and understand. This will benefit everyone involved in raising, shipping and marketing animals. It will improve disease control, facilitate commerce, and promote efficient administration of animal health programs.

## **Steps to Assist Small Business**

Many of the businesses affected by this rule are “small businesses.” For the most part, this rule does not make special exceptions for “small businesses,” because disease is no respecter of business size. However, this rule does include provisions that are specifically designed to benefit small poultry producers (see above).

This rule includes many provisions that will benefit large and small businesses alike. For example, this rule:

- Expands current reimbursement of Johne’s disease testing and herd management costs (dairy, beef and goat herds), and makes program participation more attractive.
- Eliminates current annual fish farm health inspection requirement (this will save every fish farm approximately \$200 per year).
- Makes fish import permits more workable and flexible.
- Provides cost-effective disease monitoring options for poultry producers, so that more producers (especially small producers) can get more market access.
- Reorganizes and redrafts current rules, to make them easier to read and understand. The changes also make the rules more consistent and transparent.

## Conclusion

This rule will help protect Wisconsin's major livestock industry from devastating disease threats. This rule will make it easier for livestock operators to read and understand the rules that apply to them.

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

Under 2003 Wis. Act 145, DATCP and other agencies must adopt rules spelling out their rule enforcement policy for small businesses. DATCP has not incorporated a small business enforcement policy in this rule, but will propose a separate rule on that subject. DATCP will, to the maximum extent feasible, seek voluntary compliance with this rule.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2005

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
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