

## Wisconsin Department of Agriculture, Trade and Consumer Protection

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

**Rule Subject:** **Animal Health and Disease Control, and  
Humane Officer Training**  
**Adm. Code Reference:** **ATCP 10, 12, 15**  
**Rules Clearinghouse #:** -----  
**DATCP Docket #:** **09-R-04**

#### *Rule Summary*

This rule modifies current Wisconsin animal health and disease control rules administered by the Department of Agriculture, Trade and Consumer Protection (“DATCP”). Among other things, this rule:

- Modifies current rules related to cattle, including rules related to voluntary Johne’s disease testing and classification, tuberculosis import testing, and imports of cattle from states with tuberculosis positive herds.
- Modifies current rules related to equine and equine infectious anemia testing and branding.
- Modifies current rules related to imported poultry.
- Modifies current rules related to farm-raised deer, including rules related to herd registration, hunting preserves, chronic wasting disease testing and the chronic wasting disease herd status program.
- Modifies current rules related to fish farms and fish health, including rules related to fish farm registration, import permits and fish health certificate requirements.
- Modifies current rules related to enforcement by allowing a department waiver to requirements under the rule if reasonable and necessary. Statutory provisions cannot be waived.
- Modifies current rules related to animal markets, dealers and truckers, including rules related to animal identification, record keeping requirements, and facility and vehicle requirements.

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<sup>1</sup> This analysis includes, but is not limited to, a small business analysis (“regulatory flexibility analysis”) under ss. 227.114 and 227.19(3)(e), Stats.

- Modifies current rules related to humane officer training, including rules related to fees, training, and humane officer certification.
- Makes minor drafting changes to update, clarify and correct current rules.

### ***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”):

- ***Fish farm operators.*** This rule streamlines fish farm rules saving registered fish farmers time and money by better balancing the cost of testing requirements against the risk of disease.

This rule streamlines the annual import requirement process, to make it more workable by allowing an annual import permit issued to a WI fish farmer to cover multiple sources. Additionally, it removes the requirement for the importer to list all possible destinations for the imported fish or fish eggs throughout the year, and instead requires that these records on destination be kept by the importer and made available to the department immediately upon request.

Under current rules, fish being shipped to other WI fish farms or locations in the state, other than waters of the state, are required to be covered by a fish health certificate. There has been no evidence of Viral Hemorrhagic Septicemia, or any other reportable fish disease on WI fish farms. Therefore, this rule reduces the requirement for a fish health certificate for in-state movement of live fish or fish eggs, other than to waters of the state, to only those fish farms that handle wild fish (Type 3 fish farms) that are VHS-susceptible species. For fish farmers that only move fish in-state and do not stock into waters of the state, this will save them an estimated \$200 for each health certificate.

- ***Farm-raised deer keepers.*** This rule makes changes to the rules governing farm-raised deer keepers by balancing the cost of the requirement to test against the risk of disease.

This rule creates a new category of farm-raised deer registration specifically designed for those that own deer as a ‘pet’. These are farm-raised deer owners that are not in the CWD program, do not move live deer and have fewer than fifteen deer. Currently their registration would cost \$162.50; this rule reduces that registration fee to \$85.00, saving a farm-raised deer owner that meets the criteria \$77.50 per year.

This rule reduces the amount of required CWD testing. Current rules require that all keepers of farm-raised deer test 100% of deer for CWD that die or are killed and are 16 months of age or older. This rule reduces the CWD testing requirement for herds

that are not enrolled in the CWD herd status program. Herds not enrolled in the CWD herd status program are not allowed to move live animals other than to slaughter and therefore pose less risk to spreading disease. This rule reduces the testing requirements for those herds to:

- All farm-raised deer that die by accidental death or natural causes.
- Twenty-five percent of all farm-raised deer that are intentionally killed other than at a hunting preserve.
- Fifty percent of all farm-raised deer that are killed on the premises of a certified hunting preserve.

Farm-raised deer keepers that are enrolled in the CWD herd status program, that can legally move live farm-raised deer in-state, are still required to test 100% of all deer deaths.

These changes are expected to reduce overall testing for CWD in farm-raised deer by 25% percent. This reduction in required sampling will save the industry an estimated \$40,000 in sampling costs per year. However, this savings may not be a net savings due to likely reduced federal cooperative agreement funding that has previously been available to reimburse deer farmers for sampling costs.

This rule also removes the requirement for herds enrolled in the CWD herd status program to report to the department if they add a deer to their herds with fewer years of status in the program. The current rules require that farm-raised deer have five years status in the program in order to be moved live around or into Wisconsin. Since there is no specific health benefit to tracking status over 5 years, deer keepers will no longer be immediately reporting legitimate additions (they will be reported in an annual census for those in the CWD herd status program). (It is a violation of the rules to add a deer to your herd that does not have 5-year status in a recognized CWD herd status program.) This will save time for 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 reduces the number of Chronic Wasting Disease samples that must be taken. Veterinarians who sample deer for chronic wasting disease testing may experience some loss of income.
  - It extends the certification period for veterinarians certified to perform Johne's testing or tuberculosis testing from three years to five years. This will save the veterinarians time and money.

- ***Licensed Animal Truckers, Markets and Dealers.*** Rules pertaining to licensed Animal Markets, Animal Truckers, and Animal Dealers have been modified to reflect current practices and needs of the livestock industry. This rule addresses the changing livestock industry in the following ways:
  - It defines “shipment to slaughter” to allow licensed markets and dealers to, for purposes of shipment to slaughter, congregate animals together and move them between premises without having to apply official identification as long as there is no change of ownership. This will reduce handling time for animals and the need for official identification for animals going to slaughter.
  - It removes the requirement for Animal Markets and Animal Dealers to record all official identification (ID) on an animal if the animal is not required to be officially identified. It also reduces some record keeping requirements on animal identification for Animal Truckers since most movements will be recorded by the Animal Dealer or Animal Market. This reduces the unnecessary animal handling and record keeping.
  - Under this rule licensed markets, dealers and truckers are prevented from selling, moving or disposing of any live animal that has a test pending for a reportable disease. This will increase the cost for keeping these animals; however, it is necessary to stop the spread of disease.
- ***Certified Humane Officers*** This rule increases the cost to become a certified humane officer to \$35 from \$25. This fee has not changed since the program’s inception in 1999, and the increase is nominal and necessary to continue to fund the certification process.

### ***Accommodation for Small Business***

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

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

- Reduces disease testing for fish farmers and farm-raised deer keepers where feasible.
- Makes fish import permits more workable and flexible.
- Reduces the record keeping burden for licensed animal markets, dealers and truckers.
- Allows licensed animal markets and animal dealers to congregate animals between markets to go to slaughter in a more cost effective manner.

***Conclusion***

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

DATCP will, to the maximum extent feasible, seek voluntary compliance with this rule.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By \_\_\_\_\_  
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