



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection

Report From Agency

DATE: September 5, 2017

TO: The Honorable Roger Roth
President, Wisconsin State Senate
Room 220 South, State Capitol
PO Box 7882
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The Honorable Robin Vos
Speaker, Wisconsin State Assembly
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FROM: Jeff Lyon, Interim Secretary
Department of Agriculture, Trade and Consumer Protection

**SUBJECT: Swine Animal Disease Control, ch. ATCP 10; Final Draft Rule
(Clearinghouse Rule #17-011)**

Introduction

The Department of Agriculture, Trade and Consumer Protection (DATCP) is transmitting this rule for legislative committee review, as provided in s. 227.19 (2) and (3), Stats. DATCP will publish notice of this referral in the Wisconsin Administrative Register, as provided in s. 227.19 (2), Stats.

Background

The proposed rule establishes testing requirements for commercial swine imported into or moving within Wisconsin in order to control the spread of the porcine reproductive and respiratory syndrome (PRRS) and swine enteric coronavirus disease (SECD).

Rule Content

The proposed rule establishes testing requirements for commercial swine imported into or moving within Wisconsin in order to control the spread of the PRRS and SECD, as follows:

Swine Imported to Wisconsin

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Current rule requires, with some exceptions, that swine imported to Wisconsin be accompanied by a valid certificate of veterinary inspection (CVI). An import permit may also be required. One exception includes commercial swine imported directly to a federally approved livestock marketing facility. The proposed rule will limit this exception to be applicable only when all swine on the market premises the day of the sale are shipped directly to slaughter.

Current rule requires CVIs to include a statement disclosing the PRRS and PEDv status of an imported swine's herd of origin, if known. The proposed rule replaces the statement with the following requirements:

- For commercial swine, both of the following:
 1. A report of a negative PRRS and SECD test from the swine's herd of origin conducted within 90 days prior to movement into Wisconsin.
 2. A statement from the veterinarian that there are no clinical signs of PRRS and SECD at the time of inspection.
- For commercial swine purchased or obtained from a commingled auction, sale, or exhibition, all of the following:
 1. A report of a negative PRRS and SECD test from the swine's herd of origin conducted within 90 days prior to movement into Wisconsin.
 2. A statement from the event's veterinarian that all the swine commingled at the auction, sale, or exhibition had a negative PRRS and SECD test from their respective herds of origin conducted within 90 days prior to movement to the auction, sale, or exhibition.
 3. A statement from the event's veterinarian that there are no clinical signs of the PRRS and SECD at the time of inspection.
- For commercial swine imported directly to a federally approved livestock marketing facility, all of the following:
 1. A report of a negative PRRS and SECD test from the swine's herd of origin conducted within 90 days prior to movement into Wisconsin.
 2. A statement from the marketing facility's veterinarian that there are no clinical signs of the PRRS and SECD at the time of inspection.

Except for commercial swine imported to an approved livestock marketing facility, commercial swine that do not meet the above requirements may be transported to Wisconsin if the person importing them obtains an import permit from DATCP. DATCP will quarantine the swine upon arrival until a herd plan is approved by DATCP. An approved livestock marketing facility may not accept swine that do not meet the disease testing requirements.

The above PRRS and SECD import requirements do not apply to:

- Swine imported directly to a slaughtering establishment for slaughter.
- Commercial swine imported directly to a veterinary facility for treatment, provided that the swine is returned to its state of origin immediately following treatment and there is no change of ownership.

- Commercial swine returning directly to its place of origin in this state following treatment in a veterinary facility outside this state, provided that the swine was shipped directly to the veterinary facility and there was no change of ownership.

Swine Moving in Wisconsin

The proposed rule establishes new requirements for moving commercial swine within the state.

No person may move commercial swine intrastate unless the herd of origin has tested negative on a PRRS and SECD test conducted not more than 90 days prior to movement and documentation of the negative test reports are made available to DATCP upon request.

If the swine's herd of origin tests positive for PRRS or SECD, DATCP will quarantine the herd of origin until a herd plan is developed and approved.

If commercial exhibition swine originate from Wisconsin and return to Wisconsin after an exhibition in another state, the exhibitor must notify DATCP of the movement. DATCP will quarantine the swine, herd of origin, or both until a herd plan is developed and approved. This provision is not applicable if all the swine at the exhibition are from negative herds.

These new intrastate movement requirements do not apply to either of the following:

- Swine moved directly to a slaughtering establishment for slaughter.
- Swine moved to one fair or exhibition prior to being shipped directly to slaughter.

Herd plans

The goal of the herd plan is to bring the herd to negative PRRS and SECD status and limit the spread of the disease. The herd plan must:

- Be written by a Wisconsin certified, accredited, licensed veterinarian on behalf of the importer.
- Establish testing protocols relating to PRRS and SECD, as appropriate.
- Establish notification requirements of at risk farms.
- Establish biosecurity requirements.
- Be broken down into separate production categories that need to be managed.
- Be approved by DATCP.

DATCP will provide sample herd plans to assist veterinarians in herd plan development.

PRRS and SECD testing

Tests to determine whether PRRS or SECD is in the herd of origin must be approved by DATCP and provide 90% confidence that the disease would be identified if present at 30% prevalence in

the herd. The rule allows samples for testing to be taken by rope, blood, or other if approved by DATCP.

If collecting samples by rope:

For herds with less than 150 swine, one pooled sample of swine must be collected and tested. The number of swine pooled must be determined by the owner in consultation with the herd veterinarian.

For herds with 150 or more swine, three pooled samples of at least five swine shall be collected and tested.

If collecting blood samples, samples must be taken from 8 swine for any sized herd.

Waivers

Under current rule, DATCP may waive any provision of ch. ATCP 10, Wis. Admin. Code, if DATCP finds that the waiver is reasonable and necessary, is consistent with the objectives of ch. ATCP 10, Wis. Admin. Code, and will not conflict with state law. The state veterinarian must issue the waiver in writing. DATCP may not waive a statutory requirement.

Public Hearings

DATCP held two public hearings on the proposed rule as follows:

- April 5, 2017, in Dodgeville.
- April 12, 2017, in Fond du Lac.

DATCP accepted written comments until April 21, 2017. Two people attended and registered at the public hearing in Dodgeville and three people attended and registered at the public hearing in Fond du Lac. Fourteen written comments were received. DATCP received both general comments related to the rule as a whole and specific comments related to certain provisions within the rule. A summary of public hearing attendance and comments received can be found in Attachment 1.

***DATCP's Rule Changes in Response to
Public Hearings and Rules Clearinghouse Comments***

After the public hearings were held, DATCP met with the Wisconsin Pork Association and many Wisconsin Show Pig Association members on May 11, 2017, to discuss their concerns and answered several questions regarding the proposed rule.

DATCP made changes in response to comments received through public hearings and from the Legislative Council Rules Clearinghouse. The key changes are as follows:

- Change testing requirements for Porcine Epidemic Diarrhea Virus (PEDv) to Swine Enteric Coronavirus Disease (SECD).

Comments requested that DATCP change the testing required for PEDv to be testing for SECD. SECD is the larger category that includes additional related corona viruses, including PEDv. The same testing would be required and would show results for those related corona viruses. Thus, this change will not increase testing costs.

- Number of Swine Tested/Sampling Methods.

Comments requested that DATCP change the number of swine required to be tested to determine disease status of the herd and to allow other types of sampling methods. The rule now requires the following:

1. If collecting samples by rope:
 - a. For herds with less than 150 (rather than 30) swine, only one pooled sample must be collected. The owner must consult with a veterinarian to determine how many swine samples should be pooled for testing.
 - b. For herds with 150 (rather than 30) or more swine, three pooled samples of at least five swine must be collected and sampled.
2. If collecting blood samples, 8 swine must be sampled for any sized herd.
3. Other sampling methods may be used if approved by DATCP.

- Clarification Change.

Comments requested that DATCP change s. 10.32(2)(a)2, to remove the phrase “tests positive for either the porcine reproductive and respiratory syndrome or the porcine epidemic diarrhea virus” with “does not meet the requirements” to clarify that if testing requirements are not met, the herd will be quarantined and additional procedures followed.

DATCP response to Clearinghouse comments:

The three comments and suggestions made by the Legislative Council Rules Clearinghouse were technical drafting changes. DATCP accepted those changes and modified the final draft rule accordingly.

Small Business Regulatory Review Board Report

The Small Business Regulatory Review Board did not issue a report on this rule.

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Effects on Small Business

The majority of the costs associated with this proposed rule will be the testing of swine for PRRS and SECD prior to movement. If the producer moves swine on a regular basis, at most, such testing would be done on a quarterly basis (testing must be done within 90 days before movement). The movement of and number of swine in the herd will be the greatest factors in determining cost.

The number of swine to be sampled to provide 90% confidence that the disease would be identified if present at 30% prevalence in a herd. This means:

- For herds with less than 150 swine, only one pooled sample must be collected. The owner must consult with a veterinarian to determine how many swine samples should be pooled for testing.
- For herds with 150 or more swine, three pooled samples of at least five swine must be collected and tested.

The least expensive testing can be done by hanging a cotton rope in a group of pigs to collect saliva, and does not require an on-farm visit from the veterinarian. The samples can be collected by the farm owner under the direction of a veterinarian, but must be submitted through an accredited veterinarian to an approved diagnostics lab. At the most, 3 ropes may be needed to sample swine in different pens or barns. A rope test kit can be used to sample the swine for both PRRS and PED and may be purchased for \$5.25.

The samples may be submitted to Iowa State University or the University of Minnesota for testing. The submission fee for either university is \$10, regardless of the number of samples submitted.

Iowa State University charges \$25 for the PRRSv using the PCR test and \$25 for the SECD using the PCR test. University of Minnesota charges \$30.80 for the PRRSv using the PCR test and \$33 for the SECD using the PCR test. This fee includes a 10% out-of-state surcharge.

In addition, the veterinary clinic that submits the samples typically charges a shipping and handling fee. Based on samples submitted during last summer's fairs, shipping and handling fees ranged from \$7 and \$13.50.

Minimum costs each time a herd with less than 150 swine is tested for PRRS and SECD would be \$72.25 and a herd with 150 or more swine would be \$172.25, determined as follows:

	Herds with less than 150 swine (1 pooled sample)	Herds with 150 or more swine (3 pooled samples of at least 5 swine)
Rope test kit for PRRSv and/or SECD	\$5.25	\$5.25
Submission fee (regardless of number of samples submitted)	10.00	10.00
PCR test for PRRSv	25.00	75.00
PCR test for SECD	25.00	75.00
Shipping & handling (estimate per sample)	7.00	7.00
Total	\$72.25	\$172.25

The proposed rule allows a producer to collect samples under the direction of a veterinarian. Additional costs may be incurred if the producer chooses to have a veterinarian collect the samples. These costs are indeterminate.

The entities that may be affected by this rule modification include veterinarians and swine producers. To assist veterinarians in this process, sample herd plans will be provided.

Environmental Impact

This rule will not have an effect on the environment.

Summary of, and comparison with, existing or proposed federal statutes and regulations

Current federal regulations require reporting of swine enteric corona diseases, including PED.

Comparison with Rules in Adjacent states

Similar to other Midwestern states, Wisconsin has established programs for historically important diseases, such as tuberculosis, brucellosis and chronic wasting disease. Wisconsin would be the first to establish testing requirements for PRRS and SECD when moving swine in order to prevent and control these diseases. Surrounding states have no PRRS or SECD testing requirements in place for moving swine.

PRRS and SECD have proven to be costly, highly contagious diseases among pigs and can result in tremendous production losses for swine producers.

Summary of Factual Data and Analytical Methodologies

Porcine reproductive and respiratory syndrome (PRRS) is a virus that is also known as blue-ear pig disease. This economically important, panzootic disease causes reproductive failure in breeding stock and respiratory tract illness in young pigs. Clinical signs include dramatic reproductive losses, increased pneumonia, and reduced pig growth.

An “Assessment of the Economic Impact of Porcine Reproductive and Respiratory Syndrome Virus on United States Pork Producers,” created by the Iowa State University and published in the *Journal of Swine Health and Production*, in 2013, compiled data from the U.S. Department of Agriculture, a survey of swine veterinarians on the incidence and impact of PRRS, and production records from commercial farms with known PRRS status. Animal-level economic impact of productivity losses and other costs attributed to PRRS were estimated using an enterprise budgeting approach and extrapolated to the national level on the basis of the US breeding herd inventory, number of pigs marketed, and number of pigs imported for growing. The total cost of productivity losses due to PRRS in the US national breeding and growing-pig herd was estimated at \$664 million annually, an increase from the \$560 million annual cost estimated in 2005.

According to a February 16, 2016, article from the *Scientific American*,

“One of the worst things that can happen to a pig farmer is a pen infected with porcine reproductive and respiratory syndrome virus (PRRSV). It emerged in the 1980s, and the syndrome now afflicts these hoofed animals worldwide, causing illness, death and miscarriage. In fact, it has been designated the most economically significant disease for swine, costing livestock producers in North America \$600 million annually from deaths and medical treatments. Vaccinations have mostly failed to prevent the syndrome's spread.”

Similar to PRRS, the swine enteric coronavirus disease (SECD) has a substantial economic burden given that it is highly infectious, resulting in significant morbidity and mortality in piglets.

PEDv is a coronavirus that affects swine, causing diarrhea and vomiting, and death of 50-100 percent of infected piglets. Adult pigs can become infected and lose weight after being infected but generally do not have mortality. PEDv has persisted and spread, and now has been detected in 36 states. USDA's Animal and Plant Health Inspection Service (APHIS) has deemed PEDv a reportable disease.

Wisconsin's swine production ranks 19th in the nation, supports more than 5,000 jobs and produces more than \$136 million in annual income. Given these factors, it is important that these diseases are controlled as they can seriously affect the state's hog production industry.

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This proposed rule is industry driven and based on several meetings with and requested changes made by the PRRS/SECD Eradication Task Force. The proposed rule has been approved by the Wisconsin Pork Association.

Standards Incorporated by Reference

None.