

CR 84-132

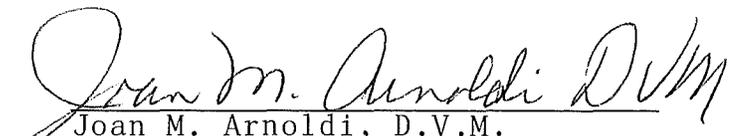
STATE OF WISCONSIN )  
 )  
DEPARTMENT OF AGRICULTURE, ) SS.  
TRADE & CONSUMER PROTECTION )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Joan M. Arnoldi, Administrator, Animal Health Division, State of Wisconsin Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of said Division, do hereby certify that the annexed order amending rules relating to pseudorabies control, Chapter Ag 10, Wis. Adm. Code, was duly approved and adopted by the Department on December 13, 1984.

I further certify that said copy has been compared by me with the original on file in the Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Department offices in the city of Madison, this 13th day of December, 1984.

  
Joan M. Arnoldi, D.V.M.  
Administrator  
Animal Health Division

RECEIVED

DEC 13 1984  
4:25pm  
Revisor of Statutes  
Bureau

12-1-85

1 PROPOSED ORDER OF THE  
2 STATE OF WISCONSIN  
3 DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION  
4 ADOPTING, AMENDING OR REPEALING RULES  
5 To amend Ag 10.04(1)(b) and (4), to create Ag 10.12(6) and to  
6 repeal and recreate Ag 10.57 relating to pseudorabies control.

---

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

The department's proposed rule would repeal and recreate s. Ag 10.57, Wis. Adm. Code, relating to the control of swine pseudorabies. It would also amend Ag 10.04, Wis. Adm. Code to modify the wording required on health certificates accompanying imported swine; to require a pseudorabies retest on imported swine within 30-45 days after arrival, rather than within 15-30 days as now required; and to eliminate current language requiring the condemnation and destruction of all infected or exposed swine whenever evidence of hog cholera is disclosed in imported swine. Under new Ag 10.12(6) swine from a quarantined herd would be identified in a distinctive manner.

Under s. Ag 10.30, Wis. Adm. Code, pseudorabies has been defined as a contagious or infectious disease of animals, within the meaning of s. 95.16, Stats. As such, it is subject to various quarantine and control actions by the department. Section Ag 10.57, Wis. Adm. Code currently sets forth provisions related to pseudorabies control, including specific standards for the issuance and release of quarantines on swine herds suspected of being infected or exposed to pseudorabies.

By repealing and recreating s. Ag 10.57, the proposed rule would implement 1983 Wisconsin Act 132, which created s. 95.27, Stats. relating to a control and indemnification program for swine pseudorabies. Pursuant to s. 95.27, Stats. the proposed rule would direct the department to maintain a program of surveillance sampling for pseudorabies, including blood samples routinely taken from swine at time of slaughter. Whenever the department detects pseudorabies in any surveillance sample, the department would be required to initiate an investigation to determine the source and extent of pseudorabies exposure among swine herds in Wisconsin. The investigation may include additional testing of swine herds suspected of exposure.

The proposed rule would repeal existing standards and requirements for the imposition of pseudorabies quarantines, and would substitute a discretionary standard under which the department may impose a quarantine whenever the department reasonably suspects a pseudorabies infection or exposure in a herd. Before issuing a

herd quarantine based on a routine surveillance (slaughter) sample, the department must consider the reliability of the sample and test results, and the certainty with which the sample and test result indicate a pseudorabies exposure in the herd. The department must respond in 10 days to a request for the use of pseudorabies vaccine.

Under s. 95.27, Stats. and the proposed rule, the department may condemn and order the destruction of swine whenever the department determines that condemnation and destruction are necessary to prevent or reduce the spread of pseudorabies. The department shall indemnify the owners of breeding swine over six months of age which are condemned or destroyed, to the extent authorized under s. 95.27(4), Stats. Indemnities may not be paid unless the herd owner enters into a herd plan agreement with the department within 60 days after the initial date of quarantine. The herd plan must be designed and carried out to eradicate pseudorabies in the affected herd within 24 months. Progress under the herd plan is to be reviewed at least once every 90 days.

If a herd owner fails to enter into a herd plan within 60 days after initial herd quarantine, the herd owner is not entitled to indemnities in the event that condemnation and destruction become necessary. If a herd owner fails to comply with the herd plan, the department may give written notice to the herd owner revoking the herd owner's eligibility for indemnities. Any person adversely affected by an order for the quarantine, condemnation or destruction of swine, or by the revocation of a herd owner's eligibility for indemnities, may demand a public hearing before the department.

1 Pursuant to authority vested in the State of Wisconsin depart-  
 2 ment of agriculture, trade and consumer protection by ss. 93.07(1)  
 3 and 95.27, Stats., the State of Wisconsin department of agricul-  
 4 ture, trade and consumer protection proposes to amend, repeal and  
 5 recreate rules interpreting ss. 93.07(10), 95.16, 95.23, 95.27 and  
 6 95.31, Stats. as follows:

7 SECTION 1: Ag 10.04(1)(b) and (4) are amended to read:

8 (1)(b) A statement that: "To the best of my knowledge, ~~no~~  
 9 ~~pseudorabies vaccine has been used and~~ no pseudorabies, swine  
 10 dysentery or transmissible gastroenteritis (TGE) has been diagnosed  
 11 in the herd of origin within the past 60 days and no pseudorabies

1 vaccine has been used on these identified swine."

2 (4) QUARANTINE AND RETEST. All swine imported into this  
3 state shall be segregated and quarantined separate and apart from  
4 all other swine on the premises for a period of 30 days after  
5 arrival. A retest for pseudorabies shall be conducted, at owner's  
6 expense, not less than ~~15~~ 30 nor more than ~~30~~ 45 days after  
7 arrival. The department may inspect all imported swine ~~and if~~  
8 ~~evidence of hog cholera is disclosed, all infected and exposed~~  
9 ~~swine shall be condemned and destroyed.~~

10 SECTION 2: Ag 10.12(6) is created to read:

11 (6)(a) Pseudorabies exposed.

12 Any swine that are part of a herd under quarantine for pseu-  
13 dorabies shall be identified in a manner which will make these  
14 swine easily recognized as being infected or exposed to pseudo-  
15 rabies prior to movement from the premises. The method of iden-  
16 tification shall be approved by the department.

17 (b) Swine moved from a quarantined premise directly to a  
18 recognized slaughter establishment and accompanied by a shipping  
19 permit are exempt from par. (a).

20 SECTION 3: Ag 10.57 is repealed and recreated to read:

21 Ag 10.57 PSEUDORABIES CONTROL.

22 (1) SURVEILLANCE SAMPLES; TESTING. The department shall  
23 maintain a program of surveillance sampling for pseudorabies,  
24 under which the department obtains blood or tissue samples from  
25 Wisconsin swine on a systematic basis, and tests the samples for  
26 pseudorabies. Samples taken as part of the surveillance sampling  
27 program may include blood samples routinely taken from swine at

1 time of slaughter.

2 (2) INVESTIGATION; HERD TESTING. Whenever the department  
3 detects pseudorabies in any surveillance sample under sub. (1),  
4 the department shall initiate an investigation to determine the  
5 sources and extent of the pseudorabies exposure among swine herds  
6 in Wisconsin. The investigation may include additional testing of  
7 swine herds suspected of having been exposed to pseudorabies.

8 (3) QUARANTINE. The department may, in its discretion,  
9 quarantine swine whenever the department reasonably suspects that  
10 the swine are infected with or have been exposed to pseudorabies,  
11 and may apply the quarantine to all swine located on the quaran-  
12 tine premises. Before issuing a herd quarantine based on the test  
13 results of a surveillance sample taken under sub. (1), the depart-  
14 ment shall consider the reliability of the sample and test result,  
15 and the certainty with which the sample and test result indicate a  
16 pseudorabies exposure in the herd proposed for quarantine.

17 (4) CONDEMNATION; ELIGIBILITY FOR INDEMNITIES. The depart-  
18 ment may condemn and order the destruction of swine whenever the  
19 department determines that condemnation and destruction are nec-  
20 essary to prevent or reduce the spread of pseudorabies, as pro-  
21 vided in s. 95.27, Stats. The department shall indemnify the  
22 owners of breeding swine over 6 months of age which are condemned  
23 and destroyed, to the extent authorized under s. 95.27(4), Stats.  
24 Indemnities may not be paid unless the owner of the affected swine  
25 enters into a herd plan for the eradication of pseudorabies, as  
26 provided in s. 95.27(5), Stats. and sub. (5).

27 (5) HERD PLAN. (a) A herd plan is an agreement between the

1 department and an owner of swine for the eradication of pseudo-  
2 rabies. A herd plan shall be designed to eradicate pseudorabies  
3 in the affected herd within 24 months after the first date of herd  
4 quarantine. The herd plan may include provisions for inspection,  
5 examination, sampling, testing, vaccination, quarantine, and dis-  
6 position of swine and other susceptible animals.

7 (b) The owner of swine which are quarantined for pseudo-  
8 rabies may enter into a herd plan with the department within 60  
9 days after the initial date of quarantine. If the owner fails to  
10 enter into a herd plan with the department within 60 days, the  
11 herd owner is no longer eligible to enter into a herd plan, and is  
12 no longer eligible for indemnities in the event of swine  
13 condemnation or destruction under sub. (4). The department may  
14 extend the 60 day time period at its discretion.

15 (c) Following the signing of a herd plan, the department and  
16 the herd owner shall review the owner's performance under the  
17 herd plan and the progress of the herd plan at least once every 90  
18 days. Performance and progress shall be documented by the depart-  
19 ment. Eradication of pseudorabies shall be accomplished under the  
20 herd plan within 24 months after the plan is signed, or within 24  
21 months after the first date of herd quarantine, whichever occurs  
22 first. The time period for eradication may be extended by the  
23 department. If an owner fails or refuses to comply with a herd  
24 plan, the department may give written notice to the owner revoking  
25 the owner's eligibility for indemnities in the event of condem-  
26 nation or destruction under sub. (4). Notice shall be signed by  
27 the administrator of the department's animal health division.

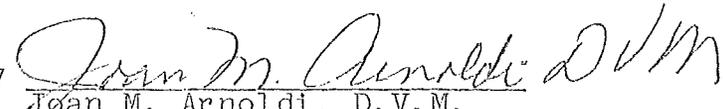
1 (6) REQUEST FOR PERMIT. The department will respond within  
2 10 days to a request for a permit to use pseudorabies vaccine when  
3 the request is made by the owner of a herd of swine in which  
4 pseudorabies has been detected.

5 (7) RIGHT OF HEARING. Any person adversely affected by an  
6 order for the quarantine, condemnation or destruction of swine, or  
7 by the revocation of a herd owner's eligibility for indemnities,  
8 may, within 5 days, demand a public hearing before the department  
9 on the action, pursuant to s. 93.18 and ch. 227, Stats.

10 SECTION 3: The rules contained in this order shall take  
11 effect on the first day of the month following publication in the  
12 Wisconsin administrative register, as provided in s. 227.026(1)  
13 (intro.), Stats.

14 Dated this 13 day of Dec., 1984.

15  
16 STATE OF WISCONSIN  
17 DEPARTMENT OF AGRICULTURE,  
18 TRADE AND CONSUMER PROTECTION

19 By   
20 Joan M. Arnoldi, D.V.M.  
Administrator, Animal Health Division

21 JM/T2/AH/SP2  
22 12/13/84--7  
23  
24  
25  
26  
27