

STATE OF WISCONSIN)
)
DEPARTMENT OF AGRICULTURE) ss.
TRADE AND CONSUMER PROTECTION)

Docket No. 95-R-2

Clearinghouse Rule
No. 95-013

CERTIFICATION:

I, Alan T. Tracy, Secretary, State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of said Department, do hereby certify that the annexed order revising chapters ATCP 10 and 11, Wisconsin Administrative Code, relating to animal diseases and animal movement, was duly approved and adopted by the Department on May 30, 1995.

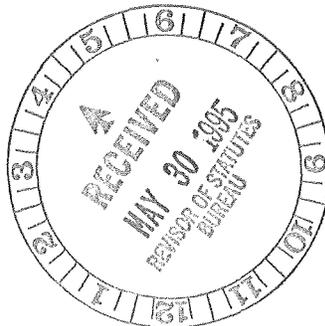
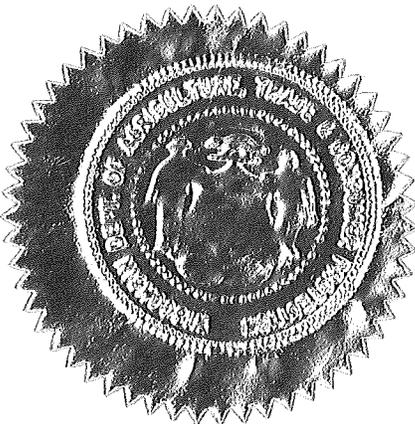
I further certify that I have compared the attached copy to the original on file in the Department and that the attached copy is a complete and accurate copy of the original.

Signed and sealed this
30th day of May, 1995.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION



Alan T. Tracy
Secretary



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 adopts the following order to repeal ATCP
3 10.30(6) and 11.23(1); to amend ATCP 10.30(4)(a)2 and (5),
4 11.20(2)(b)3 and 4, 11.23(2)(a)1 and (b)1, 11.30(1)(a)2, and
5 11.62(2)(b) and (c)3; to repeal and recreate ATCP 10.30(2) and
6 (7), 11.30(2)(a), 11.34(1) and 11.62(6)(a); and to create ATCP
7 11.20(5)(b)5 and 11.62(6)(am); relating to pseudorabies, swine
8 brucellosis and equine infectious anemia.

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

10

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

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

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

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

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

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

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

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

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

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

26 (c) The swine test negative for pseudorabies not more than

1 30 days before they are added to the herd, and retest negative
2 between 30 and 45 days after they are added to the herd. The
3 swine shall be isolated from other swine in the herd until they
4 retest negative except that, in an emergency, the department may
5 waive the requirement that a boar be isolated from other swine in
6 the herd.

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

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

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

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

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

20 **SECTION 7.** ATCP 11.23(1) is repealed.

21 **SECTION 8.** ATCP 11.23(2)(a)1 and (b)1 are amended to read:

22 ATCP 11.23(2)(a)1 A sow or boar ~~intended for breeding, if~~
23 ~~the sow or boar~~ that is more than 5 months old or weighs more
24 than 175 pounds.

25 (b)1 A sow or boar under par. (a)1, or any swine under par.
26 (a)2, originating from a qualified pseudorabies negative herd, a

1 qualified pseudorabies negative grow-out herd, or a stage IV or V
2 area designated by the national pseudorabies control board.

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

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

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

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

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

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

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

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

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

26 (b) The sale or transfer occurs on or before January 31 of

1 any calendar year and the animal has been tested for equine
2 infectious anemia during the preceding calendar year.

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

4 ATCP 11.62(2)(b) No person may exhibit any breeding swine
5 at a fair or livestock exhibition unless the swine tests negative
6 for pseudorabies in a pseudorabies test performed ~~within~~ not more
7 than 30 days prior to exhibition before the person exhibits that
8 swine, or the swine originates from a qualified pseudorabies
9 negative herd, ~~or~~ a qualified pseudorabies negative grow-out herd
10 in this state, or a stage IV or V state or area designated by the
11 national pseudorabies control board.

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

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

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.

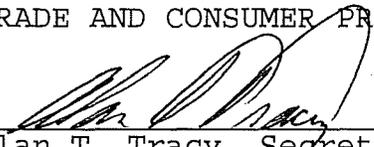
SECTION 14. ATCP 11.62(6) (am) is created to read:

(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 30th day of May, 1995.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION



Alan T. Tracy, Secretary