



# Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <https://rules.wyo.gov>

Revised August 2023

<b>1. General Information</b>			
a. Agency/Board Name*			
b. Agency/Board Address		c. City	d. Zip Code
e. Name of Agency Liaison		f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address			
h. Date of Public Notice		i. Comment Period End Date	
j. Public Comment URL or Email Address:			
k. Program			
Amended Program Name (if applicable):			
* <input type="checkbox"/> By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.			
<b>2. Legislative Enactment</b> For purposes of this Section 2, "new" only applies to regular non-emergency rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.			
a. Are these non-emergency regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?			
<input type="checkbox"/> No. <input type="checkbox"/> Yes. If the rules are new, please provide the Legislative Chapter Number and Year Enacted:		Chapter:	Year:
<b>3. Rule Type and Information</b> For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.			
a. Provide the Chapter Number, Title and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			

#### **4. Public Comments and Hearing Information**

a. A public hearing on the proposed rules has been scheduled.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:
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b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption.

Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

#### **5. Federal Law Requirements**

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements.  No.  Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:

Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

#### **6. State Statutory Requirements**

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b.  The Agency has completed a takings assessment as required by W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

**7. Additional APA Provisions**

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

\_\_\_\_\_

(Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

\_\_\_\_\_

(Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

**8. Authorization**

a. I certify that the foregoing information is correct.

*Printed Name of Authorized Individual*

*Title of Authorized Individual*

*Date of Authorization*



# Wyoming Livestock Board

"To represent and serve Wyoming's livestock industry through protecting livestock health and verifying livestock ownership."

1934 Wyott Drive, Cheyenne, Wyoming 82002-0051

Phone: (307) 777-7515 ■ Fax: (307) 777-6561 ■ Website: <http://wlsb.state.wy.us>

**Mark Gordon**  
Governor

**Hallie Hasel, DVM-State Veterinarian**



**Steve True**  
Director-Chief Executive  
Officer

## Statement of Principal Reasons

### Chapter 6 Brucellosis Risk Mitigation Activities and Compensation

The Chapter 6 rules have been revised to more clearly define groups eligible for brucellosis testing compensation and to update the reimbursement protocols. Additionally, the chapter sections were ordered more appropriately for reader efficiency.

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#### Board Members

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Shaun Sims  
Evanston  
President

Kirby Camino  
Buffalo  
Vice President

Hugh Hageman  
Fort Laramie

John Eversole  
Rock Springs

Mary Owens  
Casper

Weston Jones  
Thermopolis

Lexie Painter  
Lusk

**Chapter 6**  
**Brucellosis Risk Mitigation Activities and Compensation**

**Section 1. Authority to Create Rules.** The following rules are promulgated pursuant to Wyoming Statutes §§ 11-19-405 through -407 and 11-18-103(a)(v) ~~and are effective July 1, 2023.~~

**Section 2. Definitions Used in Rules.**

(a) If a term used in these rules is not defined below, refer to the Board’s Chapter 2 Brucellosis Management and Mitigation rules.

(i) “Adult Brucellosis Vaccination” means the vaccination of female Bovinae over 12 months of age with RB 51 vaccine following the protocol outlined by USDA APHIS.

(ii) “Brucellosis Mitigation Plan” means:

(A) A written document based on a Brucellosis Risk Assessment outlining the practices a Herd owner will utilize to mitigate the risk of Brucellosis exposure to the Herd that is signed by both the Wyoming State Veterinarian and the Herd owner or manager;

(B) A Wyoming State Veterinarian recommendation in writing that spaying heifers, adult vaccination, or both is warranted based on a risk assessment; or

(C) Voluntary surveillance testing deemed appropriate in writing by the Wyoming State Veterinarian.

(iii) “Chapter 2 Rules” means the Board’s Brucellosis Management and Mitigation rules, which establish protocol for vaccination, testing, and response for Brucellosis in Bovinae.

(iv) “Custom Slaughter Establishment” means a slaughter plant where livestock is slaughtered and processed for the owner of the livestock only and the product is not offered for public sale or commercial use.

(v) “Designated Surveillance Area” or “DSA” means that area as defined in the Board’s Chapter 2 Rules.

(vi) “Designated Surveillance Area-Origin Bovinae” or “Bovinae originating within the Designated Surveillance Area” means Bovinae that have moved or will move from a premises located wholly or partially within the defined boundaries of the Designated Surveillance Area.

(vii) “Mandatory Testing” means any Brucellosis testing required by the Board or USDA APHIS.

(viii) “Spaying” means any surgical procedure by which female Bovinae are rendered permanently infertile as certified by a licensed veterinarian.

(ix) “Temporary Surveillance Area” means an area designated by the Board and approved by the Governor as an area where risk of exposure to documented Brucellosis infected wildlife is of concern.

(x) “Temporary Surveillance Area-Origin Bovinae” or “Bovinae originating within a Temporary Surveillance Area” means Bovinae that have moved or will move from a premises located wholly or partially within the defined boundaries of a Temporary Surveillance Area.

(xi) “Testable Sample” means a blood sample, collected using a clean and separate needle, syringe and container, for Brucellosis testing in such condition that the tests conducted will yield valid results, as determined by the serology technicians at the testing laboratory.

(xii) “USDA APHIS” means the United States Department of Agriculture Animal and Plant Health Inspection Service.

### **Section 3. Payment Subject to Availability of Funds.**

(a) All payments authorized by these rules are contingent upon the availability of funding and will be issued at the sole discretion of the Board. The Wyoming State Veterinarian may, with Board approval, allow payment within statutory limits other than that set by these rules upon written request describing the extenuating circumstances that support payment in excess of the amounts set by these rules.

(b) Under extenuating circumstances, the Wyoming State Veterinarian may authorize payments for completed activities when documents or approvals were not submitted by the deadlines set in these rules.

### **Section 4. ~~Compensation for Voluntary Surveillance Testing.~~ Compensation for Mandatory Testing.**

(a) ~~To be eligible for compensation for voluntary surveillance testing conducted on Bovinae from the Designated Surveillance Area or a Temporary Surveillance Area, the owner or manager for whom testing is performed must have a Brucellosis Mitigation Plan, which must include a determination that voluntary surveillance testing is warranted. The Board will pay compensation for Mandatory Testing directly to a Category II Accredited Veterinarian and, if applicable, to an Approved Livestock Market pursuant to W.S. § 11-19-407 (c). The Board will make payment upon receipt of official Brucellosis test charts from the testing laboratory.~~

(b) ~~Payments will be made directly to a Category II Accredited Veterinarian and, if applicable, an Approved Livestock Market pursuant to W.S. 11-19-407(c). The Board will make payments upon receipt of official Brucellosis test charts from the testing laboratory. The Board will only pay compensation for Testable Samples that are received at the Wyoming State~~

Veterinary Laboratory or another USDA APHIS approved Brucellosis testing laboratory in properly labeled tubes and with properly completed, legible USDA APHIS Brucellosis test charts. The reason for the test must be specified on the test chart as “DSA,” “Temporary Surveillance area,” or “Epidemiologic Testing.”

(c) An owner or manager is not required to have a Brucellosis Mitigation Plan or a Brucellosis Risk Assessment for the Category II Accredited Veterinarian to be eligible for compensation for Mandatory Testing.

(d) For Mandatory Testing of Test-Eligible Bovinae originating within the Designated Surveillance Area or a Temporary Surveillance Area, the compensation rate is \$5.00 per head tested.

(e) For Mandatory Testing at Approved Livestock Markets of Test-Eligible Bovinae originating within the Designated Surveillance area or a Temporary Surveillance Area, the Compensation rate is \$5.50 per head tested.

(f) If Mandatory Testing of Test-Eligible Bovinae originating within the Designated Surveillance Area or a Temporary Surveillance Area occurs at an Approved Livestock Market and that market supplies labor to move the Bovinae through the alleys and chutes, the Board will pay that market \$2.00 per head tested. If a Category II Accredited Veterinarian supplies this labor, the Category II Accredited Veterinarian will receive this payment in addition to the \$5.50 per head for testing, and the Approved Livestock Market will not receive compensation. To be compensated for labor, the Board must receive an invoice for the labor, including a legible copy of the Brucellosis test charts delineating the test-Eligible Bovinae, within 30 days after the end of the month in which testing occurred.

~~(i) — The compensation rate for voluntary surveillance testing is \$5.00 per head if the animal tested has been within the boundaries of the Designated Surveillance Area or a Temporary Surveillance Area.~~

~~(ii) — The Board will only pay compensation for Testable Samples that are received at the Wyoming State Veterinary Laboratory or another USDA APHIS approved Brucellosis testing laboratory in properly labeled tubes and with properly completed, legible USDA APHIS Brucellosis test charts. The reason for the test must be specified on the test chart as “DSA” or “Temporary Surveillance Area.”~~

## **Section 5. Compensation for Spaying Heifers. Compensation for Voluntary Surveillance Testing.**

(a) To be eligible for compensation for Spaying heifers, the Spaying must be authorized by an Affected Herd Management Plan or a Brucellosis Mitigation Plan. The compensation rate for Spaying heifers is \$6.50 per head. The veterinarian Spaying the heifers shall submit an invoice to the Board listing: (1) the number of heifers Spayed; (2) the ownership of the heifers Spayed; and (3) whether the heifers Spayed are Designated Surveillance Area-Origin Bovinae or Temporary Surveillance Area-Origin Bovinae. To be eligible for

compensation for voluntary surveillance testing conducted on Bovinae from the Designated Surveillance Area or a Temporary Surveillance Area, the owner or manager for whom testing is performed must have a Brucellosis Mitigation Plan that authorizes voluntary surveillance testing.

~~(b) Compensation will be paid only if one or more of the following conditions apply:~~

(b) Payments will be made directly to a Category II Accredited Veterinarian and, if applicable, an Approved Livestock Market pursuant to W.S. 11-19-407 (c) as follows:

~~(i) The Herd is infected with Brucellosis;~~ (i) Upon receipt of official Brucellosis test charts from the testing laboratory, the Board will create an invoice and submit it to the veterinarian or market for approval.

~~(ii) The Herd is under Quarantine as an adjacent or a contact Herd;~~ (ii) The veterinarian or market must submit approval or corrections to the invoice within 30 days of the date that the Board sent the invoice for approval.

~~(iii) The risk of exposure or transmission of Brucellosis to the Herd is high due to a documented commingling event during the period of February through June;~~ (iii) If the Board approves corrections, the Board will re-send the corrected invoice for approval, which must be approved within 30 days of resubmission.

~~(iv) The risk of exposure or transmission of Brucellosis to the Herd is increased due to increased numbers of elk or wild bison in the vicinity of the Herd during the period of February through June; or~~ (iv) If the Board does not receive approval or corrections within the allotted time, the invoice is deemed approved as sent.

~~(v) There is documentation that the Herd was exposed to an event of abortion or calving by elk or wild bison at any time of year.~~ (v) Once the invoice is approved, the Board will make payment.

(c) The compensation rate for voluntary surveillance testing is \$5.00 per head if the animal tested has been within the boundaries of the Designated Surveillance Area or a Temporary Surveillance Area.

(d) The Board will only pay compensation for Testable Samples that are received at the Wyoming State Veterinary Laboratory or another USDA APHIS approved Brucellosis testing laboratory in properly labeled tubes and with properly completed, legible USDA APHIS Brucellosis test charts. The reason for the test must be specified on the test chart as "DSA," "Temporary Surveillance Area," or "Epidemiologic Testing."

## **Section 6. Compensation for Adult Vaccination of Female Bovinae.** **Compensation for Spaying Heifers.**

~~(a) To be eligible for compensation for Adult Brucellosis Vaccination, the Adult Brucellosis Vaccination must be authorized by a Brucellosis Mitigation Plan.~~ (a) To be eligible for compensation for Spaying heifers, the Spaying must be authorized by an Affected Herd



Management Plan or a Brucellosis Mitigation Plan. The compensation rate for Spaying heifers is \$6.50 per head. The veterinarian shall submit an invoice to the Board within 30 days after the end of the month in which the Spaying was performed for a particular herd. The invoice must list: (1) the number of heifers Spayed; (2) the ownership of the heifers Spayed; (3) whether the heifers Spayed are Designated Surveillance Area-Origin Bovinae or Temporary Surveillance Area-Origin Bovinae.

~~(b) — The compensation rate for Adult Brucellosis Vaccination is \$3.50 per head. (b) Compensation will be paid only if one or more of the following conditions apply:~~

~~(c) — The Board will make payment upon receipt of a properly completed Adult Brucellosis Vaccination certificate and an invoice listing:-~~

~~(i) — The number of Bovinae that received an Adult Brucellosis Vaccination;~~  
and (i) The Herd is infected with Brucellosis:

~~(ii) — The ownership of the Bovinae that received an Adult Brucellosis Vaccination-~~ (ii) The Herd is under Quarantine as an adjacent or a contact Herd:

(iii) The risk of exposure or transmission of Brucellosis to the Herd is high due to a documented commingling event during the period of February through June;

(iv) The risk of exposure or transmission of Brucellosis to the Herd is increased due to increased numbers of elk or wild bison in the vicinity of the Herd during the period of February through June: or

(v) There is documentation that the Herd was exposed to an event of abortion or calving by elk or wild bison at any time of year.

### **Section 7. Compensation for Mandatory Testing. Compensation for adult Vaccination of Female Bovinae.**

~~(a) — The Board will pay compensation for Mandatory Testing directly to a Category II-Accredited Veterinarian and, if applicable, to an Approved Livestock Market pursuant to W.S. §-11-19-407(c). The Board will make payment upon receipt of official Brucellosis test charts from the testing laboratory.~~

(a) To be eligible for compensation for Adult Brucellosis Vaccination, the Adult Brucellosis Vaccination must be authorized by a Brucellosis Mitigation Plan.

~~(b) — The Board will only pay compensation for Testable Samples that are received at the Wyoming State Veterinary Laboratory or another USDA APHIS approved Brucellosis testing laboratory in properly labeled tubes and with properly completed, legible USDA APHIS-Brucellosis test charts. The reason for the test must be specified on the test chart as “DSA” or “Temporary Surveillance Area.”~~

(b) The compensation rate for Adult Brucellosis Vaccination is \$3.50 per head.

~~(e) — An owner or manager is not required to have a Brucellosis Mitigation Plan or a Brucellosis Risk Assessment for the Category II Accredited Veterinarian to be eligible for compensation for Mandatory Testing.~~

(c) Upon receipt of a properly completed Adult Brucellosis Vaccination certificate, the Board will create an invoice and submit it to the veterinarian for approval.

~~(d) — For Mandatory Testing of Test Eligible Bovinae originating within the Designated Surveillance Area or a Temporary Surveillance Area, the compensation rate is \$5.00 per head tested.~~

(d) The veterinarian must submit approval or corrections to the invoice within 30 days of the date that the Board sent the invoice for approval.

~~(e) — For Mandatory Testing at Approved Livestock Markets of Test Eligible Bovinae originating within the Designated Surveillance Area or a Temporary Surveillance Area, the compensation rate is \$5.50 per head tested.~~

(e) If the Board approves corrections, the Board will re-send the corrected invoice for approval, which must be approved within 30 days of resubmission.

~~(f) — If Mandatory Testing of Test Eligible Bovinae originating within the Designated Surveillance Area or a Temporary Surveillance Area occurs at an Approved Livestock Market and that market supplies labor to move the Bovinae through the alleys and chutes, the Board will pay that market \$2.00 per head tested. If a Category II Accredited Veterinarian supplies this labor, the Category II Accredited Veterinarian will receive this payment in addition to the \$5.50 per head for testing, and the Approved Livestock Market will not receive compensation.~~

(f) If the Board does not receive approval or corrections within the allotted time, the invoice is deemed approved as sent.

(g) Once the invoice is approved, the Board will make payment.

## **Section 8. Compensation for Testing at Custom Slaughter Establishments.**

(a) For a Custom Slaughter Establishment to be eligible for compensation for Brucellosis testing of Test Eligible Bovinae, it must agree to collect a Testable Sample during the slaughter process and to submit the Testable Sample to the Wyoming State Veterinary Laboratory.

(b) The Board will pay a Custom Slaughter Establishment \$3.50 per head for each slaughtered ~~Test Eligible~~ Bovinae 12 months of age or older from which the facility collected a Testable Sample if:

(i) The Bovinae Directly Moved to the Custom Slaughter Establishment from the Designated Surveillance Area or a Temporary Surveillance Area; or

(ii) The Bovinae was subject to a Brucellosis Mitigation Plan.

(c) The Board will make payment to a Custom Slaughter Establishment as follows:

~~upon receipt of official Brucellosis test charts from the testing laboratory.~~

(i) Upon receipt of official Brucellosis test charts from the testing laboratory, the Board will create an invoice and submit it to the establishment for approval.

(ii) The establishment must submit approval or corrections to the invoice within 30 days of the date that the Board sent the invoice for approval.

(iii) If the Board approves corrections, the Board will re-send the corrected invoice for approval, which must be approved within 30 days of resubmission.

(iv) If the Board does not receive approval or corrections within the allotted time, the invoice is deemed approved as sent.

(v) Once the invoice is approved, the Board will make payment.

## **Chapter 6**

### **Brucellosis Risk Mitigation Activities and Compensation**

**Section 1. Authority to Create Rules.** The following rules are promulgated pursuant to Wyoming Statutes §§ 11-19-405 through -407 and 11-18-103(a)(v).

#### **Section 2. Definitions Used in Rules.**

(a) If a term used in these rules is not defined below, refer to the Board's Chapter 2 Brucellosis Management and Mitigation rules.

(i) "Adult Brucellosis Vaccination" means the vaccination of female Bovinae over 12 months of age with RB 51 vaccine following the protocol outlined by USDA APHIS.

(ii) "Brucellosis Mitigation Plan" means:

(A) A written document based on a Brucellosis Risk Assessment outlining the practices a Herd owner will utilize to mitigate the risk of Brucellosis exposure to the Herd that is signed by both the Wyoming State Veterinarian and the Herd owner or manager;

(B) A Wyoming State Veterinarian recommendation in writing that spaying heifers, adult vaccination, or both is warranted based on a risk assessment; or

(C) Voluntary surveillance testing deemed appropriate in writing by the Wyoming State Veterinarian.

(iii) "Chapter 2 Rules" means the Board's Brucellosis Management and Mitigation rules, which establish protocol for vaccination, testing, and response for Brucellosis in Bovinae.

(iv) "Custom Slaughter Establishment" means a slaughter plant where livestock is slaughtered and processed for the owner of the livestock only and the product is not offered for public sale or commercial use.

(v) "Designated Surveillance Area" or "DSA" means that area as defined in the Board's Chapter 2 Rules.

(vi) "Designated Surveillance Area-Origin Bovinae" or "Bovinae originating within the Designated Surveillance Area" means Bovinae that have moved or will move from a premises located wholly or partially within the defined boundaries of the Designated Surveillance Area.

(vii) "Mandatory Testing" means any Brucellosis testing required by the Board or USDA APHIS.

(viii) "Spaying" means any surgical procedure by which female Bovinae are

rendered permanently infertile as certified by a licensed veterinarian.

(ix) “Temporary Surveillance Area” means an area designated by the Board and approved by the Governor as an area where risk of exposure to documented Brucellosis infected wildlife is of concern.

(x) “Temporary Surveillance Area-Origin Bovinae” or “Bovinae originating within a Temporary Surveillance Area” means Bovinae that have moved or will move from a premises located wholly or partially within the defined boundaries of a Temporary Surveillance Area.

(xi) “Testable Sample” means a blood sample, collected using a clean and separate needle, syringe and container, for Brucellosis testing in such condition that the tests conducted will yield valid results, as determined by the serology technicians at the testing laboratory.

(xii) “USDA APHIS” means the United States Department of Agriculture Animal and Plant Health Inspection Service.

### **Section 3. Payment Subject to Availability of Funds.**

(a) All payments authorized by these rules are contingent upon the availability of funding and will be issued at the sole discretion of the Board. The Wyoming State Veterinarian may, with Board approval, allow payment within statutory limits other than that set by these rules upon written request describing the extenuating circumstances that support payment in excess of the amounts set by these rules.

(b) Under extenuating circumstances, the Wyoming State Veterinarian may authorize payments for completed activities when documents or approvals were not submitted by the deadlines set in these rules.

### **Section 4. Compensation for Mandatory Testing.**

(a) The Board will pay compensation for Mandatory Testing directly to a Category II Accredited Veterinarian and, if applicable, to an Approved Livestock Market pursuant to W.S. § 11-19-407(c). The Board will make payment upon receipt of official Brucellosis test charts from the testing laboratory.

(b) The Board will only pay compensation for Testable Samples that are received at the Wyoming State Veterinary Laboratory or another USDA APHIS approved Brucellosis testing laboratory in properly labeled tubes and with properly completed, legible USDA APHIS Brucellosis test charts. The reason for the test must be specified on the test chart as “DSA,” “Temporary Surveillance Area,” or “Epidemiologic Testing.”

(c) An owner or manager is not required to have a Brucellosis Mitigation Plan or a Brucellosis Risk Assessment for the Category II Accredited Veterinarian to be eligible for

compensation for Mandatory Testing.

(d) For Mandatory Testing of Test-Eligible Bovinae originating within the Designated Surveillance Area or a Temporary Surveillance Area, the compensation rate is \$5.00 per head tested.

(e) For Mandatory Testing at Approved Livestock Markets of Test-Eligible Bovinae originating within the Designated Surveillance Area or a Temporary Surveillance Area, the compensation rate is \$5.50 per head tested.

(f) If Mandatory Testing of Test-Eligible Bovinae originating within the Designated Surveillance Area or a Temporary Surveillance Area occurs at an Approved Livestock Market and that market supplies labor to move the Bovinae through the alleys and chutes, the Board will pay that market \$2.00 per head tested. If a Category II Accredited Veterinarian supplies this labor, the Category II Accredited Veterinarian will receive this payment in addition to the \$5.50 per head for testing, and the Approved Livestock Market will not receive compensation. To be compensated for labor, the Board must receive an invoice for the labor, including a legible copy of the Brucellosis test charts delineating the Test-Eligible Bovinae, within 30 days after the end of the month in which testing occurred.

#### **Section 5. Compensation for Voluntary Surveillance Testing.**

(a) To be eligible for compensation for voluntary surveillance testing conducted on Bovinae from the Designated Surveillance Area or a Temporary Surveillance Area, the owner or manager for whom testing is performed must have a Brucellosis Mitigation Plan that authorizes voluntary surveillance testing.

(b) Payments will be made directly to a Category II Accredited Veterinarian and, if applicable, an Approved Livestock Market pursuant to W.S. 11-19-407(c) as follows:

(i) Upon receipt of official Brucellosis test charts from the testing laboratory, the Board will create an invoice and submit it to the veterinarian or market for approval.

(ii) The veterinarian or market must submit approval or corrections to the invoice within 30 days of the date that the Board sent the invoice for approval.

(iii) If the Board approves corrections, the Board will re-send the corrected invoice for approval, which must be approved within 30 days of resubmission.

(iv) If the Board does not receive approval or corrections within the allotted time, the invoice is deemed approved as sent.

(v) Once the invoice is approved, the Board will make payment.

(c) The compensation rate for voluntary surveillance testing is \$5.00 per head if the animal tested has been within the boundaries of the Designated Surveillance Area or a Temporary

Surveillance Area.

(d) The Board will only pay compensation for Testable Samples that are received at the Wyoming State Veterinary Laboratory or another USDA APHIS approved Brucellosis testing laboratory in properly labeled tubes and with properly completed, legible USDA APHIS Brucellosis test charts. The reason for the test must be specified on the test chart as “DSA,” “Temporary Surveillance Area,” or “Epidemiologic Testing.”

#### **Section 6. Compensation for Spaying Heifers.**

(a) To be eligible for compensation for Spaying heifers, the Spaying must be authorized by an Affected Herd Management Plan or a Brucellosis Mitigation Plan. The compensation rate for Spaying heifers is \$6.50 per head. The veterinarian shall submit an invoice to the Board within 30 days after the end of the month in which the Spaying was performed for a particular herd. The invoice must list: (1) the number of heifers Spayed; (2) the ownership of the heifers Spayed; and (3) whether the heifers Spayed are Designated Surveillance Area-Origin Bovinae or Temporary Surveillance Area-Origin Bovinae.

(b) Compensation will be paid only if one or more of the following conditions apply:

(i) The Herd is infected with Brucellosis;

(ii) The Herd is under Quarantine as an adjacent or a contact Herd;

(iii) The risk of exposure or transmission of Brucellosis to the Herd is high due to a documented commingling event during the period of February through June;

(iv) The risk of exposure or transmission of Brucellosis to the Herd is increased due to increased numbers of elk or wild bison in the vicinity of the Herd during the period of February through June; or

(v) There is documentation that the Herd was exposed to an event of abortion or calving by elk or wild bison at any time of year.

#### **Section 7. Compensation for Adult Vaccination of Female Bovinae.**

(a) To be eligible for compensation for Adult Brucellosis Vaccination, the Adult Brucellosis Vaccination must be authorized by a Brucellosis Mitigation Plan.

(b) The compensation rate for Adult Brucellosis Vaccination is \$3.50 per head.

(c) Upon receipt of a properly completed Adult Brucellosis Vaccination certificate, the Board will create an invoice and submit it to the veterinarian for approval.

(d) The veterinarian must submit approval or corrections to the invoice within 30 days of the date that the Board sent the invoice for approval.

(e) If the Board approves corrections, the Board will re-send the corrected invoice for approval, which must be approved within 30 days of resubmission.

(f) If the Board does not receive approval or corrections within the allotted time, the invoice is deemed approved as sent.

(g) Once the invoice is approved, the Board will make payment.

**Section 8. Compensation for Testing at Custom Slaughter Establishments.**

(a) For a Custom Slaughter Establishment to be eligible for compensation for Brucellosis testing of Test Eligible Bovinae, it must agree to collect a Testable Sample during the slaughter process and to submit the Testable Sample to the Wyoming State Veterinary Laboratory.

(b) The Board will pay a Custom Slaughter Establishment \$3.50 per head for each slaughtered Bovinae 12 months of age or older from which the facility collected a Testable Sample if:

(i) The Bovinae Directly Moved to the Custom Slaughter Establishment from the Designated Surveillance Area or a Temporary Surveillance Area; or

(ii) The Bovinae was subject to a Brucellosis Mitigation Plan.

(c) The Board will make payments to a Custom Slaughter Establishment as follows:

(i) Upon receipt of official Brucellosis test charts from the testing laboratory, the Board will create an invoice and submit it to the establishment for approval.

(ii) The establishment must submit approval or corrections to the invoice within 30 days of the date that the Board sent the invoice for approval.

(iii) If the Board approves corrections, the Board will re-send the corrected invoice for approval, which must be approved within 30 days of resubmission.

(iv) If the Board does not receive approval or corrections within the allotted time, the invoice is deemed approved as sent.

(v) Once the invoice is approved, the Board will make payment.