



Notice of Intent to Adopt Rules

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

Revised June 2020

<u>1. General Information</u>			
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.			
<u>2. Legislative Enactment</u> 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 Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):			
<u>3. Rule Type and Information</u> 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 Repealed	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 Repealed	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 Repealed	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 Repealed	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 Repealed	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):			

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:
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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.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	

Statement of Principal Reasons

Wyoming Livestock Board Chapter 6 Rules: Brucellosis Risk Mitigation Activities and Compensation

The Wyoming Livestock Board is proposing amendments to the Chapter 6 rules governing Brucellosis risk mitigation activities and compensation. Brucellosis is an infectious disease of animals and humans caused by the bacterium *Brucella abortus*, and causes abortion and infertility in cattle. The Wyoming Brucellosis mitigation program has been in effect for many years and has been successful. The Board is proposing to revise Chapter 6 to more clearly identify the requirements for compensation due in part to the enactment of Senate Enrolled Act No. 41 (Senate File 29) during the 2023 legislative session. That act removed the requirement that a person seeking compensation for Brucellosis risk mitigation activities must submit a notarized invoice containing certain information and instead authorized the Board to establish in rule what documentation is necessary for compensation.

Currently, Chapter 6 groups “Surveillance Testing, Spaying, and Adult Brucellosis Vaccination” in one section, and “Mandatory Testing” in another. The proposed version separates Voluntary Surveillance Testing, Spaying, Adult Vaccination, Mandatory Testing, and Custom Slaughter Testing into individual sections. This structure more clearly identifies the requirements for each, and eliminates redundancy in the chapter.

The other amendments/revisions to the rule are intended to update language and clarify definitions.

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. 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.

Section 4. 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, which must include a determination that voluntary surveillance testing is warranted.

(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.

(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.

(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.

(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 6. 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) 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

(ii) The ownership of the Bovinae that received an Adult Brucellosis Vaccination.

Section 7. 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” or “Temporary Surveillance Area.”

(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.

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

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 twelve (12) months of age with RB 51 vaccine following the protocol outlined in the current Brucellosis Eradication Uniform Methods and Rules (UMR) or other APHIS directive.~~ by USDA APHIS.

(ii) ~~“Brucellosis Area of Concern” means that area as defined in the Board’s Chapter 2 Rules or as amended by a Board order.~~ “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.

(iv) “Designated Surveillance Area” or “DSA” means that area as defined in the Board’s Chapter 2 Rules ~~or as amended by a Board order.~~

(iv) “Designated Surveillance Area-Origin Bovinae” or “Bovinae originating within the Designated Surveillance Area” means Bovinae that have moved or will move from a

~~farm, ranch, or range 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.

~~(ixviii) “Surveillance Testing” means optional testing for Brucellosis other than that testing done to satisfy Chapter 2 Rules test requirements or USDA APHIS test requirements, including testing provided for under the terms of a Brucellosis Mitigation Plan. “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 that is received at the Wyoming State Veterinary Laboratory or other USDA APHIS approved Brucellosis testing laboratory in such condition that the tests conducted will yield valid results, as determined by the serology technicians at that 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. 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.

Section 4. Compensation for Voluntary Surveillance Testing, Spaying, and Adult Brucellosis Vaccination.

(a) ~~To be eligible for compensation for Surveillance Testing, Spaying, and Adult Brucellosis Vaccination, the owner or manager for whom the services are rendered must have a Brucellosis Mitigation Plan, which must include a Brucellosis Risk Assessment. 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.~~

~~(b) To be eligible for compensation for voluntary Surveillance Testing conducted on Bovinae from a Brucellosis Area of Concern, the owner or manager for whom testing is performed must have a Brucellosis Risk Assessment that determines that voluntary Surveillance Testing is warranted. 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.~~

~~(c) Approval from the Wyoming State Veterinarian or his designee is required prior to Spaying or performing Adult Brucellosis Vaccination if compensation is sought pursuant to these rules. A Brucellosis Mitigation Plan is considered prior approval as long as the procedure is specifically listed as a part of the Brucellosis Mitigation Plan.~~

~~(d) 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 payment upon receipt of a notarized invoice indicating: (1) the number of head tested, Spayed, or Adult Brucellosis Vaccinated; (2) the ownership of the animals tested, Spayed, or Adult Brucellosis Vaccinated; and (3) the location where testing, Spaying, or Adult Brucellosis Vaccinating occurred. Invoice forms may be obtained from the offices of the Board.~~

(i) The compensation rate for voluntary surveillance testing ~~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. ~~Brucellosis Area of Concern. However, the compensation rate is \$5.50 per head tested for Surveillance Testing at Approved Livestock Markets of Test Eligible Bovinae originating within the Designated Surveillance Area. 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 APHIS Brucellosis test charts showing the official identification, vaccination status, age, breed, and gender of each animal represented. The reason for the test must be specified on the test chart as “DSA” or “Brucellosis Area of Concern.”~~

(ii) ~~If Surveillance Testing of Test Eligible Bovinae originating within the Designated 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. 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.”~~

(iii) ~~The compensation rate for Spaying Bovinae originating within the Designated Surveillance Area is \$6.50 per head only if one or more of the following conditions apply:~~

~~(A) — The Herd is infected with Brucellosis;~~

~~(B) — The Herd is under quarantine as an adjacent or a contact Herd;~~

~~(C) — 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;~~

~~(D) — 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~~

~~(E) — 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.~~

~~(iv) — If a Brucellosis Mitigation Plan allows Adult Brucellosis Vaccination, the compensation rate for Adult Brucellosis Vaccination of female Bovinae within the Designated Surveillance Area or a Brucellosis Area of Concern will be \$3.50 per head.~~

~~(v) — The Wyoming State Veterinarian may, with Board approval, allow payment within statutory limits other than that set by the Board in subsection (d)(i), (iii), or (iv) upon written request describing the extenuating circumstances that support payment in excess of the amounts in (d)(i), (iii), or (iv).~~

Section 5. Compensation for Spaying Heifers. ~~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 a notarized invoice indicating the number of head tested, the ownership of the animals tested, and the testing location. Invoice forms are available at the offices of the Board. 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.~~

~~(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 APHIS Brucellosis test charts showing the official identification, vaccination status, age, breed, and gender for each animal represented. The reason for the test must be specified on the test chart as “DSA” or “Brucellosis Area of Concern.” Compensation will be paid only if one or more of the following conditions apply:~~

~~(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) — The Board will determine the amount paid for Mandatory Testing on a per-head basis and will review the payment schedule annually.~~

~~(i) For Mandatory Testing of Test-Eligible Bovinae originating within the Designated Surveillance Area, the compensation rate is \$5.00 per head tested. The Herd is infected with Brucellosis;~~

~~(ii) For Mandatory Testing at Approved Livestock Markets of Test-Eligible Bovinae originating within the Designated Surveillance Area, the compensation rate is \$5.50 per head tested. The Herd is under Quarantine as an adjacent or a contact Herd;~~

~~(iii) If Mandatory Testing of Test-Eligible Bovinae originating within the Designated 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. 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 Board will pay a Custom Slaughter Facility \$3.50 per head for each slaughtered Bovinae from which the facility collected a Testable Sample. 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.~~

~~(e) — The Wyoming State Veterinarian may, with Board approval, allow payment within statutory limits other than those set by the Board in subsection (d)(i) upon written request describing the extenuating circumstances that support payment in excess of the amount specified in (d)(i).~~

Section 6. 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) 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

(ii) The ownership of the Bovinae that received an Adult Brucellosis Vaccination.

Section 7. 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 a notarized invoice indicating the number of head tested, the ownership of the animals tested, and the testing location. Invoice forms are available at the offices of the Board.~~ 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, showing the official identification, vaccination status, age, breed, and gender for each animal represented. The reason for the test must be specified on the test chart as “DSA” or “Brucellosis Area of Concern.” “Temporary Surveillance Area.”

(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) ~~The Board will determine the amount paid for Mandatory Testing on a per head basis and will review the payment schedule annually. 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.

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