

## CHAPTER 6

### **BRUCELLOSIS RISK MITIGATION ACTIVITIES AND REIMBURSEMENT COMPENSATION**

**Section 1. Authority to Create Rules.** ~~(a) Pursuant to the authority vested in the Wyoming Livestock Board by virtue of~~ The following rules are promulgated pursuant to Wyoming Statutes 11-19-405 through 407; and 11-18-103(v). ~~the following rules are hereby promulgated.~~

**Section 2. Purpose of Rules.**

~~(a) These rules are adopted to provide general guidance and establish eligibility and compensation parameters for payment to Accredited Veterinarians and Approved Livestock Auction Markets participating in Brucellosis testing, Adult Brucellosis Vaccination and Spaying activities.~~

**Section 3. Severability**

~~(a) If any portion of these rules is found to be invalid or unenforceable, the remainder of the rules shall continue in effect.~~

**Section 2.4. Definitions Used in Rules.**

(a) If ~~not a term in these rules is not~~ defined below, refer to the Wyoming Livestock Board's Chapter 2 Vaccination Against and Surveillance for Brucellosis Management and Mitigation rules.

(i) "Adult Brucellosis Vaccination" means the vaccination of female ~~cattle~~ 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.

~~(ii) "Approved Livestock Market" means a livestock market that is licensed by the Board, and has in place a signed livestock marketing facility agreement with USDA APHIS, to handle cattle under conditions required by the Cooperative State Federal Brucellosis Eradication Program.~~

~~(iii) "Board" means the Wyoming Livestock Board, State Agency 051, 1934 Wyott Drive, Cheyenne, WY 82002, (307) 777-7515.~~

~~(iv) "Brucellosis" means an infectious disease of animals and humans caused by Brucella abortus.~~

~~(vii) "Brucellosis Area of Concern" means that area as defined in the Board's Chapter 2 Rules or as amended by a Board order. 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.

~~(vi) “Category II Accredited Veterinarian” means an individual who is licensed to practice veterinary medicine and is approved by the USDA/APHIS to perform Category II accredited duties on all livestock species and poultry in the specific state(s) where he or she practices.~~

~~(viii) “Chapter 2 Rules” means the Wyoming Livestock Board’s Vaccination Against and Surveillance for Brucellosis Management and Mitigation rules, which establish protocol for vaccination, testing, and response for Brucellosis in cattle Bovinae.~~

~~(viii) “Custom Slaughter Facility” means a slaughter plant that is licensed and or inspected by the State of Wyoming 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.~~

~~(ixv) “Designated Surveillance Area” or “DSA” means that area as defined in the Board’s Chapter 2 rules or as amended by a Board order. shall be that area as defined in the Wyoming Livestock Board’s Chapter 2 Rules or as amended by a board order.~~

~~(xv) “Designated Surveillance Area-Origin Bovinae Cattle” or “Bovinae originating within the Designated Surveillance Area” means cattle Bovinae that have moved or will move from a farm, ranch, or range located within the defined boundaries of the Designated Surveillance Area.~~

~~(xi) “Herd” means all Bovinae under common ownership or supervision that are grouped on one or more parts of any single premise; or all Bovinae under common ownership or supervision on two or more premises that are geographically separated but in which the animals have been interchanged or had contact with animals from different premises. It will be assumed that contact between animals of the same species on the different premises has occurred unless the owner establishes otherwise and the results of the epidemiologic investigation are consistent with the lack of contact between premises.~~

~~(xii) “Herd Plan” means a written document outlining practices a livestock producer will undertake to minimize the exposure of his/her cattle or domestic bison to Brucellosis. It shall be based on a completed Herd Risk Assessment. The Herd Plan will be valid when the State Veterinarian or his designee and the herd owner/manager have signed it.~~

~~(xiii) “Herd Risk Assessment” means an evaluation of the potential risk a cattle or domestic bison herd has for exposure to Brucellosis infected elk, bison, or cattle. The Assessment shall be performed by Wyoming Livestock Board personnel.~~

~~(xivvi) “Mandatory Testing” means any Brucellosis testing required by the Wyoming Livestock Board and/or United States Department of Agriculture, Animal and Plant Health Inspection Service or USDA APHIS.~~

~~(xv) —“Official Adult Vaccinate” means a female Bovinae that is over twelve (12) months of age when first vaccinated for Brucellosis using the recommended dose of a vaccine approved by the USDA APHIS VS Administrator and the Board. Prior approval by the Wyoming State Veterinarian, or his authorized representative, is required and may include Brucellosis testing. All adult vaccinates will be identified as such by an appropriate tattoo in the right ear or other method approved by the Wyoming State Veterinarian. Each Bovinae shall have a USDA approved individual official identification device which shall be reported on the appropriate certificate and forwarded to the appropriate state and federal animal health agencies within 14 days of vaccination.~~

~~(xvi) —“Official Booster Vaccinate” means either an Official Adult Vaccinate or an Official Calhhood Vaccinate re-vaccinated for Brucellosis using the recommended dose of a vaccine approved by the USDA APHIS VS Administrator and the Board. Prior approval by the Wyoming State Veterinarian, or his authorized representative, is required either on a case-by-case basis or through a Herd Plan. Individual official identification will be confirmed and recorded for each Bovinae which shall be reported on the appropriate certificate and forwarded to the appropriate state and federal animal health agencies.~~

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

~~(xviii) “Surveillance Testing” means optional testing for Brucellosis other than that testing done to satisfy Chapter 2 Brucellosis Rules test requirements or United States Department of Agriculture, Animal and Plant Health Inspection Service USDA APHIS test requirements, including testing provided for under the terms of a valid Herd Brucellosis Mitigation Plan.~~

~~(xix) “Testable Sample” means a blood sample, collected using a clean and separate needle, syringe and container, for Brucellosis testing ~~which that~~ is received at the Wyoming State Veterinary Laboratory (WSVL) or other USDA APHIS approved Brucellosis testing laboratory in such condition that the tests conducted will yield valid results. ~~The testability of any sample will be as determined by the serology technicians at WSVL that~~ laboratory.~~

~~(xx) —“Test Eligible” means all sexually intact female ~~cattle~~ or female domestic bison eighteen (18) months of age and over (as evidenced by the full eruption of at least one of the first pair of permanent incisor teeth). All Bovinae that are visibly pregnant or Post Parturient are test eligible regardless of age.~~

~~(xxi) “USDA/APHIS/VS” means the United States Department of Agriculture, Animal and Plant Health Inspection Service, ~~Veterinary Services~~.~~

~~(xxii) —“Wyoming State Veterinarian” means a Wyoming Accredited Veterinarian, employed by the Board, who serves as the State Veterinarian for the State of Wyoming as outlined in W.S. 11-19-101.~~

## **Section 5. — Penalty for Violation of Rules**

~~(a) — Penalties for a violation of these rules shall be pursuant to law.~~

**Section 36. Payment Subject to Availability of Funds.** ~~(a)~~ All payments authorized by these Rules are contingent upon the availability of funding and ~~shall~~ will be issued at the sole discretion of the Board.

## **Section 47. Compensation for Brucellosis Surveillance Testing, Spaying, and Adult Brucellosis Vaccination.**

~~(a) To be eligible for c~~Compensation for ~~Brucellosis Surveillance Testing, Spaying, and Adult Brucellosis Vaccination,~~ shall require the ~~producer or owner or manager~~ for whom the services are rendered ~~to have a valid~~ must have a Herd Brucellosis Mitigation Plan, which shall include a ~~Herd~~ Brucellosis Risk Assessment.

~~(i) — A valid Herd Plan or Herd Risk Assessment is not required for voluntary Surveillance Testing conducted on cattle from a Brucellosis Area of Concern.~~

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

~~(c) Surveillance Testing of cattle from a Brucellosis Area of Concern shall be compensated at the same rate set for Mandatory Testing~~ 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) — The Board shall determine the amount of compensation on a per head basis depending on the Herd Risk Assessment and may decline compensation if the Herd Risk Assessment does not warrant the activity.~~

~~(e)~~ (d) Payments ~~shall~~ will be made directly to a Category II Accredited Veterinarian and, if applicable, or an Approved Livestock Market pursuant to W.S. § 11-19-407(c). The Board will make payment ~~shall be made~~ upon submission ~~receipt to the Board~~ 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 location occurred. Invoice forms may be obtained from the offices of the Board.

(i) Payment ~~The compensation rate for Surveillance Testing shall be made at is~~

\$5.00 per head if the animal tested has been within the boundaries of the Designated Surveillance Area or a 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 ~~Payment will only be made for~~ Testable Samples ~~which~~ 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 or 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.

(iii) Payment~~The compensation rate for Spaying heifers~~Bovinae originating within the Designated Surveillance Area shall be at \$6.50 per head only ~~under the following pre-approved conditions if one or more of the following conditions apply:~~

(A) ~~A~~The Hherd is infected; ~~or~~ with Brucellosis;

(B) ~~A~~The Hherd is under quarantine as an adjacent or a contact Hherd;

~~or~~

(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; ~~or~~

(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 ~~cattle~~the Herd during the period of February through June; or

(E) There is Documenteddocumentation that the Herd was ~~exposure~~exposed to an event of a cattle herd to an elk or bison abortion or calving by elk or wild bison event at any time of year.

(iiiiv) ~~Payment for Adult Vaccination of female cattle within the Designated Surveillance Area or Brucellosis Area of Concern shall be made at \$3.50 per head, subject to an approved Herd Plan that allows such.~~ 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.

(iv) The Wyoming State Veterinarian may, with Board approval, allow payment within statutory limits other than that set by the Board in subsection (ed)-(i), (ii), or (iiiiv) upon written request describing the extenuating circumstances which support payment in excess of the

amounts in (ed)-(i), (ii), or (iii).

**Section 58. Compensation for Mandatory Brucellosis Testing.**

(a) ~~Payment~~The Board will pay compensation for Mandatory Brucellosis Testing shall be made directly to a ~~Wyoming~~Category II Accredited Veterinarian and/or, if applicable, to an Approved Livestock Market pursuant to W.S. § 11-19-407(c). The Board will make payment shall be made upon ~~submission~~receipt to the Board of a notarized invoice indicating the number of head tested, the ownership of the animals tested, and the testing location. Invoice forms ~~may be obtained from~~are available at the offices of the Board.

(b) ~~Payment~~The Board will only pay compensation be made for Testable Samples ~~which~~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~~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.”

(c) ~~Payment for Mandatory Testing shall not require a Herd Plan or Herd Risk Assessment.~~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 ~~shall~~will determine the amount paid for Mandatory Testing on a per-head basis and ~~shall~~will review the payment schedule annually.

(i) ~~For Mandatory Testing of Test-Eligible cattle~~Bovinae originating within the Designated Surveillance Area, shall the compensation rate is ~~be paid at~~\$5.00 per head tested.

(ii) ~~For Mandatory Testing at Approved Livestock Markets of Test-Eligible Bovinae originating within~~of Designated Surveillance Area, origin cattle at Approved Livestock Markets shall be paid at the compensation rate is \$5.50 per head tested.

(iii) ~~Approved Livestock Markets where Mandatory Testing of Designated Surveillance Area origin Test Eligible cattle occurs shall be paid \$2.00 per head tested at the market if the market supplies labor to move the cattle through the alleys and chutes. If the Wyoming Accredited Veterinarian supplies this labor, the Veterinarian will receive this payment in addition to the \$5.50 per head for testing, and the Market will not receive compensation.~~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 Approved Livestock Market will not receive compensation.

(iv) ~~Mandatory Testing for Brucellosis samples collected by~~The Board will

~~pay a Wyoming Custom Slaughter operations Facility on slaughtered cattle shall be paid at \$3.50 per head for each slaughtered Bovinae from which the facility collected a Testable Samples.~~

(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 ~~which~~that support payment in excess of the amount specified in (d)-(i).