

CHAPTER 6
BRUCELLOSIS RISK MITIGATION ACTIVITIES – PROJECT ELIGIBILITY AND REIMBURSEMENT

Section 1. Authority to Create Rules.

- (a) Pursuant to the authority vested in the Wyoming Livestock Board by virtue of W.S. 11-19-407 and Senate Enrolled Act 105, Section 051, Footnote 2, 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: 1) Accredited Veterinarians and Approved Livestock Auction Markets participating in Brucellosis testing, Adult Brucellosis Vaccination and Spaying activities; and 2) Reimbursement to cattle producers participating in Approved Brucellosis Risk Mitigation Projects within the Designated Surveillance Area.

Section 3. Definitions used in Rules.

- (a) If not defined below, refer to the Wyoming Livestock Board's Chapter 2 Vaccination Against and Surveillance for Brucellosis rules.
- (i) "Adult Brucellosis Vaccination" means the vaccination of female cattle over twelve (12) months of age with RB51 vaccine following the protocol outlined in the current Brucellosis Eradication Uniform Methods and Rules (UMR). Adult Brucellosis Vaccination requires that the animal is also tested for Brucellosis at the time of vaccination.
- (ii) "Approved Brucellosis Risk Mitigation Project" means a project approved pursuant to Section 7 of these rules whereby a producer may receive funding for activities which mitigate the risk of exposure to Brucellosis and/or the transmission of Brucellosis from potentially infected wildlife to cattle within the Designated Surveillance Area.
- (iii) "Approved Livestock Market" means a livestock market that is approved by the State of Wyoming to handle cattle under conditions required by the cooperative State-Federal Brucellosis Eradication Program.
- (iv) "Board" means the Wyoming Livestock Board, state agency 051, 1934 Wyo Drive, Cheyenne, WY 82002, (307) 777-7515.
- (v) "Brucellosis" means an infectious disease of animals and humans caused by *Brucella abortus*.
- (vi) "Brucellosis Class Free Status" means a classification standard for a state that has been certified as fulfilling the requirements of this status on initial classification or reclassification by the state animal health official, and the United States Department of Agriculture, Animal and Plant Health Inspection Service Veterinary Services.

- Included among the requirements for Class Free Status are that the Bovinae herds in the state or area within the state must have remained free from infections with field strains of *Brucella abortus* for at least twelve (12) months.
- (vii) “Chapter 2 Rules” means the Wyoming Livestock Board Vaccination Against and Surveillance for Brucellosis rules which establish protocol for vaccination, testing, and response for Brucellosis in cattle.
 - (viii) “Designated Surveillance Area” shall be that area as defined in the Wyoming Livestock Board’s Chapter 2 Rules.
 - (ix) “Designated Surveillance Area Origin Female Cattle” means cattle that have moved or will move from a farm or ranch located within the defined boundaries of the Designated Surveillance Area.
 - (x) “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.
 - (xi) “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.
 - (xii) “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.
 - (xiii) “In-Kind Contribution” means payment made by contributing anything of ascertainable value, such as labor or materials, in lieu of money.
 - (xiv) “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.
 - (xv) “Official Adult Vaccinate” means a female Bovinae that is over twelve (12) months of age when vaccinated for Brucellosis using the approved vaccination procedure outlined in the Brucellosis Eradication Uniform Methods and Rules (UMR), and only after approval is issued by the Wyoming State Veterinarian. The Bovinae shall be properly identified as an adult vaccinate by Board Approved Individual Identification, and an adult vaccination tattoo, and shall be reported on the appropriate certificate to the appropriate State and Federal animal health agencies.

- (xvi) “Post Parturient” means a Bovinae that has given birth.
- (xvii) “Spaying” means the surgical removal of the ovaries from female cattle by either the paralumbar fossa or the trans-vaginal approach, or any other surgical procedure by which female cattle are rendered permanently infertile and is performed by a Wyoming licensed veterinarian.
- (xviii) “Strategic” means the condition under which an activity is undertaken specifically to prevent the commingling or exposure of cattle to potentially infected elk or bison, or their calving or feedground areas.
- (xix) “Surveillance Testing” means optional testing for Brucellosis other than that testing done to satisfy Chapter 2 Brucellosis test requirements or United States Department of Agriculture, Animal and Plant Health Inspection Service test requirements, including testing provided for under the terms of a valid Herd Plan.
- (xx) “Test Eligible” means all sexually intact female cattle or female domestic bison eighteen (18) months of age and over (as evidenced by the loss of the first pair of temporary 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 Accredited Veterinarian” means an individual who is licensed to practice veterinary medicine in the state of Wyoming and is accredited by the United States Department of Agriculture, Animal Plant and Health Inspection Service in Wyoming.
- (xxiii) “Wyoming Livestock Board Director” means the chief executive officer of the Board, as outlined in W.S. 11-18-110.
- (xxiv) “Wyoming State Veterinarian” means an 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 4. Payment Subject to Availability of Funds.

- (a) All payments authorized by these Rules are contingent upon the availability of funding and shall be at the sole discretion of the Board.

Section 5. Compensation for Brucellosis Surveillance Testing, Spaying, and Adult Brucellosis Vaccination.

- (a) Compensation for Brucellosis Surveillance Testing, Spaying, and Adult Brucellosis Vaccination shall require the applicant to have a valid Herd Plan, which shall include a Herd Risk Assessment.

- (b) Approval from the Board or its designee is required prior to Spaying or Adult Brucellosis Vaccination if compensation is sought pursuant to these rules.
- (c) 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.
- (d) Payments shall be made directly to a Wyoming Accredited Veterinarian pursuant to W.S. § 11-19-407(c). The payment shall be made upon submission to the Board of a notarized invoice indicating the number of head tested, Spayed, or Adult Brucellosis Vaccinated, the ownership of the animals tested, Spayed, or Adult Brucellosis Vaccinated and the testing, Spaying, or Adult Brucellosis Vaccinating location. Invoice forms may be obtained from the offices of the Board.
 - (i) Payment for Surveillance Testing shall be made at \$5.00 per head if the animal is tested within the boundaries of the Designated Surveillance Area.
 - (ii) Payment for Spaying heifers within the Designated Surveillance Area shall be at \$6.50 per head under the following pre-approved conditions:
 - (A) A herd is infected; or
 - (B) A herd is under quarantine as an adjacent or a contact herd; or
 - (C) The risk of exposure/transmission is high due to a documented commingling event during the period of January through June; or
 - (D) The risk of exposure/transmission is increased due to increased numbers of elk or bison in the vicinity of cattle during the period of January through June; or
 - (E) Documented exposure of a cattle herd to an elk or bison abortion or calving event at any time of year.
 - (iii) Payment for Adult Vaccination of female cattle within the Designated Surveillance Area shall be made at \$3.50 per head. This does not include payment for the requisite pre-vaccination test which shall be paid separately as referenced in (i) above.
- (e) The Wyoming State Veterinarian may, with Board approval, allow payment within statutory limits other than that set by the Board in subsection (d) (i), (ii), or (iii) upon written request describing the extenuating circumstances which support payment in excess of the amounts in (d) (i), (ii), or (iii).

Section 6. Compensation for Mandatory Brucellosis Testing.

- (a) Payment for Mandatory Brucellosis Testing shall be made directly to a Wyoming Accredited Veterinarian and/or Approved Livestock Market pursuant to W.S. § 11-19-407(c). The payment shall be made upon submission 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 the offices of the Board.

- (b) Payment for Mandatory Testing shall not require a Herd Plan or Herd Risk Assessment.
- (c) The Board shall determine the amount paid for Mandatory Testing on a per head basis and shall review the payment schedule annually.
 - (i) Mandatory Testing of Test Eligible female cattle within the Designated Surveillance Area shall be paid at \$5.00 per head.
 - (ii) Mandatory Testing of Designated Surveillance Area origin female cattle at Approved Livestock Auction Markets shall be paid at \$3.50 per head.
 - (iii) Approved Livestock Auction Markets where Mandatory Testing of Designated Surveillance Area origin test eligible female 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 \$3.50 per head for testing, and the Market will not receive compensation.

Section 7. Compensation for Approved Brucellosis Risk Mitigation Projects.

- (a) A completed application, including cost estimates, fully describing the Project shall be approved as described below prior to the Project beginning. Application forms may be obtained from the offices of the Board, located at 1934 Wyatt Drive, Cheyenne, WY 82002, 307-777-6443; or the Riverton Field Office at 610 Fairground Road, Riverton, WY 82501, 307-857-4140.
- (b) The Wyoming Livestock Board Director and Wyoming State Veterinarian shall review each application and approve or deny it according to its merit and specific benefit to the State of Wyoming's interest in Brucellosis risk management. The Director and State Veterinarian may elect to offer partial funding to the applicant if full funding is not available or appropriate. A contract between the applicant and the Board shall be signed prior to the Project beginning. A Project shall only be considered approved when a contract has been properly executed between the applicant and the Board.
- (c) Compensation for any Approved Brucellosis Risk Mitigation Project shall require the applicant to have a valid Herd Plan which includes a Herd Risk Assessment and is consistent with the Wyoming Livestock Board's Chapter 2 Rules.
- (d) Possible examples of Eligible Brucellosis Risk Mitigation Projects include, but are not limited to the following:
 - (i) Strategic fencing;
 - (ii) Emergency Strategic relocation of cattle that is not part of routine management;
 - (iii) Strategic elk or bison feeding authorized by the Wyoming Game and Fish Department and the Board when funds are not available through the Wyoming Game and Fish Department;

- (iv) Strategic water source development needed to relocate cattle; and/or
 - (v) Emergency feed necessary to comply with provisions of a Brucellosis quarantine.
- (e) All Approved Brucellosis Risk Mitigation Project costs must be documented with receipts submitted to the Board. Compensation shall only be made for Approved Brucellosis Risk Mitigation Projects after the Project is completed, the Board receives verifiable cost documentation, and the Project is inspected by the Director or State Veterinarian or their designee.
- (f) The cost of an Approved Brucellosis Risk Mitigation Project shall be shared pursuant to the terms of a contract between the applicant and the Board.
- (i) Compensation/reimbursement shall be at the sole discretion of the Board.
 - (ii) The percentage of Board funding shall be dependent on the Herd Risk Assessment and the level at which the Project specifically benefits the State's interest in Brucellosis risk management and provides public benefit.
 - (iii) The Board shall not pay more than 60% on any Approved Brucellosis Mitigation Project but may pay less.
 - (iv) Up to 100% of the applicant's total required contribution toward an Approved Brucellosis Risk Mitigation Project may be an In Kind Contribution with the remaining percentage of the total contribution required to be monetary.
 - (v) A Brucellosis Risk Mitigation Project conducted on an emergency basis to prevent elk or bison commingling with cattle and for which there was not time for a producer to acquire advanced approval from the Wyoming Livestock Board Director and/or State Veterinarian may be funded at the discretion of the Wyoming Livestock Board Director and/or State Veterinarian with Board approval.