

Chairman:
Agriculture Committee



99-168-pt 01
AS 50 Member:
Conservation & Land Use
Consumer Affairs
Natural Resources
Utilities

Al Ott
State Representative • 3rd Assembly District
ASSEMBLY AGRICULTURE COMMITTEE

MEMO

**TO: Members of the Assembly Agriculture
Committee**

FROM: Representative Al Ott, Chair

DATE: July 25, 2000

RE: Clearinghouse Rule 99-168

The following clearinghouse rule has been referred to the Assembly Agriculture Committee for a thirty-day review period:

Clearinghouse Rule 99-168
Relating to animal diseases, animal movement and livestock markets, dealers and truckers.

The deadline for action on this rule is **August 19, 2000**. Enclosed packet includes the rule background and summary. The proposed final draft is 135 pages long and if you would like a copy of it, please contact Beata in my office (6-5831).

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 99-168

AN ORDER to repeal ATCP 10.01 (3) to (5), (6m), (13m), (17m), (34), (39), (61m), (66), (70) (c) and (72m), 10.151, 10.19 to 10.20, 10.30, 10.305, 10.335, 10.50 (4) (c), 10.60, 10.61 (4) and (5), 11.01 (3) to (5), (8), (20m), (39), (47), (61) and (62), 11.13, 11.16, 11.21, 11.31, 11.53 (2) (e), 11.56 (2) (g), 11.60 (5) (b), 12.01 (21), (22) and (27), 12.02 (2) (e) and (f) and (2r) (c), 12.03 (2) (c) and (d) and (2r) (c), 12.04 (2) (c) and (2r) (c) and 12.08 (11); to renumber ATCP 10.01 (45) (i), 10.32, 11.01 (54) (i), 12.01 (20) (i) and 12.06 (2) (a) to (d); to renumber and amend ATCP 12.06 (2) (e); to amend ATCP 1.03 (2) (b) 2. and (Note), 10.01 (1) (intro.) and (b), (14), (15), (15m), (16), (20m), (22m), (25), (29), (40), (43), (44), (45) (f) 2., (55), (60), (69m), (69r) and (72), 10.21 (6) (intro.), (11) (a), (b) 1., (c) (intro.) and (d), 10.50 (2) (b) and (c), 10.63 (6) (intro.) and (11) (a), (b) 1. and (c), 10.65 (title) and (1) (intro.), 10.651, 10.652 (3) (a) and (b) and (5) (a) (Note), 10.68 (1) (k), (13) (a) 1. and 2. and (14) (a) and (c), 10.71 (title) and (1) (a), 11.01 (1) (intro.), (7), (17), (18), (18m), (24), (27), (29m), (32), (35), (49), (50), (52), (53), (54) (e) and (f) 2., (63), (68), (71), (80m), (80r), (83) and (85), 11.10 (1) (a) 1. and (4) (d), 11.14 (title), (1) and (Note), (3) (c) and (d), (4) and (5) (intro.) and (b), 11.17, 11.32 (3) (c) and (d), (5) and (6) (b), 11.50 to 11.52, 11.53 (2) (a) to (c), 11.54 (title), (1) (title) and (intro.) and (4), 11.545 (title), (1) (b) (title), (2) (a), (b) 1. and (c), 11.55 (2) (b) 3. to 5., 11.56 (title), (1) (title) and (1), (2) (f), (3) and (4) (a), 11.58 (1) (k) and (2) (intro.), 11.59 (1) (e), (2) (a) (intro.) and (3) (a) and (b), 11.60 (2) and (5) (c), 11.62 (2) (a), (b), (c) 3. and (4) (b), 11.71 (1) (a), 11.72 (4), 12.01 (10), (18), (19), (20) (f) 2. and (24), 12.02 (2m) (a) 2. and (2r) (b), 12.03 (2r) (b) and (2w) (title), 12.04 (2r) (b), 12.05 (1) (a), (2) (a), (4) and (5) (b) and 12.08 (12); to repeal and recreate ATCP 10.01 (26), (31), (60m) and (70) (b), 10.02, 10.10 to 10.15, 10.16 to 10.18, 10.31, 10.33, 10.34, 10.40 (1), 10.41 (1) and (2), 10.62, 10.652 (7) and (8) (b), 10.66, 10.67, 10.72 (1) (d), 11.01 (33), (37) and (81) (b), 11.02, 11.03, 11.10 (2) and (3), 11.11, 11.12, 11.20, 11.22, 11.23, 11.30, 11.34, 11.53 (1), 11.54 (2) and (3), 11.545 (3), 11.55 (title), (1), (3) and (4), 11.57, 11.62 (5) and (6), 11.72 (2), 12.06 (1) and 12.08 (2) and (10); and to create ATCP 1.03 (1) (a) 11. and 12., 10.01 (2) (Note), (9m), (14m), (25m), (26m), (45) (i), (71m) and (74), 10.05, 10.06, 10.21 (1) (br), 10.32, 10.35 to 10.38, 10.63 (1) (br), 10.652 (5) (c), 10.673, 10.675, 10.68 (1) (am) and (8) (Note), 10.705, 10.72 (1) (g) and (h), chapter ATCP 10 Appendix A and Appendix B, 11.01 (2) (Note), (12m), (13m), (17m), (30m), (32m), (33m), (54) (i), (68m), (70g), (82m) and (84m), 11.04, 11.55 (2) (c), 11.59 (1) (am), 11.60 (3) (dm) and (mm), 11.705, 11.72 (13) and (14), 12.01 (8x) and (20i), 12.02 (20) (i), 12.045 (1c), 12.06 (2) and 12.08 (24), relating to animal diseases, animal movement and livestock markets, dealers and truckers.

Submitted by **DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION**

12-20-99 RECEIVED BY LEGISLATIVE COUNCIL.

01-20-00 REPORT SENT TO AGENCY.

RNS:MM:jal;rv

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached

YES

NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached

YES

NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached

YES

NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached

YES

NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached

YES

NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached

YES

NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached

YES

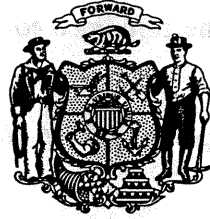
NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 99-168

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. In s. ATCP 10.01, subs. (60) and (60m) should be reversed so that the terms are in alphabetical order. A similar error occurs in ch. ATCP 11. Also, a quotation mark is missing after "herd" in sub. (60).

b. In s. ATCP 11.30 (2), there are two paragraphs "(b)."

c. SECTION 168 is amending s. ATCP 11.54 (2), rather than repealing and recreating it. Also, "or" should be stricken.

d. The underscore should be deleted under "a" in the second sentence of s. ATCP 11.54 (3) (b).

e. In the last sentence of s. ATCP 12.05 (1) (a), "does not apply" should be underscored.

f. In s. ATCP 12.06 (1) (b) 3., "shall" should replace "must."

4. Adequacy of References to Related Statutes, Rules and Forms

a. Section ATCP 10.01 (9m) (a) refers to s. ATCP 10.678, a section that does not exist. Is the correct reference s. ATCP 10.675?

b. Section ATCP 10.01 (14m) refers to a certified "brucellosis-free flock" and cross-references s. ATCP 10.64. The latter rule uses the term "brucella-ovis free flock." Are these terms equivalent? If so, can one term be used?

c. In s. ATCP 10.17, should the reference to s. ATCP 10.15 be changed to s. ATCP 10.16?

d. In s. ATCP 10.41 (1), it appears that the reference to "s. ATCO 10;70" should be changed to "s. ATCP 10.70."

e. It appears that the second reference to "par. (b)" in s. ATCP 10.673 (6) (c) contains an extraneous number.

f. In the note following s. ATCP 11.03 (1) (b) and in s. ATCP 11.03 (1) (c), it appears that "par. (a)" should be changed to "par. (b)."

g. In s. ATCP 11.03 (3) (c), the reference to "sub. (1) par. (e)" should be changed to "sub. (2) (e)."

h. Should s. ATCP 11.04 (1) (c) contain a cross-reference to the rule section under which livestock markets are authorized by the department to receive animal import shipments?

i. In s. ATCP 11.11 (1) (a) 4., "(b)" should be inserted after "sub. (4)".

j. Section ATCP 11.11 (4) (b) 5. refers to a rule provision that does not appear to exist. Similar errors occur in ss. ATCP 1.03 (1) (a) 11., 11.11 (2) (b) 2. and 11.20 (3) (b) 3. and (5) (b) 3.

k. SECTION 145 repeals s. ATCP 11.13. That section is cross-referenced in rules of the Department of Transportation (DOT). See s. Trans 102.20 (2) (i). The department may wish to contact DOT to let that agency know that s. ATCP 11.13 is being repealed.

l. In s. ATCP 12.06 (1) (a) 2., "12.05" should be inserted after "ATCP."

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. ATCP 10.01 (9m) (b), how is it determined whether standards are "comparable" to s. ATCP 10.678? This comment applies to several other sections of the rule using the same terminology.

b. In s. ATCP 10.01 (15m), the quotation marks around "farm raised deer" should be deleted and a hyphen should be inserted after "farm."

c. In s. ATCP 10.01 (26m) (a) and (31) (a), should a definition of "common ground" be provided?

d. In s. ATCP 10.01 (26m) (b) and (31) (b), it appears that "owner" should be changed to "owned."

e. For consistency, in s. ATCP 10.01 (69r) (b), "in which" should be changed to "where."

f. Should the requirement in s. ATCP 10.02 (1) be limited to evidence of disease found or diagnosed in animals present in this state?

g. In s. ATCP 10.41 (1) (b), should the requirement to notify event sponsors that an infected animal was present at the event be limited to events that were held within a certain time prior to the time the animal tests positive on an infectious anemia test?

h. Should the phrase "captive cervid" be defined for purposes of s. ATCP 10.65 (1) and other portions of the rule that use that term?

i. Various provisions in s. ATCP 10.66 refer to "USDA bovine tuberculosis eradication uniform methods," although that section pertains to cervids. Throughout that section, should "bovine" be changed to "cervid"?

j. Section ATCP 10.66 (2) (b) states that a blood tuberculosis test may not be used as an official tuberculosis test for any purpose in this state. Does this restriction apply to all animals or only to cervids? If the restriction applies to all animals, it should be placed in a portion of the rule with general applicability, rather than the portion which applies only to cervids. Also, the parenthetical material should be deleted.

k. In s. ATCP 10.675 (3) (a) 1., "test" should be changed to "tests."

l. Should the phrase ", if any" be added to the end of s. ATCP 11.02 (7) (c)?

m. In s. ATCP 11.03 (2) (b), "paper" should replace "hard copy."

n. In s. ATCP 11.11 (2), how may a person determine whether a test method has been approved by the department?

o. In the note following s. ATCP 11.20 (1) (a) 1., the department should consider inserting "weighing 80 pounds or less" after the first occurrence of "swine."

p. Should the rule provide a definition of "micro pig," used in s. ATCP 11.20 (1) (b) 3. and other provisions of the rule?

q. Should the rule provide a definition of "stage IV or V area," used in s. ATCP 11.20 (2) (b) 4. and similar terms used in other sections of the rule?

r. Should the rule provide a definition of "stag," used in s. ATCP 11.22 (1) (intro.) of the rule?

s. The phrase "identify the number," used in ss. ATCP 12.02 (2r) (b) and 12.04 (2r) (b) is confusing. Does that term require a trucker to submit a specific identifying number for each vehicle being registered or does it require the trucker to specify how many vehicles are being registered?



State of Wisconsin
Tommy G. Thompson, Governor

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

DATE: June 30, 2000

TO: The Honorable Fred Risser
President, Wisconsin State Senate
Room 220S, State Capitol
Madison, WI 53702

The Honorable Scott Jensen
Speaker, Wisconsin State Assembly
Room 211W, State Capitol
Madison, WI 53702

FROM: Ben Brancel, Secretary *Ben Brancel*
Department of Agriculture, Trade and Consumer Protection

SUBJECT: **Animal Health Rule (Clearinghouse Rule No. 99-168)**

In accordance with ss. 227.19(2) and (3), Stats., The Department of Agriculture, Trade and Consumer Protection (DATCP) hereby transmits the above rule for legislative committee review. We are enclosing three copies of the final draft rule, together with the following report. Pursuant to s. 227.19(2) Stats., we will publish a notice of this referral in the Wisconsin administrative register.

Rule Background and Summary

This revises and updates DATCP's current animal health rules under chs. ATCP 10-12, Wis. Adm. Code. It updates current rules to reflect new disease information, new industry practices, and new interstate and international regulations. It streamlines regulatory requirements, and improves DATCP's ability to respond to rapidly changing or developing conditions. Among other things, this rule:

- Clarifies current animal import permit requirements, and authorizes the state veterinarian to impose new import requirements in response to disease risks. If the new import requirements have general application, DATCP will also adopt the requirements by rule.
- Requires state certification of veterinarians who perform official disease eradication and control functions in this state under Wisconsin animal health programs. A federally accredited veterinarian is automatically certified, but DATCP may suspend or revoke the state certification for cause.
- Expands the current list of "reportable diseases" but simplifies reporting methods.

- Clarifies that DATCP's animal health rules apply to government agencies as well as private individuals and businesses.
- Extends, from 2 years to 5 years, the time period for which animal health records must be kept.
- Incorporates federal standards by reference under several state disease control programs, including: brucellosis in cattle, cervids and swine; tuberculosis in cattle and cervids; and pseudorabies in swine. This rule incorporates the federal standards in place of current state standards.
- Authorizes DATCP to issue a temporary "animal hold order" pending investigation to determine whether animals are diseased or illegally imported.
- Authorizes DATCP to conduct disease testing at the owner's expense if the owner fails to conduct tests that are required by law. DATCP testing does not relieve the owner from other sanctions that may apply.
- Requires exhibitors at fairs and exhibitions to give copies of required animal health papers to the show chairman or show veterinarian. The show sponsor must keep the records for at least 5 years.
- Modifies livestock market requirements, including license application requirements.
- Eliminates the requirement for livestock market operators, dealers and truckers to provide vehicle identification numbers or serial numbers when registering livestock vehicles with DATCP.
- Eliminates obsolete disease control programs for anaplasmosis and mastitis.
- Implements special requirements for swine imports from pseudorabies high incidence (stage I, II or III) states. Importers must obtain a permit from DATCP. Imported swine must originate from qualified negative pseudorabies herds, and must be tested for pseudorabies after they arrive in this state.
- Modifies current import and EIA testing requirements for horses, and modifies current rules related to equine markets, shows and quarantine stations.
- Modifies current disease control programs related to cervids (deer and elk), and creates a brucellosis control program for cervids.
- Modifies current rules related to goats, sheep, llamas, mink and ratites (ostriches and emus).

Public Hearings

DATCP conducted public hearings in Madison (March 7, 2000), Green Bay (March 8) and Eau Claire (March 9). Eleven people attended the hearing in Madison. No one attended the hearings in Green Bay or Eau Claire. One person submitted written comments for the hearing record.

Appendix A contains a list of hearing participants. All hearing comments pertained to swine. Comments addressed the following issues:

- Under the hearing draft rule, swine imported from pseudorabies stage I and II states could not be moved from the farm of destination in Wisconsin. This restriction applied to any imported swine, co-mingled swine and offspring from the imported swine. People speaking at the hearings requested that the rule be changed so that imported swine could be retested after arrival and then be moved without restriction in Wisconsin.
- The hearing draft rule extended record keeping requirements from 2 years to 5 years. One speaker felt that this requirement was onerous for exhibitions such as county fairs that rely heavily on volunteers.

Action Following Public Hearings

In early April, 2000, DATCP held 2 meetings with representatives of the pork industry. One meeting was held in Lancaster, and was attended by producers whose herds have previously been affected by pseudorabies. The second meeting was held in Madison, and was attended by members of the Wisconsin Pork Producers Executive Board. Participants discussed problems related to pseudorabies transmission and swine imports from pseudorabies stage I and II states.

Following these meetings, DATCP developed a modified proposal related to swine imports from pseudorabies stage I, II and III states. In late April, DATCP discussed the proposal at a meeting of the Pseudorabies Advisory Council. Based on that discussion, DATCP modified the final draft rule. Under this final draft rule:

- Swine imported from pseudorabies stage I or II states must originate from a pseudorabies qualified negative herd or qualified negative grow-out herd that qualifies on the basis of monthly testing.
- Breeder swine or show pigs imported from a pseudorabies stage III state must meet one of the following requirements:
 - * They must originate from a pseudorabies qualified negative herd or qualified negative grow-out herd that qualifies on the basis of monthly testing.

- * They must test negative on a pseudorabies test conducted not more than 30 days before they are imported into Wisconsin.
- The person who imports swine from a pseudorabies stage I, II or III state must obtain an import permit from the department. If the swine originate from a pseudorabies stage I or II state, DATCP may not issue the permit until the person receiving the import shipment enters into a herd plan with DATCP.
- All breeder swine and all show pigs imported from a pseudorabies stage I, II or III state must be tested for pseudorabies not less than 30 nor more than 45 days after import.
- A person receiving swine (other than breeder swine or show pigs) from a pseudorabies stage I, II or III state must test a representative statistical sample of those swine for pseudorabies not less than 30 nor more than 45 days after import.
- All slaughter swine originating from a pseudorabies stage I or II state must be shipped directly to a slaughter establishment in a sealed vehicle, and must be accompanied by a USDA permit (Form VS 1-27) or a Wisconsin "import for slaughter" form completed by a person approved by DATCP.
- No swine imported from a pseudorabies stage I or II state for feeding prior to slaughter may be removed from the feeding premises except for shipment directly to slaughter.
- A veterinarian issuing a certificate of veterinary inspection for swine imported from a pseudorabies stage I, II or III state must submit the certificate to DATCP by fax or electronic transmission within 24 hours.

Under the final draft rule, if an animal owner fails to conduct required tests, DATCP may conduct the tests at the owner's expense. DATCP retained, in the final draft rule, hearing draft recordkeeping requirements for fairs and exhibitions. If records are not maintained, it may be impossible to identify potentially exposed animals until a disease has spread throughout exhibitors' herds.

Response to Rules Clearinghouse Comments

The Legislative Council Rules Clearinghouse made a number of comments on the hearing draft rule. DATCP addressed all of the comments, except the following, in the final draft rule:

Comment 4.h. DATCP does not believe that a cross-reference is necessary.

Comment 5.a. DATCP will determine "comparability" based on a number of factors that may vary by state, by type of animal and by type of disease. It is not possible to define all of the relevant factors in this rule.

Comment 5.c. DATCP does not believe that it is necessary to define “common ground.”

Comment 5.f. DATCP does not believe that the suggested limitation is necessary.

Comment 5.g. DATCP did not include a time limit because timing may be affected by a variety of factors including prior EIA tests, the time of year, and the nature of the potential disease vectors.

Comment 5.h. DATCP does not believe it is necessary to define “captive cervid.”

Comment 5.i. USDA, in its latest “uniform methods and rules” for eradicating bovine tuberculosis, included provisions relating to eradication of bovine tuberculosis from cervids.

Comment 5.j. The blood tuberculosis test was developed specifically for use on cervids. However, DATCP will no longer recognize it as an official test in cervids because it is unreliable. Since it has never been used as an official test for other animals, there is no need to refer to it in other portions of the rule. The parenthetical reference to “BTB test” will clarify this provision for readers in the industry.

Comment 5.l. DATCP does not believe it is necessary to add “if any.”

Comment 5.n. A person may call or write the department to determine whether DATCP has approved a test method that is not listed in the rule. DATCP must be able to approve new test methods as they are developed. DATCP will periodically update the rule to include test methods approved since the last rule update.

Comment 5.o. The note in question uses the term “feeder swine.” “Feeder swine” is defined in s. ATCP 11.01(32) to mean swine that weigh 80 pounds or less and are kept for the sole purpose of feeding for slaughter. Since the term is defined in the rule, DATCP does not believe it is necessary to add to the note.

Comment 5.p. DATCP does not believe it is necessary to define “micro pig.”

Comment 5.q. DATCP does not believe it is necessary to define “stage IV or V area.” Federal regulations define these areas.

Comment 5.r. DATCP does not believe it is necessary to define the term “stag” which is used in its normal dictionary sense.

Fiscal Estimate

A fiscal estimate is attached as *Appendix B*.

... **Small Business Analysis**

A small business analysis ("final regulatory flexibility analysis") is attached as *Appendix C*.

APPENDIX A

Public Hearing Participants

<u>Identity</u>	<u>Hearing Location</u>	<u>Position</u>
Wisconsin Pork Producers representative	Lancaster	Speaking in opposition
Pork Producer	Madison	Speaking in opposition
Pork Producer	Lowell	Registering in opposition
Pork Producer	Waterloo	Speaking in opposition
Pork Producer	Chili	Registering in opposition
Pork Producer	Brooklyn	Registering in opposition
Pork Producer	Columbus	Registering in opposition
Pork Producer	Campbellsport	Registering in opposition
Pork Producer	Watertown	Registering in opposition
Department Employee	McFarland	Neutral
Department Employee	Montello	Neutral
Pork Producer	Sauk City	Writing in opposition

APPENDIX B

1999 Session

FISCAL ESTIMATE

DOA-2048 N(R 10/98)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No. / Adm. Rule No.

ATCP 10, 11, 12

Amendment No. (If Applicable)

Subject

DATCP amendments to chs. ATCP 10, 11 and 12 relating to animal health, animal imports and livestock markets, dealers and truckers.

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

Increase Existing Appropriation Increase Existing Revenues

Decrease Existing Appropriation Decrease Existing

Revenues

Create New Appropriation

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory

2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory

4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Unit Affected:

Towns Villages Cities

Counties Others _____

School Districts WTCS Districts

Fund Source Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations s. 20.115(2)(a) and (ha)

Assumptions Used in Arriving at Fiscal Estimate

The proposed rule establishes a system of state certification of private veterinarians to perform disease eradication and control work in Wisconsin. The department does not anticipate any additional costs related to granting certification. If a veterinarian's certification is revoked or suspended for cause, the department will experience costs. The department assumes it will take three weeks of employee time to complete the investigation and an additional three weeks of employee time to conduct the hearing. Priorities of job assignments will be made to accommodate time required to complete investigations.

This rule adopts federal disease control standards in the place of current state standards that are being repealed for brucellosis, pseudorabies and tuberculosis. The rule incorporates these uniform methods and rules *UM&R) by reference. The department assumes that in the first year, it will have to print and distribute 500 copies of the brucellosis eradication UM&R, 500 copies of the tuberculosis UM&R and 300 copies of the pseudorabies UM&R.

The department assumes the costs of shipping and handling for the disease control standards to be:

\$1.00 for brucellosis eradication UM&R

\$0.80 for tuberculosis eradication UM&R

\$0.60 for pseudorabies eradication UM&R

This rule changes swine import health requirements for stage 1, 2, 3 states for pseudorabies control. This rule will require a pre-entry import permit and a herd plan prior to importation. It is estimated that a total of 25 herd plans will be written per year. Each plan will require approximately 2 hours of staff time. This time can be accommodated with existing staff and through reprioritization of work assignments in the field.

Agency/prepared by: (Name & Phone No.)

DATCP Clarence Siroky 608-224-4872

Authorized Signature/Telephone No.

Barbara Knapp
 Barbara Knapp (608) 224-4746

Date

4/28/00

APPENDIX C

FINAL REGULATORY FLEXIBILITY ANALYSIS

Rule Related to Animal Diseases, Animal Movement and Livestock Markets, Dealers and Truckers

Overview:

This rule updates and expands current rules relating to animal disease, animal movement and livestock markets, dealers and truckers. It brings state requirements for disease control into conformity with federal requirements as delineated in the uniform methods and rules, with some exceptions. For instance, the uniform methods and rules permit use of the blood tuberculosis test (BTB) for cervids (deer, moose, elk etc.). This rule prohibits use of the BTB because the test has consistently failed to identify animals as suspects or reactors when the animals were confirmed infected by culture positive results.

This rule will affect small businesses in Wisconsin. Small businesses which will be affected include farmers/producers; veterinarians; livestock market operators; livestock dealers; livestock truckers; and sponsors of horse shows, exhibitions or fairs.

Recordkeeping:

Current rules require businesses to keep records relating to disease control, animal movement and animal identification for a period of two years. This proposed rule increases the retention period to 5 years. While this increased retention period will cause some additional costs for involved businesses. It is believed these costs will be negligible. The small additional cost is justified to permit the department to have access to these records to assure adequate traceback of diseased animals. Such traceback is necessary to control the spread of infectious or contagious disease.

Restraining animals for testing:

This rule requires the owner or custodian of animals to present and restrain the animals to allow department employees to safely test the animals for disease control purposes. This requirement may add some costs for some animal owners. If the owner does not have adequate animal handling facilities, the owner will have to do one of the following:

- Build adequate animal handling facilities.
- Have the animal tranquilized.
- Provide enough people to adequately restrain the animal.

This rule is consistent with s. 95.23(3) Stats. It clarifies that the owner or custodian is responsible for presenting the animal in a way that promotes safety to the animal and to the department employee during testing. The need to assure safety outweighs the costs the owner or custodian will have to expend.

Swine Import

This rule places specific pre-import permitting and post import testing restrictions on swine from states with a high incidence of pseudorabies. These states are classified as pseudorabies stage I, II or III states under the State-Federal-Industry Program Standards. Considerable effort and money has been expended by the state and swine industry of Wisconsin on the eradication of pseudorabies. Wisconsin is currently pseudorabies stage IV and will move to pseudorabies stage V (Free) by October if there are no intervening cases of pseudorabies. This status allows Wisconsin swine producers to move swine to most states with no pre-import test requirements and will allow producers to reap the rewards for their past efforts.

This rule requires persons importing swine from pseudorabies stage I, II or III states to obtain a pre-import permit from the department. The permit application process is a simple process and it is anticipated that it will add little or no additional costs for the importer.

This rule requires pseudorabies testing of some swine imported from pseudorabies stage I, II or III states which was not previously required. This will cause some producers who import animals from pseudorabies stage I, II and III states to incur additional testing costs. At this time, the pseudorabies stage I, II and III states most likely to be state of origin for swine imported into Wisconsin are Iowa (stage II), Illinois (stage III), Indiana (stage III), Minnesota (stage III) and Nebraska (stage III).

The costs incurred by the individuals who import animals from the higher risk areas will be significantly less than will be born by the industry if diseased animals are imported from these high risk states and the disease spreads to other producer's herds before it is identified. This provision places the costs on the individual importers who engage in the higher risk activity. Any importer who desires to reduce his or her costs of retesting swine after import can eliminate those costs by importing animals from pseudorabies stage IV or V states.

Equine Infectious Anemia:

This rule requires the department to inform sponsors of horse shows, fairs, competitions etc. when the department determines that an equine animal that is infected with equine infectious anemia attended sponsored events. The rule requires the sponsor to notify all participants at the event that their animals may have been exposed to equine infectious anemia while at the event. Once the animal owner or custodian is notified of possible exposure, the owner or custodian can determine what action is appropriate to manage the situation.

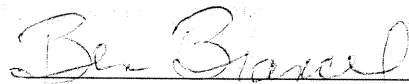
This requirement will cause extra recordkeeping for the show sponsors, but will result in participants receiving information which will allow them to make informed decisions about the animals in their care.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
NOTICE OF SUBMISSION OF PROPOSED RULES TO PRESIDING OFFICERS OF
EACH HOUSE OF THE LEGISLATURE

NOTICE IS HEREBY GIVEN, pursuant to s. 227.19(2), Stats., that the State of Wisconsin Department of Agriculture, Trade and Consumer Protection is submitting a final draft of proposed Clearinghouse Rule Number 99-168 to the presiding officer of each house of the legislature for standing committee review. The proposed rule repeals, renumbers, renumbers and amends, amends, repeals and recreates and creates portions of Chapters ATCP 10, 11 and 12, Wis. Adm. Code relating to animal diseases, animal movement and livestock markets, dealers and truckers.

Dated this 30 day of June, 2000.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE
AND CONSUMER PROTECTION


Ben Brancel, Secretary

**PROPOSED ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND
CONSUMER PROTECTION
ADOPTING, AMENDING AND REPEALING RULES**

1 The state of Wisconsin department of agriculture, trade and consumer protection
2 proposes the following order to repeal ATCP 10.01(3) to (5), (6m), (13m), (17m),
3 (34), (39), (60m), (61m), (66), (70)(c), (72m), 10.151, 10.19 to 10.20, 10.30, 10.305,
4 10.335, 10.50(4)(c), 10.60, 10.61(4) and (5), 11.01(3) to (5), (8), (20m), (39), (47),
5 (61), (62), 11.13, 11.16, 11.21, 11.31, 11.53(2)(e), 11.56(2)(g), 11.60(5)(b),
6 12.01(21), (22) and (27), 12.02(2)(e) and (f) and (2r)(c), 12.03(2)(c) and (d) and
7 (2r)(c), 12.04(2)(c) and (2r)(c), and 12.08(11); to renumber ATCP10.01(45)(i), 10.32,
8 11.01(54)(i), 12.01(20)(i) and 12.06(2)(a) to (d); to renumber and amend ATCP
9 12.06(2)(e); to amend ATCP 1.03(2)(b)2. and (note), 10.01(1)(intro.) and (b), (14),
10 (15), (15m), (16), (20m), (22m), (25), (29), (40), (43), (44), (45)(f)2., (55), (60),
11 (69m), (69r), (72), 10.21(6)(intro.), (11)(a), (b)1., (c)(intro) and (d), 10.50(2)(b) and
12 (c), 10.63(6)(intro.), (11)(a), (b)1. and (c), 10.65(title) and (1)(intro.), 10.651,
13 10.652(3)(a), (b) and (5)(a)(note), 10.68(1)(k), (13)(a)1. and 2., and (14)(a) and (c),
14 10.71(title) and (1)(a), 11.01(1)(intro.), (7), (17), (18), (18m), (24), (27), (29m), (32),
15 (35), (49), (50), (52), (53), (54)(e) and (f)2., (63), (68), (71) (80m), (80r), (83), (85),
16 11.10(1)(a)1. and (4)(d), 11.14(title), (1) and (note), (3)(c) and (d), (4) and (5)(intro.)
17 and (b), 11.17, 11.32(3)(c) and (d), (5), (6)(b), 11.50 to 11.52, 11.53(2)(a) to (c),
18 11.54(title), (1)(title) and (intro), (2) and (4), 11.545(title), (1)(b)(title), (2)(a)(title),

1 (a), (b)1., (c)(title) and (c), 11.55(2)(b)3. to 5., 11.56(title), (1)(title) and (1), (2)(f),
2 (3) and (4)(a), 11.58(1)(k) and (2)(intro.), 11.59(1)(e), (2)(a)(intro.) and (3)(a) and (b),
3 11.60(2), and (5)(c), 11.62(2)(a), (b), (c)3. and (4)(b), 11.71(1)(a), 11.72(4),
4 12.01(10), (18), (19), (20)(f)2. and (24), 12.02(2m)(a)2. and (2r)(b), 12.03(2r)(b) and
5 (2w)(title), 12.04(2r)(b), 12.05(1)(a), (2)(a), (4) and (5)(b) and 12.08(12); to repeal
6 and recreate ATCP 10.01(26), (31), (70)(b), 10.02, 10.10 to 10.15, 10.16 to 10.18,
7 10.31, 10.33, 10.34, 10.40(1), 10.41(1) and (2), 10.62, 10.652 (7) and (8)(b), 10.66,
8 10.67, 10.72(1)(d), 11.01(33), (37) and (81)(b), 11.02, 11.03, 11.10(2) and (3), 11.11,
9 11.12, 11.20, 11.22, 11.23, 11.30, 11.34, 11.53(1), 11.54 (3), 11.545(3), 11.55(title),
10 (1), (3) and (4), 11.57, 11.62(5) and (6), 11.72(2), 12.06(1) and 12.08(2) and (10); and
11 to create ATCP 1.03(1)(a)11. and 12., 10.01(2)(note), (9m), (14m), (25m), (26m),
12 (45)(i), (59m), (71m) and (74), 10.05, 10.06, 10.21(1)(br), (1m), 10.32, 10.35 to
13 10.38, 10.63(1)(br), (1m), 10.652(5)(c), 10.673, 10.675, 10.68(1)(am), (8)(note),
14 10.705, 10.72(1)(g) and (h), ch. ATCP 10 Appendix A and Appendix B,
15 11.01(2)(note), (11m), (12m), (13m), (17m), (30m), (32m), (33m), (54)(i), (67m),
16 (70g), (82m) and (84m), 11.04, 11.55(2)(c), 11.59(1)(am), 11.60(3)(dm) and (mm),
17 11.705, 11.72(13) and (14), 11.73, 12.01(8x) and (20i), 12.02(20)(i), 12.045(1c),
18 12.06(2), and 12.08(24); relating to animal diseases, animal movement, and livestock
19 markets, dealers and truckers.

**Analysis Prepared by the Department of
Agriculture, Trade and Consumer Protection**

Statutory authority: ss. 93.06(7), 93.07(1) and (10), 95.19(3), 95.195 as affected by 1999 Wis. Act 160, 95.23(3), 95.27(8), 95.55(3), 95.68(8), 95.69(8), 95.71(8), 95.715(2)(b) and (d), Wis. Stats.

Statutes interpreted: ss. 95.195 as affected by 1999 Wis. Act 160, 95.21, 95.25, 95.26, 95.27, 95.31, 95.35, 95.42, 95.43, 95.45, 95.46, 95.48, 95.49, 95.68, 95.69, 95.71, 95.715, Wis. Stats.

The Wisconsin department of agriculture, trade and consumer protection (DATCP) administers programs to protect the health of livestock and domestic animals in this state. This rule makes numerous changes to DATCP's current animal health rules under ch. ATCP 10 to 12, Wis. Adm. Code. Among other things, this rule:

- Clarifies current animal import permit requirements, and authorizes the state veterinarian to impose new import requirements in response to disease risks. If the new import requirements have general application, the department will also adopt the requirements by rule.
- Requires state certification of veterinarians who perform official disease eradication and control functions in this state under Wisconsin animal health programs. A federally accredited veterinarian is automatically certified, but DATCP may suspend or revoke the state certification for cause.
- Expands the current list of "reportable diseases" but simplifies reporting methods.
- Clarifies that DATCP's animal health rules apply to government agencies as well as private individuals and businesses.
- Extends, from 2 years to 5 years, the time period for which animal health records must be kept.
- Incorporates federal standards by reference under several state disease control programs, including: brucellosis in cattle, cervids and swine; tuberculosis in cattle and cervids; and pseudorabies in swine. This rule incorporates the federal standards in place of current state standards.
- Authorizes DATCP to issue a temporary "animal hold order" pending investigation to determine whether animals are diseased or illegally imported.

- Authorizes DATCP to conduct disease testing at the owner's expense, if the owner fails to conduct tests that are required by the rules.
- Requires exhibitors at fairs and exhibitions to give copies of required animal health papers to the show chairman or show veterinarian. The show sponsor must keep the records for at least 5 years.
- Modifies livestock market requirements, including license application requirements.
- Eliminates the requirement for livestock market operators, dealers and truckers to provide vehicle identification numbers or serial numbers when registering livestock vehicles with DATCP.
- Eliminates obsolete disease control programs for anaplasmosis and mastitis.
- Modifies current import and testing requirements related to swine pseudorabies.
- Modifies current import and EIA testing requirements for horses, and modifies current rules related to equine markets, shows and quarantine stations.
- Modifies current disease control programs related to cervids, and creates a brucellosis control program for cervids.
- Modifies current rules related to goats, sheep, llamas, ratites and mink.

General Provisions

Import Restrictions

Under current rules, persons importing animals to this state must comply with certain disease certification and testing requirements. Persons importing some types of animals must obtain an import permit from DATCP. The state veterinarian may issue a special import permit waiving normal import requirements, if special circumstances warrant the permit.

This rule retains most pre-import disease certification and testing requirements and the state veterinarian's authority to issue a written permit waiving normal import requirements. DATCP must keep a record of every permit issued. This rule creates a new requirement that persons importing swine from pseudorabies stage I, II or III states obtain an import permit before importing the swine.

The state veterinarian may issue a verbal or written directive requiring a person to comply with additional import requirements necessary to prevent the spread of disease.

Any person who receives notice of additional import requirements is prohibited from importing animals in violation of those requirements.

Wisconsin Certified Veterinarians

The United States department of agriculture (USDA) currently accredits private veterinarians to perform key functions under federal disease eradication and control programs. For example, accredited veterinarians issue interstate health certificates, assign official livestock identifications, administer official diagnostic tests, administer controlled vaccines and supervise the disposition of disease reactors. USDA may suspend or revoke the accreditation of a veterinarian who violates federal rules.

DATCP relies on federally accredited veterinarians to perform similar functions under state programs (such as the state's brucellosis, tuberculosis and pseudorabies control programs) for which federal counterpart programs exist. But Wisconsin has also established programs related to diseases (such as fish diseases and Johne's disease in cattle) for which there are no federal counterpart programs. If a federally accredited veterinarian violates state rules related to these programs (but violates no federal rules), there is no basis for USDA to suspend or revoke the veterinarian's federal accreditation.

Under this rule, a veterinarian must be a Wisconsin certified veterinarian to perform official disease eradication and control functions in this state. A federally accredited veterinarian who is licensed to practice in Wisconsin is automatically certified. A veterinarian loses this state certification if any of the following occurs:

- The state veterinary examining board suspends or revokes the veterinarian's license to practice in this state.
- USDA suspends or revokes the veterinarian's federal accreditation.
- DATCP suspends or revokes the veterinarian's state certification for cause. A licensed veterinarian who loses his or her state certification may continue to practice veterinary medicine, but may not perform functions for which certification is required.

Animal Health Rules Apply to Government Agencies

This rule clarifies that DATCP's animal health rules apply to government agencies as well as private individuals and businesses. For example, a government agency importing animals into Wisconsin must comply with the same import requirements that apply to private individuals and businesses.

Reportable Diseases

Under current rules, a veterinarian who diagnoses a “reportable disease” must report that disease to DATCP. This rule expands the current list of “reportable diseases” to include diseases listed by the world organization for animal health. This is necessary to give Wisconsin producers continued access to international markets.

Testing Animals

This rule clarifies that an owner or custodian of animals must, at the request of DATCP, present those animals to DATCP for disease testing. The owner or custodian must also restrain the animals to facilitate safe testing.

Under current rules, if a person imports animals without complying with disease testing requirements, the department may summarily order that the animals be destroyed or removed from this state. This rule retains the department’s authority to order destruction or removal. This rule also authorizes the department to perform the required tests and charge the owner for the tests.

Recordkeeping

Under current rules, livestock markets, dealers and other persons must keep various records for 2 years. This rule extends the retention time to 5 years, to facilitate animal disease traceback and control.

Import Markets

Under current rules, animals imported to “Part 76” and “Part 78” livestock markets are exempt from certain import requirements. “Part 76” and “Part 78” markets are import markets regulated by USDA. The names originally derived from the federal code provisions (9 CFR 76 and 9 CFR 78) under which they were regulated. But USDA recently reorganized its code provisions, so the “Part 76” and “Part 78” names are no longer appropriate. This rule renames the markets as “federally approved livestock import markets,” but does not change the substance of the current rules.

Reporting Diagnostic Test Results

Under current rules, a veterinarian reporting test results to DATCP must use a form provided by DATCP. Under this rule, a veterinarian is no longer required to use a DATCP form. Among other things, this will permit veterinarians to file test reports which were created electronically.

Certificates of Veterinary Inspection

Under current rules, an “interstate health certificate” or a “certificate of veterinary inspection” must accompany many animals. This rule eliminates references to “interstate health certificates,” which are no longer in widespread use, and refers only to “certificates of veterinary inspection.”

Animal Hold Orders

This rule authorizes DATCP to issue a temporary hold order (in lieu of a quarantine order) whenever DATCP has reason to believe that animals may have been illegally imported, or may have been exposed to an infectious, contagious or communicable disease. A temporary animal hold order may prohibit the movement of animals for up to 90 days while DATCP investigates the suspected illegal import or disease exposure.

The state veterinarian may, for good cause, extend the animal hold order for up to 90 days. If investigation confirms a suspected disease problem or illegal import, DATCP may issue a quarantine order or take other appropriate action. A person adversely affected by a temporary animal hold order may request a hearing before DATCP to review the order.

Disease Indemnity Payments; Cleanup Deadlines

Under current law, DATCP may condemn animals to prevent the spread of disease. Owners of condemned animals may be eligible for indemnity payments. To qualify for indemnities under current rules, an owner must clean and disinfect the diseased premises within 15 days after the condemned animal is shipped to slaughter. DATCP may extend the cleanup deadline for another 15 days, but that may not provide adequate time in the winter (when cleaning and disinfecting may not be effective). This rule allows DATCP to extend the cleanup time for a period of time specified by DATCP.

Imported Animals Consigned to Livestock Markets; Origin Disclosed

This rule requires an animal owner to disclose an animal’s state of origin when the owner consigns that animal to a Wisconsin livestock market.

Assault on Department Employee

This rule prohibits a person from physically assaulting a DATCP employee when the employee is performing his or her official duties.

Fairs and Exhibitions; Animal Health Records

Under current rules, persons exhibiting certain animals at a fair or exhibition must have certain health papers for those animals (e.g., health certificates or test results). This rule requires the exhibitor to provide copies of those health papers to the show chairman or show veterinarian. The show organizer must keep the records for at least 5 years. The exhibitor and the show organizer must make records available to DATCP for inspection and copying upon request.

Livestock Market Operators, Dealers and Truckers

Livestock Market Operator License

Under current law, a livestock market operator must be licensed and pay annual license fees. A livestock market (other than an equine market) that conducted sales on fewer than 5 days during the preceding year must pay an annual fee of \$115. Other market operators must pay higher fees. Under this rule, a market operator who claims to have conducted sales on fewer than 5 days in the preceding year must identify, in the license application, the dates on which the operator conducted those sales.

Under current rules, a person applying to be licensed as a livestock dealer or market operator must prove compliance with applicable federal security and bonding requirements. This rule does not exempt license applicants from federal requirements, but does eliminate the requirement to prove compliance with those requirements.

Livestock Vehicles; Registration

Under current law, a livestock market operator, livestock dealer or livestock trucker must register livestock vehicles with DATCP. Under current rules, the operator must provide the vehicle identification number and serial number of each registered vehicle.

Under this rule, the operator is no longer required to provide the vehicle identification number or serial number. Under this rule, the operator may simply identify the number of vehicles operated and pay the required registration fee for those vehicles. DATCP will provide two registration stickers for each vehicle. The operator must attach one sticker to each side of the registered vehicle.

Equine Markets

This rule clarifies (per current law) that an equine market is a livestock market and must comply with rules relating to livestock markets. It also clarifies that a livestock market receiving, selling or delivering any equine animal must keep a copy of any required health certificate and equine infectious anemia (EIA) test result. The market operator must keep the record for at least 5 years.

Bovine Animals; Disease Control

Brucellosis Control Program; Federal Standards

Current rules spell out standards for DATCP's brucellosis control program. Some of the current standards are patterned after federal standards ("uniform methods and rules") adopted by USDA. This rule repeals those current state standards, and adopts current federal standards by reference. This will ensure that state standards are fully consistent with federal standards, and will make it easier for DATCP to adopt future changes in federal standards.

Brucellosis Vaccination

Under current rules, a veterinarian who vaccinates an animal for brucellosis must report that vaccination to DATCP. This rule extends the reporting deadline from 15 days after the vaccination date to 30 days after the vaccination date.

Tuberculosis Control Program; Federal Standards

Current rules spell out standards for DATCP's tuberculosis control program. Some of the current standards are patterned after federal standards ("uniform methods and rules") adopted by USDA. This rule repeals those current state standards, and adopts current federal standards by reference. This will ensure that state standards are fully consistent with the federal standards, and will make it easier for DATCP to adopt future changes in federal standards.

Anaplasmosis Control Program

This rule repeals current rules relating to anaplasmosis control and anaplasmosis-free herd certification, because the rules are no longer needed.

Mastitis Control Program

This rule repeals obsolete rules related to mastitis control. DATCP's food safety rules (which remain in effect) and modern dairy industry practices are more effective in addressing mastitis in dairy cattle.

Veal Lots

Under current rules, veal calves imported to an "approved veal lot" are exempt from certain import requirements. DATCP may certify a veal lot as an "approved veal lot" if the veal lot complies with standards specified in the current rules. Certification is voluntary and, to date, no veal lot operators have applied. This rule therefore repeals the "approved veal lot" rules.

Swine Disease Control

Pseudorabies Control Program; Federal Standards

Current rules spell out standards for DATCP's pseudorabies control program. Some of the current standards are patterned after federal standards adopted by USDA. This rule repeals those current state standards, and adopts current federal standards by reference. This will ensure that state standards are fully consistent with federal standards, and will make it easier for DATCP to adopt future changes in federal standards.

Pseudorabies: Swine Imports

Under current rules, swine imported to this state must meet certain health certification and testing requirements.

Under current rules, imported swine must be isolated on the receiving premises until they test negative for pseudorabies (there are some exceptions). This rule changes import requirements for swine originating from pseudorabies stage I, II and III states.

Under this rule, the following requirements apply to swine imported from pseudorabies stage I, II or III states:

- Swine imported from pseudorabies stage I or II states must originate from a pseudorabies qualified negative herd or qualified negative grow-out herd that qualifies on the basis of monthly testing.
- Breeder swine or show pigs imported from a pseudorabies stage III state must meet one of the following requirements:
 - * They must originate from a pseudorabies qualified negative herd or qualified negative grow-out herd that qualifies on the basis of monthly testing.
 - * They must test negative on a pseudorabies test conducted not more than 30 days before the animals are imported into Wisconsin.
- The person who imports swine from a pseudorabies stage I, II or III state must obtain an import permit from the department. If the swine originate from a pseudorabies stage I or II state, the department may not issue the permit until the person receiving the import shipment enters into a herd plan with the department.
- All breeder swine and all show pigs imported from a pseudorabies stage I, II or III state must be tested for pseudorabies not less than 30 nor more than 45 days after import.

- A person receiving swine (other than breeder swine or show pigs) from a pseudorabies stage I, II or III state must test a representative statistical sample of those swine for pseudorabies not less than 30 nor more than 45 days after import.
- All slaughter swine originating from a pseudorabies stage I or II state must be shipped directly to a slaughter establishment in a sealed vehicle, and must be accompanied by a USDA permit (Form VS 1-27) or a Wisconsin import for slaughter form completed by a person approved by the department.
- No swine imported from a pseudorabies stage I or II state for feeding prior to slaughter may be removed from the feeding premises except for shipment directly to slaughter.
- A veterinarian issuing a certificate of veterinary inspection for swine imported from a pseudorabies stage I, II or III state must submit the certificate to DATCP by fax or electronic transmission within 24 hours.

Intrastate Movement of Swine; Pseudorabies Test

Under current rules, no person may move any of the following swine within this state unless the swine test negative on a pseudorabies test conducted within the preceding 30 days:

- A sow or boar that is more than 5 months old or weighs more than 175 pounds.
- Any swine moved to a swine growth performance test station.
- Any swine removed from a swine growth performance test station, unless DATCP gives prior written authorization.
- Any swine that weighs more than 100 pounds if DATCP has notified the owner of the swine's herd of origin that the herd is located in a high pseudorabies incidence area.

The following swine are currently exempt from the pre-movement testing requirement:

- An animal that originates from a qualified pseudorabies negative herd or a qualified pseudorabies negative grow-out herd.
- An animal moved directly to a licensed slaughter facility for immediate slaughter.
- An animal moved directly to a livestock market or livestock dealer premises if the animal is tested before it leaves the livestock market or dealer premises.

- An animal moved between 2 premises owned or operated by the owner of the animal.

This rule modifies current rules related to pre-movement testing of swine for pseudorabies. Under this rule, all swine must be tested for pseudorabies before they are moved within this state unless one of the following applies:

- Wisconsin is classified, by the national rabies control board, as a pseudorabies stage IV or V state.
- The swine originate from a qualified pseudorabies negative herd or a qualified pseudorabies negative grow-out herd.
- The swine are shipped directly to slaughter.

Swine Brucellosis Control Program; Federal Standards

Current rules spell out standards for the state swine brucellosis control program. Some of the current standards are patterned after federal standards (“uniform methods and rules”) adopted by USDA. This rule repeals current state standards, and adopts current federal standards by reference. This will ensure that state standards are fully consistent with federal standards, and will make it easier for DATCP to adopt future changes in federal standards.

Feeder Swine

Current rules regulate “feeder swine” in various ways. Under current rules:

- No person may import “feeder swine” into this state unless the feeder swine are imported to a slaughter plant, to a federally approved import market (“Part 76 market”), or to a farm for finish feeding prior to slaughter. Feeder swine imported to any of these destinations are exempt from pre-import brucellosis testing.
- “Feeder swine” imported to a farm must be kept separate from breeder swine on that farm, and may not be removed from the farm except to slaughter.
- “Feeder swine” are exempt from pre-import pseudorabies testing required of other swine if they originate from a “feeder swine pseudorabies monitored herd.” Feeder swine, like other swine, are exempt from pre-import pseudorabies testing if they are imported directly to a slaughter plant, or to a federally approved import market (“Part 76 market”).
- DATCP may certify a herd of “feeder swine” in this state as a “feeder swine pseudorabies monitored herd” if the herd tests negative for pseudorabies every year.

This rule changes the current definition of “feeder swine.” Under the current rules, “feeder swine” mean any swine, except boars, that weigh less than 175 pounds and are kept for the sole purpose of feeding for slaughter. Under this rule, “feeder swine” mean any swine weighing 80 pounds or less that are kept for the sole purpose of feeding for slaughter.

Under this rule, swine imported from a pseudorabies stage I or II state for feeding prior to slaughter must be kept separate from breeding stock. The swine may not leave the feeding premises except for shipment directly to slaughter.

Current rules require “official individual identification” of swine for various purposes. An animal’s “official individual identification” uniquely identifies that particular animal. This rule creates a different, and less specific, form of “official individual identification” for “feeder swine.” Under this rule, the “official individual identification” of feeder swine may simply identify the premises where the feeder swine originated.

Equine Animals

Horse Imports; Certificate of Veterinary Inspection

Under current rules, a horse imported to this state must be accompanied by a certificate of veterinary inspection. There are some exceptions. This rule affects current exceptions as follows:

- Under current rules, a certificate of veterinary inspection is not required for animals imported directly to slaughter. This rule continues this current exception.
- Under current rules, a horse may be imported to an equine market without a certificate of veterinary inspection if the importer and the equine market operator agree in writing that the animal will be sold from the equine market only for slaughter. This rule eliminates the requirement of a written agreement. Under this rule, an equine animal may be imported to a livestock market without a certificate of veterinary inspection if the horse is then shipped to slaughter, or if a veterinarian completes that certificate before the horse leaves the livestock market.
- Under current rules, an equine animal may be imported to a veterinary facility for treatment, without a certificate of veterinary inspection, if the animal returns to the state of origin immediately after treatment. This rule retains this current exemption and creates a parallel exemption for Wisconsin animals returning to their place of origin immediately following treatment at an out-of-state veterinary facility.

- This rule creates a new exception for a horse imported for a trail ride, horse show or exhibition. A horse may be imported for that purpose without a certificate of veterinary inspection if all the following apply:
 - * Ownership of the horse does not change while the horse is in this state.
 - * The horse does not stay in this state for more than 7 days.
 - * The horse meets current equine infectious anemia (EIA) test requirements.
 - * The horse originates from a state that allows imports of Wisconsin horses, under similar conditions, to attend trail rides, horse shows and exhibitions.

Horse Imports; EIA Test

Under current rules, a horse imported to this state must first test negative for EIA. There are some exceptions. This rule affects current exceptions as follows:

- Under current rules, a pre-import EIA test is not required for animals imported directly to slaughter. This rule continues this current exception.
- Under current rules, a horse may be imported to an equine market without a pre-import EIA test if the animal is tested within 48 hours after it arrives at the market. The animal may not leave the market until the test results are known. Under this rule, an untested animal may be imported to a livestock market without a pre-import EIA test if one of the following applies:
 - * The animal is shipped directly to slaughter within 10 days after it arrives at the livestock market and before it is commingled with any animals not sent to slaughter.
 - * The livestock market operator has the animal tested for EIA within 10 days after it arrives at the market, and obtains the test results before the animal leaves the livestock market and before it is commingled with any other equine animal at the livestock market.
- Under current rules, an equine animal may be imported to a veterinary facility for treatment without prior EIA testing if the animal returns to the state of origin immediately after treatment. This rule retains this current exemption and creates a parallel exemption for Wisconsin animals returning to Wisconsin immediately following treatment at an out-of-state veterinary facility.
- Under this rule, DATCP may issue a written permit authorizing a person to import a horse before obtaining the results of a pre-import EIA test if all the following apply:
 - * The test sample is collected before the horse is imported.
 - * The horse is isolated at the receiving premises until the test results are known.

Horses Infected With EIA

This rule prohibits any person from importing an animal that has tested positive for EIA. If a person imports an animal under a DATCP written permit before obtaining the results of an EIA test and the owner receives positive results are received the animal enters this state, the owner must do one of the following:

- Euthanize the animal.
- Ship the animal to slaughter with DATCP approval.
- Return the animal to its state of origin with DATCP approval.

Quarantining Horses Exposed to EIA

Under current rules, DATCP must quarantine every horse that has been exposed to a horse that tests positive for EIA. This rule changes the quarantine requirement. Under this rule, DATCP must quarantine all horses kept at the premises where the EIA positive horse is normally housed. This rule does not require DATCP to identify and quarantine every horse that may have been exposed to the EIA positive animal.

Horse Shows, Fairs and Exhibitions

If DATCP finds that a horse infected with EIA participated in a horse show, fair or exhibition, DATCP will notify the sponsor of the horse show or exhibition. Under this rule, the sponsor must notify other participants that their animals may have been exposed to EIA.

Under current rules, no person may exhibit a horse at a fair or livestock exhibition unless the horse first tests negative for EIA. The sponsor of a horse show, fair or exhibition must record the name and address of every person who owns a horse participating in the event. The sponsor must keep the records for at least 2 years. This rule changes the current recordkeeping requirements. Under this rule, the sponsor must do one of the following:

- Keep, for at least 5 years, the name and address of the horse owner, the horse's name and identification, and the accession or laboratory number of the EIA test.
- Keep, for at least 5 years, a copy of the horse's EIA test report.

Equine Markets

Under s. 95.68(1)(b), Stats., an "equine market" is defined as a livestock market that deals exclusively with equine animals (horses). This rule clarifies (per current law) that equine markets are livestock markets and must comply with applicable livestock

market rules. It also clarifies that a livestock market operator receiving horses must comply with applicable equine market requirements

Equine Quarantine Stations

Under current rules, a person applying for a permit to operate an approved equine quarantine station must disclose the location of the equine quarantine station, including county, township and section. Under this rule, the applicant must also disclose the fire number assigned to the proposed equine quarantine station. The quarantine station veterinarian must be a Wisconsin certified veterinarian, and the quarantine station must keep records for 5 years (rather than 2 years under current rules).

Cervids

Captive Cervids; Herd Owner Report

A "cervid" means a member of the family of animals that includes deer, elk, moose, caribou, reindeer and the subfamily of musk deer. Under current rules, a person keeping a herd of cervids in this state must report all the following to DATCP:

- The location of the herd.
- The number and types of animals in the herd.
- The name and address of the herd owner.
- The name and address of the local herd custodian if other than the herd owner.

This rule clarifies that the current reporting requirement applies only to captive deer or elk. It thereby exempts the department of natural resources from the current reporting requirement.

Farm-Raised Deer; Herd Registration

Under s. 95.55, Stats., and current rules, a person keeping farm-raised deer in this state must obtain a registration certificate from DATCP. DATCP may deny, suspend or revoke a registration certificate for cause, pursuant to s. 93.06(7), Stats. This rule clarifies that DATCP may deny, suspend or revoke a registration certificate if a person files an incomplete or fraudulent application, or misrepresents any information on the application.

This rule creates a registration fee surcharge of \$100 if DATCP determines that the applicant kept farm-raised deer without a registration certificate within 365 days prior to applying for a registration certificate.

Tuberculosis in Cervids

Current rules spell out standards for DATCP's program for controlling tuberculosis in cervids. Some of the current standards are patterned after federal standards ("uniform methods and rules") adopted by USDA. This rule repeals those current state standards, and adopts current federal standards by reference. This will ensure that state standards are fully consistent with federal standards, and will make it easier for DATCP to adopt future changes in federal standards.

This rule modifies the federal standards, for Wisconsin, in one important respect. Whereas the federal standards permit the use of the blood tuberculosis test (BTB) in cervids, this rule prohibits use of the BTB test for any purpose in Wisconsin. In Wisconsin, the BTB test has consistently failed to identify, as TB suspects or reactors, animals that are culture positive for tuberculosis.

Tuberculosis Reactors

Under current rules, a cervid classified as a tuberculosis reactor must be identified as such within 24 hours, and must be shipped to slaughter within 15 days. This rule keeps the 15 day slaughter deadline but extends the identification deadline to 15 days.

Intrastate Movement; Certificate of Veterinary Inspection

Under current rules, a certificate of veterinary inspection must normally accompany a cervid moved within this state. There are several exemptions, including an exemption for cervids originating from an accredited tuberculosis-free herd, a tuberculosis qualified herd or a tuberculosis monitored herd. This rule eliminates this current exemption.

Cervids; Brucellosis Control Program

This rule creates a brucellosis control program for cervids. Under this rule:

- The program must comply with current federal standards ("uniform methods and rules") adopted by USDA.
- The person who collects a brucellosis test sample must be either a certified veterinarian or an authorized employee of DATCP or USDA.
- A veterinarian who conducts a brucellosis test must report the test results within 10 days. If the cervid tests positive for brucellosis, the veterinarian must report immediately and confirm the report in writing within 10 days.
- A veterinarian who performs a brucellosis test on a cervid must apply an official individual identification to that cervid.

- Within 15 days after a cervid is classified as a reactor, the cervid must be shipped to slaughter. Within 15 days after the cervid is shipped to slaughter, the owner must clean and disinfect the premises where the cervid was kept. The department may extend the cleaning and disinfecting deadline, if extension is appropriate. DATCP may not pay indemnities to an owner who fails to meet the deadlines.
- DATCP may certify a herd of cervids as a brucellosis-free herd based on federal standards.

Other Animals

Goats

Current rules spell out standards for controlling tuberculosis in goats. Some of the current standards are patterned after federal standards (“uniform methods and rules”) adopted by USDA. This rule repeals those current state standards, and instead adopts the current federal standards by reference. This will ensure that state standards are fully consistent with federal standards, and will make it easier for DATCP to adopt future changes in federal standards.

Sheep

This rule prohibits the sale or movement of sheep infected with or exposed to scrapie.

Exotic Ruminants or South American Camelids

Under current rules, a person importing an exotic ruminant (e.g., gnu, antelope, mouflon sheep, wild goats) or South American camelid (e.g., a llama) must hold an import permit from DATCP. The exotic ruminant or South American camelid must test negative for tuberculosis and brucellosis prior to import and must be accompanied by a certificate of veterinary inspection. This rule makes the following changes:

- It retains the requirement that the importer obtain an import permit for exotic ruminants, but it eliminates the permit requirement for South American camelids. It simplifies the procedure for obtaining a permit, and makes it consistent with other import permits.
- It retains the requirement for a negative tuberculosis and brucellosis test for exotic ruminants but eliminates the test requirements for South American camelids. It requires the importer to contact the department to identify species appropriate tests to be used for the exotic ruminants.
- It retains the requirement that the animal be accompanied by a certificate of veterinary inspection for both exotic ruminants and South American camelids.

Ratites

Under current rules, a person importing a ratite (e.g., an ostrich or emu) must obtain an import permit from DATCP. The ratite must test negative for avian influenza, and a veterinarian must certify that the ratite originates from a flock that has shown no signs of avian influenza for at least 6 months. This rule makes the following changes:

- It simplifies the procedure for obtaining a permit, and makes it consistent with other import permits.
- It eliminates the avian influenza test requirement.
- It changes the health certification requirement. Under this rule, an imported ratite must be accompanied by a standard certificate of veterinary inspection. A certificate is not required if the ratite is imported directly from a federal quarantine facility.

Mink

This rule eliminates the current aleutian disease-free herd certification program for mink.

Circus, Rodeo, Racing or Menagerie Animals

Under current rules, a person importing circus, rodeo, racing or menagerie animals must hold an import permit from DATCP. This rule simplifies the procedure for obtaining permits, and makes it consistent with the procedure for other permits.

Under current rules, a person importing circus, rodeo or menagerie animals must notify DATCP of the dates and locations at which the animals will be exhibited in this state. This rule eliminates this requirement.

Test Methods

Current rules identify specific test methods for a number of required animal health tests. This rule eliminates specific descriptions of test methods identified in federal rules, and instead incorporates the federal rules by reference. This will ensure that state test methods are fully consistent with federal methods, and will make it easier for DATCP to adopt future changes in federal standards.

This rule authorizes DATCP to approve additional test methods that are not specifically identified in this rule. This will make it easier for state disease control programs to keep pace with rapidly changing disease testing technology.

Technical Changes

This rule makes many nonsubstantive drafting and organizational changes to current rules.

The department has obtained authority from the department of justice and the revisor of the statutes to incorporate uniform methods and rules by reference.

1 **SECTION 1.** ATCP 1.03(1)(a)11. and 12. are created to read:

2 ATCP 1.03(1)(a)11. Animal health import requirements that the state
3 veterinarian imposes on an import permit holder under s. ATCP 11.03(1)(b), unless the
4 department has adopted those import requirements by rule.

5 12. A temporary animal hold order issued under s. ATCP 10.705 or ATCP
6 11.705.

7 **SECTION 2.** ATCP 1.03(2)(b)2. and (note) are amended to read:

8 ATCP 1.03(2)(b)2. Special orders identified under sub. (1)(a)5. to 9., 11. and
9 12.

10 **NOTE:** Special orders under sub. (1)(a)5. to 8., 11. and 12. are normally
11 issued by the responsible divisions. Subpoenas and investigative
12 demands under sub. (1)(a)9. are normally issued by department attorneys
13 or other authorized officials of the department.

14
15 **SECTION 3.** ATCP 10.01(1)(intro.) is amended to read:

16 ATCP 10.01(1) “Accredited tuberculosis-free herd” means a herd of bovine
17 animals, ~~cervidae~~ cervids or goats which is certified as tuberculosis-free by one of the
18 following:

1 **SECTION 4.** ATCP 10.01(1)(b) is amended to read:

2 ATCP 10.01(1)(b) The authorized animal health agency ~~of~~ in the state ~~in which~~
3 where the herd is located, under standards comparable to s. ATCP 10.17, 10.62 or
4 10.67(1).

5 **SECTION 5.** ATCP 10.01(2)(note) is created to read:

6 **NOTE:** Under s. ATCP 10.05, a veterinarian who seeks to perform disease
7 control and eradication functions in Wisconsin must be accredited by the
8 federal bureau and certified by the department.
9

10 **SECTION 6.** ATCP 10.01(3) to (5) are repealed.

11 **SECTION 7.** ATCP 10.01(6m) is repealed.

12 **SECTION 8.** ATCP 10.01(9m) is created to read:

13 ATCP 10.01(9m) “Brucellosis monitored herd” means a herd of cervids that is
14 certified as a brucellosis monitored herd by one of the following:

15 (a) The department under s. ATCP 10.675.

16 (b) The authorized animal health agency in the state where the herd is located,
17 under standards comparable to s. ATCP 10.675.

18 **SECTION 9.** ATCP 10.01(13m) is repealed.

19 **SECTION 10.** ATCP 10.01(14) is amended to read:

20 ATCP 10.01(14) “Certificate of veterinary inspection” means a written
21 certificate prepared ~~by an accredited veterinarian~~ in compliance with s. ATCP
22 11.02(2).

23 **SECTION 11.** ATCP 10.01(14m) is created to read:

24 ATCP 10.01(14m) “Certified brucella-ovis free flock” means a flock of sheep
25 that is certified as brucella-ovis free by one of the following:

1 (a) The department under s. ATCP 10.64.

2 (b) The authorized animal health agency in the state where the flock is located,
3 under standards comparable to s. ATCP 10.64.

4 **SECTION 12.** ATCP 10.01(15) is amended to read:

5 ATCP 10.01(15) "Certified brucellosis-free herd" means a herd of cattle,
6 cervids or goats that is certified as brucellosis-free by one of the following:

7 (a) The department under s. ATCP 10.14, ~~or 10.61~~ or 10.675.

8 (b) The authorized animal health agency in the state where the herd is located,
9 under standards comparable to s. ATCP 10.14, ~~or 10.61~~ or 10.675.

10 **SECTION 13.** ATCP 10.01(15m) is amended to read:

11 ATCP 10.01(15m) "~~Cervid~~" ~~is the singular form of the plural "Cervidae".~~

12 "~~Cervidae~~" means ~~members~~ a member of the family of animals ~~which that~~ includes
13 deer, elk, moose, caribou, reindeer and the subfamily musk deer. "~~Cervidae~~"

14 "Cervid" includes all farm-raised deer.

15 **SECTION 14.** ATCP 10.01(16) is amended to read:

16 ATCP 10.01(16) "Commingle" means kept or brought in contact with other
17 animals in any environment which permits direct physical contact between the animals.

18 **SECTION 15.** ATCP 10.01(17m) is repealed.

19 **SECTION 16.** ATCP 10.01(20m) is amended to read:

20 ATCP 10.01(20m) "Equine animal" ~~means a horse, mule, zebra, donkey or ass~~
21 has the meaning given in s. 95.68(1)(a), Stats.

1 **SECTION 17.** ATCP 10.01(22m) is amended to read:

2 ATCP 10.01(22m) “Farm-raised deer” has the meaning given in s.
3 95.001(1)(a), Stats., but does not include ~~cervidae~~ cervids kept by an institution
4 accredited by the American association of zoological parks and aquariums.

5 **SECTION 18.** ATCP 10.01(25) is amended to read:

6 ATCP 10.01(25) “Feeder swine” means swine, ~~excluding boars, weighing less~~
7 ~~than 175 pounds~~ that weigh 80 pounds or less and are kept for the sole purpose of
8 feeding for slaughter.

9 **SECTION 19.** ATCP 10.01(25m) is created to read:

10 ATCP 10.01(25m) “Feeder swine pseudorabies monitored herd” means a herd
11 of swine that is certified as a feeder swine pseudorabies monitored herd by one of the
12 following:

13 (a) The department under s. ATCP 10.34.

14 (b) The authorized animal health agency in the state where the herd is located,
15 under standards comparable to s. ATCP 10.34.

16 **SECTION 20.** ATCP 10.01(26) is repealed and recreated to read:

17 ATCP 10.01(26) “Flock” as applied to poultry means all poultry on a farm,
18 except that the department may designate as a separate “flock” any group of poultry
19 that has not been allowed to commingle with other poultry on a farm for at least 21
20 days.

21 **SECTION 21.** ATCP 10.01(26m) is created to read:

22 ATCP 10.01(26m) “Flock” as applied to sheep means one of the following:

1 (a) A commonly owned or controlled group of sheep that are maintained on
2 common ground.

3 (b) Two or more commonly owned or controlled groups of sheep that are
4 maintained at geographically separate locations, if animals or people move between the
5 locations without exercising appropriate bio-security measures.

6 **SECTION 22.** ATCP 10.01(29) is amended to read:

7 (29) "Hatchery" means premises used to hatch poultry, ~~including~~ or ratites.

8 "Hatchery" includes buildings, incubators, hatchers and auxiliary equipment.

9 **SECTION 23.** ATCP 10.01(31) is repealed and recreated to read:

10 ATCP 10.01(31) "Herd" means one of the following:

11 (a) A commonly owned or controlled group of animals of the same species that
12 are maintained on common ground.

13 (b) Two or more commonly owner or controlled groups of animals of the same
14 species that are maintained at geographically separate locations, if animals or people
15 move between the locations without exercising appropriate bio-security measures.

16 **SECTION 24.** ATCP 10.01(34) is repealed.

17 **SECTION 25.** ATCP 10.01(39) is repealed.

18 **SECTION 26.** ATCP 10.01(40) is amended to read:

19 ATCP 10.01(40) "Mycoplasmosis" means a disease of poultry caused by
20 bacteria of the genus *Mycoplasma gallisepticum*.

1 **SECTION 27.** ATCP 10.01(43) and (44) are amended to read:

2 ATCP 10.01(43) “Official back tag” means an identification back tag,
3 approved by the federal bureau or the department, that conforms to the ~~8-character~~
4 ~~alpha-numeric~~ national uniform backtagging system.

5 (44) “Official eartag” means an identification eartag, approved by the federal
6 bureau or the department, that conforms to the ~~9-character alpha-numeric~~ national
7 uniform eartagging system.

8 **SECTION 28.** ATCP 10.01(45)(f)2. is amended to read:

9 ATCP 10.01(45)(f)2. The equine animal’s sexual status ~~as a gelding, mare or~~
10 ~~stallion, which may be abbreviated as “G”, “M” or “S” respectively.~~

11 **SECTION 29.** ATCP 10.01(45)(i) is renumbered ATCP 10.01(45)(j).

12 **SECTION 30.** ATCP 10.01(45)(i) is created to read:

13 ATCP 10.01(45)(i) For a swine weighing 80 pounds or less, the premises
14 identification of the premises of origin.

15 **SECTION 31.** ATCP 10.01(55) is amended to read:

16 ATCP 10.01(55) “Person” ~~includes any~~ means an individual, corporation,
17 partnership, association, ~~or firm~~ limited liability company, trust, governmental entity,
18 or other organization or entity.

19 **SECTION 32.** ATCP 11.01(59m) is created to read:

20 ATCP 10.01(59m) “Qualified pseudorabies negative grow-out herd” means a
21 grow-out herd of swine that is certified by one of the following:

22 (a) The department under s. ATCP 10.33.

1 (b) The authorized animal health agency in the state where the herd is located,
2 under standards comparable to s. ATCP 10.33.

3 **SECTION 33.** ATCP 10.01(60) is amended to read:

4 ATCP 10.01(60) "Qualified pseudorabies negative herd" means a herd of
5 swine ~~which that~~ is certified as ~~being pseudorabies negative~~ by one of the following:

6 (a) The department under s. ATCP ~~10.30~~ 10.32.

7 (b) The authorized animal health agency in the state where the herd is located,
8 under standards comparable to s. ATCP ~~10.30~~ 10.32.

9 **SECTION 34.** ATCP 10.01(60m) is repealed.

10 **SECTION 35.** ATCP 10.01(61m) is repealed.

11 **SECTION 36.** ATCP 10.01(66) is repealed.

12 **SECTION 37.** ATCP 10.01(69m) and (69r) are amended to read:

13 ATCP 10.01(69m) "Tuberculosis monitored herd" means a herd of ~~cervidae~~
14 cervids that is certified as a tuberculosis monitored herd by one of the following:

15 (a) ~~By the~~ The department under s. ATCP 10.67~~(3)~~.

16 (b) ~~By the~~ The authorized animal health agency of the state where the herd is
17 located, using standards comparable to ~~those specified under~~ s. ATCP 10.67~~(3)~~.

18 ATCP 10.01(69r) "Tuberculosis qualified herd" means a herd of ~~cervidae~~
19 cervids that is certified as a tuberculosis qualified herd by one of the following:

20 (a) ~~By the~~ The department under s. ATCP 10.67~~(2)~~.

21 (b) ~~By the~~ The authorized animal health agency of the state in which the herd is
22 located, using standards comparable to ~~those specified under~~ s. ATCP 10.67~~(2)~~.

1 **SECTION 38.** ATCP 10.01(70)(b) is repealed and recreated to read:

2 ATCP 10.01(70)(b) A single cervical tuberculin test or a comparative cervical
3 tuberculin test for cervids.

4 **SECTION 39.** ATCP 10.01(70)(c) is repealed.

5 **SECTION 40.** ATCP 10.01(71m) is created to read:

6 ATCP 10.01(71m) "USDA" means the United States department of
7 agriculture.

8 **SECTION 41.** ATCP 10.01(72) is amended to read:

9 ATCP 10.01(72) "Validated brucellosis-free herd" means a herd of swine
10 ~~which~~ that is certified as brucellosis-free by one of the following"

11 (a) The department under s. ATCP ~~10.33~~ 10.36.

12 (b) The authorized animal health agency of the state ~~in which~~ where the herd is
13 located, under standards comparable to s. ATCP ~~10.33~~ 10.36.

14 **SECTION 42.** ATCP 10.01(72m) is repealed.

15 **SECTION 43.** ATCP 10.01(74) is created to read:

16 ATCP 10.01(74) "Wisconsin certified veterinarian" means a veterinarian
17 certified under s. ATCP 10.05.

18 **SECTION 44.** ATCP 10.02 is repealed and recreated to read:

19 **ATCP 10.02 Reportable diseases; general.** (1) DISEASES REPORTED WITHIN
20 ONE DAY. A veterinarian or diagnostic laboratory that diagnoses or finds evidence of
21 any disease identified in *Appendix A* shall report that diagnosis or finding to the
22 department, in the manner provided under sub. (3), within one day after making the
23 diagnosis or finding.

1 (2) DISEASES REPORTED WITHIN 10 DAYS. A veterinarian or diagnostic
2 laboratory that diagnoses or finds evidence of any disease identified in *Appendix B* shall
3 report that diagnosis or finding to the department, in the manner provided under sub.
4 (3), within 10 days after making the diagnosis or finding.

5 (3) FORM OF REPORT. A veterinarian or diagnostic laboratory may report under
6 subs. (1) or (2) by telephone or any other effective means of communication. If a
7 veterinarian reports other than in writing, the veterinarian shall confirm the report in
8 writing within 10 days. A fax report is a written report under this section.

9 (4) EXEMPTION. This section does not require a veterinarian to report a
10 diagnosis or finding made by the department or the Wisconsin department of health and
11 family services.

12 **SECTION 45.** ATPC 10.05 and 10.06 are created to read:

13 **ATCP 10.05 Wisconsin certified veterinarians.** (1) AUTOMATIC
14 CERTIFICATION. A veterinarian is automatically certified as a Wisconsin certified
15 veterinarian, without any action by the department, if all the following apply:

16 (a) The veterinarian is currently licensed under ch. 453, Stats., to practice
17 veterinary medicine in this state.

18 (b) The veterinarian is currently accredited by the federal bureau under 9 CFR
19 160 to 162.

20 (2) DECERTIFICATION. A veterinarian is no longer certified under sub. (1) if
21 any of the following occurs:

1 (a) The veterinarian is no longer licensed under ch. 453, Stats., to practice
2 veterinary medicine. If the veterinarian's license is temporarily suspended, the
3 certification under sub. (1) is suspended for the period of the license suspension.

4 (b) The veterinarian is no longer accredited by the federal bureau under 9 CFR
5 160 to 162. If the veterinarian's federal accreditation is temporarily suspended, the
6 certification under sub. (1) is suspended for the period of the accreditation suspension.

7 (c) The department suspends or revokes the certification for cause. The state
8 veterinarian may, on behalf of the department, summarily suspend or revoke the
9 certification of a veterinarian who violates applicable requirements under this chapter,
10 ch. ATPC 11 or ch. ATPC 12. The state veterinarian shall specify, in the order, the
11 period of suspension or the requirements for reinstatement after revocation. A
12 veterinarian may request a hearing before the department, pursuant to ch. 227, Stats.
13 A request for hearing does not stay the summary suspension or revocation.

14 **ATCP 10.06 Disease testing; owner to assist department.** An owner or
15 custodian of animals shall make those animals available to the department, at the
16 department's request, for any disease testing that the department is authorized to
17 perform on those animals. The owner or custodian shall restrain the animals, as
18 necessary, to facilitate testing and protect the safety of the animal and the persons
19 performing the testing.

20 **SECTION 46.** ATPC 10.10 to 10.15 are repealed and recreated to read:

21 **ATCP 10.10 Brucellosis; official vaccinates.** A bovine animal does not
22 qualify as an official brucellosis vaccinate unless all the following apply:

1 (1) An accredited veterinarian vaccinates the animal in compliance with USDA
2 brucellosis eradication uniform methods and rules dated February 1, 1998. If the
3 animal is vaccinated in Wisconsin, the accredited veterinarian shall also be a Wisconsin
4 certified veterinarian.

5 (2) The veterinarian identifies the animal in compliance with the USDA
6 brucellosis eradication uniform methods and rules dated February 1, 1998.

7 (3) The veterinarian files a vaccination report with the department within 30
8 days after the veterinarian performs the vaccination. The veterinarian shall file the
9 vaccination report on a form approved by the department, and shall include in the
10 report the official individual identification of the vaccinated animal. The veterinarian
11 shall provide a copy of the vaccination report to the owner of the vaccinated animal,
12 and shall retain another copy.

13 **NOTE:** Copies of the USDA brucellosis eradication uniform methods and rules
14 dated February 1, 1998 (APHIS publication 91-45-011) are on file with
15 the department, the secretary of state and the revisor of the statutes.
16 Copies may be obtained from:

17
18 Wisconsin Department of Agriculture, Trade and Consumer Protection
19 Division of Animal Health
20 P.O. Box 8911
21 Madison, WI 53708-8911
22

23 **ATCP 10.11 Brucellosis testing.** (1) WHO MAY TEST. A person collecting a
24 brucellosis test sample under this chapter, ch. ATCP 11 or ch. ATCP 12 shall be one
25 of the following:

26 (a) An accredited veterinarian. If the veterinarian collects the sample in this
27 state, the veterinarian shall also be a Wisconsin certified veterinarian.

28 (b) An authorized employee or agent of the department or the federal bureau.