



**Senate Committee on Agriculture, Financial Institutions
and Insurance**

Room 18 South State Capitol, PO Box 7882, Madison WI 53707-7882
(608) 266-0703

Senator Dale W. Schultz, Chairman

Senator Ron Brown
Senator Neal Kedzie
Senator Dave Hansen
Senator Judith Robson
Members, Senate Committee on Agriculture, Financial Institutions & Insurance.

The following rules have been referred to the Senate Committee on Agriculture, Financial Institutions and Insurance.

Clearinghouse Rule 02-054

Relating to animal diseases, animal imports and livestock markets.

Clearinghouse Rule 02-078

Relating to farm-raised deer and chronic wasting disease.

Clearinghouse Rule 02-116

Relating to the agriculture development zone program.

If you would like a copy of this rule or would like the committee to review these rules please contact John O'Brien, Committee Clerk.

Thank you.

Senator Dale Schultz
Chairman



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

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 02-054

AN ORDER to repeal ATCP 11.56 (2) (f); to amend ATCP 10.01 (20q) and (31), 10.50 (1) (a) and (2) (h), ATCP 10 Appendix A and Appendix B, ATCP 11.01 (24q) and (37), 11.11 (5) (title), (a) (intro.), (b) (intro.) and (c) (intro.), 11.23 (2) (d), 11.55 (1) (c), 11.58 (15) (b) 2., 11.59 (2) (b) 2. and 11.62 (4) (a) and (6) (a); to repeal and recreate ATCP 10.03 (1), 10.11 (3), 10.31 (3), 10.35 (3), 10.50 (2) (b), 10.673 (3), 11.20 (7) and 11.52; and to create ATCP 10.01 (45) (he), 10.40 (1) (c), 11.01 (48m), 11.20 (7) (note), 11.55 (1) (note) and 11.56 (2) (g), relating to animal diseases, animal imports and livestock markets.

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

04-30-02 RECEIVED BY LEGISLATIVE COUNCIL.

05-10-02 REPORT SENT TO AGENCY.

RNS:DLL:ksm;tlu

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 RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 02-054

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. SECTION 3 of the rule creates s. ATCP 10.01 (45) (he). As an alternative, the rule could repeal current s. ATCP 10.01 (45) (h) and replace it with the language proposed for the new par. (he). This is suggested because the language in par. (he) includes all cases described in par. (h) and is drafted more clearly than par. (h).

b. Because s. ATCP 10.03 (1) (a) to (e) are not modified by the rule, SECTION 4 of the rule should be broken into two SECTIONS: the first would renumber s. ATCP 10.03 (1) to be s. ATCP 10.03 (1) (a) and amend s. ATCP 10.03 (1) (a) (intro.), as renumbered; the second would create s. ATCP 10.03 (1) (b).

c. The treatment of Appendix B to ch. ATCP 10 does not faithfully reproduce the current appendix. In addition to striking through one entry, the rule changes the order of the categories listed in the appendix, but does so without the necessary mechanics (striking, underscoring, etc.). The rule should either reproduce the appendix precisely or explicitly amend it.

d. Because of the way that the terms are used and because of the existing definition of "tuberculosis non-modified accredited state," it might be clearer to define the term "tuberculosis modified accredited state" rather than "modified accredited state." Also, for parallel drafting with the existing definition, the department may want to insert the word "bovine" before the first occurrence of "tuberculosis" in the definition and add "of the total number of herds or cattle and

bison in the state” at the end of the definition. Similarly, “tuberculosis” should be inserted before “modified” in s. ATCP 11.11 (5) (c) (intro.).

e. The term “pseudorabies stage I or II state”, used in s. ATCP 11.20 (7) (intro.), is undefined. In addition, the term “pseudorabies stage IV or V state” is used in current s. ATCP 11.23 (2) (a) without definition; other related terms may be used in current rules, as well. These terms should be defined.

f. In s. ATCP 11.58 (15) (b) 2., as drafted, both sentences apply to salmonids; the amendment has no distinguishable effect. Does the department intend to strike the last phrase of the first sentence? If not, note that there is a stray hyphen (or strike) between the words “includes” and “salmonids.”

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

a. The word that refers to an animal that is a member of the Cervidae (that is, a deer) is “cervid.” This term is used consistently in ch. ATCP 11 except in s. ATCP 11.55 (1) (c) and (note), as affected by this rule. In this rule, “cervidae” should be replaced with “cervids.”

b. Similarly, “salmonid” means a fish of the family Salmonidae. Substituting “fish of the salmonid family” for “salmonid,” as the rule does in ss. ATCP 11.58 (15) (b) 2. and 11.59 (2) (b) 2., is totally unnecessary and, while not incorrect in this case, is a clumsy use of terminology. Since this chapter consistently uses terms of similar construction, such as cervid and ratite, the use of the term “salmonid” should follow this convention, also.



State of Wisconsin
Scott McCallum, Governor

Department of Agriculture, Trade and Consumer Protection
James E. Harsdorf, Secretary

PUBLIC NOTICE

FINAL DRAFT RULE TO LEGISLATURE

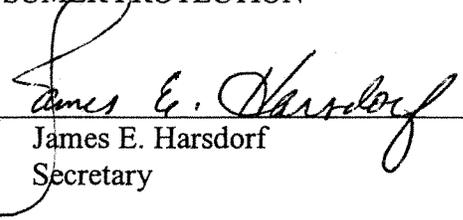
The Department of Agriculture, Trade and Consumer Protection announces that it is submitting the following rule for legislative committee review, pursuant to s. 227.19, Stats.:

CLEARINGHOUSE RULE #: **02-054**
SUBJECT: **Animal Health**
ADM. CODE REFERENCE: **ATCP 10-12**
DATCP DOCKET #: **99-R-12**

Dated this 10th day of October, 2002.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND
CONSUMER PROTECTION

By


James E. Harsdorf
Secretary



State of Wisconsin
Scott McCallum, Governor

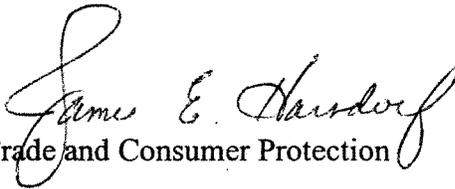
Department of Agriculture, Trade and Consumer Protection

James E. Harsdorf, Secretary

DATE: October 7, 2002

TO: The Honorable Fred Risser
President, Wisconsin State Senate
Room 220 South, State Capitol
P.O. Box 7882
Madison 53707-7882

The Honorable Scott R. Jensen
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
P.O. Box 8952
Madison 53708-8952

FROM: James E. Harsdorf, Secretary 
Department of Agriculture, Trade and Consumer Protection

SUBJECT: **Animal Health; Final Draft Rule**
(Clearinghouse Rule 02-054)

The Department of Agriculture, Trade and Consumer Protection (DATCP) is transmitting this rule for legislative committee review, as provided in s. 227.19(2) and (3), Stats. The department will publish a notice of this referral in the Wisconsin Administrative Register, as provided in s. 227.19(2), Stats.

Rule Summary

This rule updates current animal health rules under chs. ATCP 10-12, Wis. Adm. Code. Among other things, this rule:

- Modifies current disease testing and reporting requirements to reflect the fact that DATCP no longer operates Wisconsin's animal health laboratories (the labs are currently operated by the University of Wisconsin).
- Makes technical changes to the definition of herd, making it consistent in all chapters.

- Modifies current import testing requirements for fish, eliminating a whirling testing requirement for salmonid *eggs* (because no reliable test exists). The testing requirement still applies to live fish.
- Updates bovine tuberculosis import requirements to reflect new federal terminology (no substantive change).
- Makes technical changes to current testing requirements for equine infectious anemia (EIA).
- Modifies current rules related to cervids (including deer and elk):
 - Modifies pre-import brucellosis testing requirements to make them consistent with federal *Uniform Methods and Rules*.
 - Modifies pre-import tuberculosis testing requirements to create an exemption for cervids originating from certified tuberculosis-free herds.
 - Modifies current TB testing requirements for *intrastate* movement of captive deer. This rule extends the current testing requirement to white-tail deer (current rules exempt white-tails).
 - Requires veterinarians and diagnostic laboratories to report any findings of chronic wasting disease within one day.
- Modifies current testing, identification and classification procedures under voluntary programs to certify poultry flocks free of pullorum-typhoid and mycoplasma-gallisepticum.
- Modifies current rules related to poultry quarantines. Under this rule, a permit must accompany quarantined birds moved to slaughter. This rule repeals current requirements for quarantine release (2 negative flock tests at least 21 days apart). Instead, the quarantine order will spell out quarantine release terms, based on surrounding circumstances.
- Changes current poultry disease reporting requirements, consistent with the national poultry improvement plan:
 - Under current rules, a veterinarian who diagnoses pullorum in poultry must report it to DATCP within 10 days. This rule shortens the reporting deadline from 10 days to one day.
 - This rule adds a reporting requirement for mycoplasma meleagridis. A veterinarian who diagnoses this disease must report it to DATCP within one day.

- Modifies current rabies vaccination requirements for imported dogs and cats, based on recent statutory changes. Under this rule, if an imported dog or cat has never been vaccinated, or is due for re-vaccination, it must be vaccinated by a licensed veterinarian within 30 days after it enters the state or before it reaches 5 months of age, whichever is later.

Hearings

The department held one public hearing on this rule in Madison, on June 3, 2002. Two people registered in favor of the rule, and one person submitted a written comment. There was no registered opposition.

- Dr. Don O'Connor submitted a written comment.
- Marsha Cooper and Jolene Plautz registered in support of the rule.

Changes from Hearing Draft

In response to a hearing comment, DATCP modified the definitions of 'herd' in chs. ATCP 10 and 11 to make them consistent with each other. DATCP made other minor changes in response to comments from the Legislative Council Rules Clearinghouse (see below).

Response to Rules Clearinghouse Comments

The Legislative Council Rules Clearinghouse made several editorial comments on the hearing draft rule. DATCP incorporated these comments, with the following exceptions.

- The Clearinghouse suggested that DATCP might wish to repeal and recreate s. ATCP 10.01(45)(h) rather than create s. ATCP 10.01 (45)(he). DATCP did not make this change, because one paragraph refers to "ratites" and the other to "poultry."
- The Clearinghouse suggested that, rather than repeal and recreate s. ATCP 10.03(1), DATCP should break it into two separate sections to renumber and amend one rule provision and create another. DATCP did not make this change because it would create unnecessary complexity, and not would change content.
- The Clearinghouse suggested that the term "cervid" is used consistently in ch. ATCP 11 except that the term "cervidae" is used in s. ATCP 11.55(1)(c) and (note), as affected by this rule. The Clearinghouse suggested that in these sections, the term "cervidae" should be replaced with "cervids." DATCP did not make this change because the term "cervidae" as used in these sections is part of the title of a USDA publication that uses "cervidae."

- The Clearinghouse suggested that it was unnecessary to substitute “fish of the salmonid family” for “salmonid” as the rule does in s. ATCP 11.58(15)(b)2. and 11.59(2)(b)2., because the terms are synonymous. This is not correct. “Salmonid” includes fish eggs as well as fish. “Fish of the salmonid family” does not. DATCP intends this distinction.
- The Clearinghouse suggested creating a definition of the term “pseudorabies stage I, II, IV or V state.” DATCP did not create a definition, but added language to indicate that the referenced states are those that the USDA has designated as a “pseudorabies stage I, II, IV or V states.”

Fiscal Estimate

This rule will have no fiscal impact on DATCP. This rule will promote effective administration of animal health laws, but will not have a significant effect on DATCP's workload. This rule will not change department fees. A fiscal estimate is attached.

Small Business Analysis

This rule will not have a significant impact on small business. A small business analysis (“final regulatory flexibility analysis”) is attached.

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

1 The state of Wisconsin department of agriculture, trade and consumer protection
2 proposes the following order to repeal ATCP 11.56(2)(f); to amend ATCP 10.01(20q)
3 and (31), 10.50(1)(a) and (2)(h), ATCP 10 *Appendix A*, ATCP 11.01(24q), 11.11(5)(title),
4 (a)(intro.), (b)(intro.) and (c)(intro.), 11.23(2)(a) and (d), 11.55(1)(c), 11.58(15)(b)2.;
5 11.59(2)(b)2., 11.62(4)(a) and (6)(a); to repeal and recreate ATCP 10.03(1), 10.11(3),
6 10.31(3), 10.35(3), 10.50(2)(b), 10.673(3), ATCP 10 *Appendix B*, 11.01(37), 11.20(7)
7 and 11.52; and to create ATCP 10.01(45)(he), 10.40(1)(c), 11.01(80g), 11.20(7)(note),
8 11.55(1)(note) and 11.56(2)(g); relating to animal diseases, animal imports and livestock
9 markets.

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

Statutory Authority: ss. 93.07(1), and 95.197(2), Stats.
Statute Interpreted: s. 95.197, Stats.

This rule modifies current animal health rules under chs. ATCP 10-12, Wis. Adm. Code. The Wisconsin department of agriculture, trade and consumer protection (DATCP) administers these rules.

Disease Testing; General

Current rules require disease testing of certain animals. According to current rules, required tests must be conducted at a DATCP laboratory or at a laboratory approved by the animal and plant health inspection service of the United States department of agriculture (USDA-APHIS). However, DATCP no longer operates Wisconsin's animal health laboratories (the labs are currently operated by the University of Wisconsin). This rule modifies current testing requirements to state that tests must be conducted at laboratories *approved* by DATCP or USDA-APHIS.

Under current rules, veterinarians testing for certain diseases must report the test results to DATCP unless the test sample is analyzed at a DATCP laboratory. This rule modifies the current rules to reflect the fact that DATCP no longer operates Wisconsin's animal health laboratories. Under this rule, a veterinarian must report certain test results to DATCP unless the laboratory analyzing the test sample simultaneously reports the test result to DATCP and the veterinarian.

Testing Live Fish and Fish Eggs

Under current rules, an accredited veterinarian or fish health inspector must issue a health certificate for the following:

- Live fish or fish eggs imported into Wisconsin.
- Farm-raised fish released into the waters of the state.

Under current rules, whenever salmonid fish or salmonid fish eggs are imported or released, the health certificate must state that the salmonids are free of whirling disease. But there is no reliable way to test for whirling disease in salmonid eggs. This rule therefore eliminates the whirling disease testing requirement for salmonid eggs (the testing requirement still applies to live fish).

Bovine Tuberculosis

USDA-APHIS classifies states according to the prevalence of bovine tuberculosis within each state. Classifications affect interstate movement of animals. USDA-APHIS previously classified states with a prevalence greater than .1% as "non-modified accredited" states, but now classifies them as "modified accredited" states. This rule incorporates the new federal terminology.

Equine Infectious Anemia

Under current rules, tests for equine infectious anemia (EIA) must be performed by an accredited veterinarian or a veterinarian employed by DATCP or USDA-APHIS. This rule allows a technician employed by DATCP or USDA-APHIS to perform routine screening tests for EIA if the technician is working under the direct supervision of a veterinarian employed by DATCP or USDA-APHIS.

Under current rules, a horse may not be exhibited at a fair or show unless it has tested negative for EIA within the preceding 12 months. Under this rule, the horse must have tested negative for EIA during the same calendar year in which the horse is exhibited, except that a horse may be exhibited in January if it tested negative during the preceding calendar year. This is consistent with current rules related to permanent imports.

Cervids

This rule modifies current rules related to cervids (including deer and elk):

- Under current rules, a cervid may not be imported to Wisconsin unless it has tested negative for brucellosis within the preceding 30 days. This rule changes the pre-import brucellosis testing requirements by incorporating federal *Uniform Methods and Rules* adopted by USDA-APHIS effective September 30, 1998. This will make Wisconsin import requirements consistent with federal requirements.
- Under current rules, a cervid may not be moved within Wisconsin unless it has tested negative for tuberculosis within the preceding 90 days. There are several current exceptions to this requirement. This rule creates an additional exception, for cervids originating from a certified tuberculosis-free herd.
- Under current rules, captive deer must test negative for tuberculosis within 90 days before they are moved within Wisconsin. White-tailed deer are exempt from this requirement. This rule repeals the current exemption, so that captive white-tail deer will also be subject to the TB testing requirement before they are moved within this state.
- This rule requires any veterinarian or diagnostic laboratory that finds evidence of chronic wasting disease in deer in Wisconsin to report it to DATCP within one day after making the finding.

Poultry Testing and Identification

Under current rules, DATCP may certify a poultry flock as "U.S. pullorum-typhoid clean," and may certify a turkey flock as "mycoplasma-gallisepticum clean," based on test samples collected by an authorized agent of DATCP. Under current rules, DATCP's agent must individually identify tested birds when collecting test samples for these purposes. This rule clarifies that the birds must be identified with leg bands or wing bands.

Under this rule, if DATCP's agent tests 25 or more birds, DATCP's agent may forego individual identification if the owner or the owner's agent isolates the test group from other birds in the flock. The owner or the owner's agent must keep the test group isolated until DATCP authorizes their release from isolation. If one or more of the tested birds tests positive for disease, the owner or the owner's agent must submit all of the isolated birds for further testing or disposition.

"Pullorum-Typhoid Clean" Poultry Flocks

Under current rules, poultry used for breeding purposes and poultry eggs used for hatching must originate from a flock that is tested annually *and* classified "U.S. pullorum-typhoid clean" under the national poultry improvement plan. This rule retains

the source flock classification requirement, but eliminates the annual testing requirement. Flock testing must still be consistent with the national poultry improvement plan.

This change will make it possible for a new breeding flock to claim the "U.S. pullorum-typhoid clean" status of its parent flock until the new flock can be tested and certified in its own right. It will also make Wisconsin rules consistent with those of other states and USDA-APHIS.

"Mycoplasma Gallicepticum Clean" Turkey Flocks

Under current rules, turkeys used for breeding purposes and turkey eggs used for hatching must originate from a flock that is tested annually *and* classified "Mycoplasma gallicepticum clean" under the national poultry improvement plan. This rule retains the source flock classification requirement, but eliminates the annual testing requirement. Flock testing must still be consistent with the national poultry improvement plan.

This change will make it possible for a new breeding flock to claim the "Mycoplasma gallicepticum clean" status of its parent flock until the new flock can be tested and certified in its own right. It will also make Wisconsin rules consistent with those of other states and USDA-APHIS.

Poultry Quarantines

Under current rules, DATCP must quarantine poultry flocks classified as "reactor," "infected" or "suspect" flocks under the national poultry improvement plan. Quarantined birds may only be moved to slaughter. DATCP may release a quarantine following 2 negative flock tests conducted at least 21 days apart.

This rule modifies current quarantine provisions. Under this rule, quarantined birds moved to slaughter must be accompanied by a USDA permit for movement of restricted animals, form VS 1-27. This rule repeals the current requirement for releasing a quarantine (2 negative flock tests at least 21 days apart). Instead, the quarantine order will spell out quarantine release terms, based on surrounding circumstances.

Poultry Diseases; Test Reports

This rule changes current poultry disease reporting requirements, consistent with the national poultry improvement plan:

- Under current rules, a veterinarian who diagnoses pullorum in poultry must report the disease to DATCP within 10 days after it is diagnosed. This rule shortens the reporting deadline from 10 days to one day.
- This rule adds a reporting requirement for mycoplasma meleagridis. Under this rule, a veterinarian who diagnoses this disease in poultry must report the disease to DATCP within one day after it is diagnosed.

Dogs and Cats

Under current rules, a dog or cat imported to Wisconsin must be accompanied by a certificate of veterinary inspection. The certificate must disclose the rabies vaccination status of the animal. If the dog or cat has never been vaccinated, or is due for re-vaccination, it must be vaccinated by a licensed veterinarian within 30 days after it enters the state or within 30 days after it reaches 4 months of age, whichever is later.

The Legislature recently modified the rabies vaccination statute. Under the new statute, a dog or cat may be vaccinated (with an appropriate vaccine) before the animal reaches 4 months of age, and must be vaccinated before the animal reaches 5 months of age. This rule modifies the current rules to conform to the new statute. Under this rule, if an imported dog or cat has never been vaccinated, or is due for re-vaccination, it must be vaccinated by a licensed veterinarian within 30 days after it enters the state or before it reaches 5 months of age, whichever is later.

1 SECTION 1. ATCP 10.01(20q) is amended to read:

2 ATCP 10.01(20q) "Equine infectious anemia test" means a test approved by the
3 department, and conducted at a ~~department laboratory~~ or a laboratory approved by the
4 department or the federal bureau, to determine whether an animal is infected with equine
5 infectious anemia.

6 SECTION 2. ATCP 10.01(31) is amended to read:

7 ATCP 10.01(31) "Herd" means ~~one~~ any of the following:

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

10 (b) Two or more commonly ~~owner~~ owned or controlled groups of animals ~~of the~~
11 ~~same species~~ that are maintained at geographically separate locations, if an interchange
12 occurs between the locations without exercising appropriate bio-security measures.

13 SECTION 3. ATCP 10.01(45)(he) is created to read:

1 ATCP 10.01(45)(he) A poultry leg band or wing band bearing a number that
2 uniquely identifies a bird.

3 **SECTION 4.** ATCP 10.03(1) is repealed and recreated to read:

4 ATCP 10.03(1) VETERINARIAN TO REPORT. (a) Whenever a veterinarian tests an
5 animal for any of the following diseases, the veterinarian shall report the test results to
6 the department within 10 days:

- 7 1. Anaplasmosis.
- 8 2. Brucellosis.
- 9 3. Paratuberculosis (Johne's disease).
- 10 4. Pseudorabies.
- 11 5. Tuberculosis.

12 (b) A veterinarian is not required to report under par. (a) if the laboratory
13 analyzing the test sample simultaneously reports the test result to the department and the
14 veterinarian.

15 **SECTION 5.** ATCP 10.11(3) is repealed and recreated to read:

16 ATCP 10.11(3) VETERINARIAN TO REPORT. A veterinarian who collects a
17 brucellosis test sample from a bovine animal in this state shall do all the following:

18 (a) Report the test result to the department within 10 days after the veterinarian
19 obtains the test result. The veterinarian shall immediately report any positive reaction by
20 telephone or other rapid means, and shall confirm the report in writing within 10 days.

21 This reporting requirement does not apply if the laboratory analyzing the test sample
22 simultaneously reports the test result to the department and the veterinarian.

23 (b) Provide a copy of the laboratory test report to the animal owner.

1 **SECTION 6.** ATCP 10.31(3) is repealed and recreated to read:

2 ATCP 10.31(3) **VETERINARIAN TO REPORT.** A veterinarian who collects a
3 pseudorabies test sample from swine in this state shall do all the following:

4 (a) Report the test result to the department within 10 days after the veterinarian
5 obtains the test result. The veterinarian shall immediately report any positive reaction by
6 telephone or other rapid means, and shall confirm the report in writing within 10 days.

7 This reporting requirement does not apply if the laboratory analyzing the test sample
8 simultaneously reports the test result to the department and the veterinarian.

9 (b) Provide a copy of the laboratory test report to the animal owner.

10 **SECTION 7.** ATCP 10.35(3) is repealed and recreated to read:

11 ATCP 10.35(3) **VETERINARIAN TO REPORT.** A veterinarian who collects a
12 brucellosis test sample from swine in this state shall do all the following:

13 (a) Report the test result to the department within 10 days after the veterinarian
14 obtains the test result. The veterinarian shall immediately report any positive reaction by
15 telephone or other rapid means, and shall confirm the report in writing within 10 days.

16 This reporting requirement does not apply if the laboratory analyzing the test sample
17 simultaneously reports the test result to the department and the veterinarian.

18 (b) Provide a copy of the laboratory test report to the animal owner.

19 **SECTION 8.** ATCP 10.40(1)(c) is created to read:

20 ATCP 10.40(1)(c) A technician employed by the department or the federal
21 bureau if the technician performs only routine screening tests under the direct supervision
22 of a veterinarian employed by the department or the federal bureau.

23 **SECTION 9.** ATCP 10.50(1)(a) is amended to read:

1 ATCP 10.50(1)(a) No poultry may be used for breeding purposes and no poultry
2 eggs may be used for hatching unless they originate from a flock ~~which is tested annually~~
3 and classified “U.S. pullorum-typhoid clean” ~~as provided in~~ under the national poultry
4 improvement plan. No turkeys or turkey eggs may be used for breeding purposes or
5 hatching unless they originate from a flock ~~which is tested annually and classified~~
6 “Mycoplasma gallisepticum clean” ~~as provided in~~ under the national poultry
7 improvement plan.

8 **SECTION 10.** ATCP 10.50(2)(b) is repealed and recreated to read:

9 ATCP 10.50(2)(b) Whenever the department’s agent draws blood samples from
10 poultry, for testing under this section, the agent shall do one of the following:

11 1. Identify each bird with an official individual identification and label each
12 blood sample with the bird’s identification number.

13 2. Require the flock owner or the flock owner’s agent to isolate the test group of
14 birds from others in the flock, if the test group includes 25 or more birds. The flock
15 owner or the flock owner’s agent shall isolate the test group until the department receives
16 the test results and authorizes the flock owner or flock owner’s agent to release the test
17 group from isolation. If any bird in the test group tests positive, the department may
18 require further testing of all birds in the test group and may specify the disposition of all
19 birds in the test group.

20 **SECTION 11.** ATCP 10.50(2)(h) is amended to read:

21 ATCP 10.50(2)(h) ~~All poultry flocks~~ The department shall quarantine every
22 poultry flock ~~classified as a reactor, infected or suspect flock under standards of the~~
23 national poultry improvement plan ~~shall be quarantined to the premises and may be~~

1 removed only directly to slaughter. The flock owner shall furnish proof of slaughter
2 upon request by the department. The quarantine may be released following 2 negative
3 tests of the entire flock conducted at least 21 days apart. The department may specify, in
4 the quarantine order, terms for the release of the quarantine. Quarantined poultry may
5 not be moved from the premises on which they are quarantined, except that quarantined
6 poultry may be shipped directly to slaughter if all the following apply:

7 1. The poultry are accompanied by a USDA permit for movement of restricted
8 animals, form VS 1-27.

9 2. The flock owner provides the department with proof of slaughter, upon
10 request.

11 SECTION 12. ATCP 10.673(3) is repealed and recreated to read:

12 ATCP 10.673(3) VETERINARIAN TO REPORT. A veterinarian who collects a
13 brucellosis test sample from a cervid in this state shall do all the following:

14 (a) Report the test result to the department within 10 days after the veterinarian
15 obtains the test result. The veterinarian shall immediately report any positive reaction by
16 telephone or other rapid means, and shall confirm the report in writing within 10 days.

17 This reporting requirement does not apply if the laboratory analyzing the test sample
18 simultaneously reports the test result to the department and the veterinarian.

19 (b) Provide a copy of the laboratory test report to the animal owner.

20 SECTION 13. ATCP 10 *Appendix A* is amended to read:

APPENDIX A

Diseases Reported Within One Day

Foot and mouth disease	Bluetongue
Vesicular conditions including vesicular stomatitis	Equine encephalomyelitis (Eastern and Western)
Swine vesicular disease	African horse sickness
Rinderpest	African swine fever
Peste des petits ruminants	Classical swine fever
Contagious bovine pleuropneumonia	Avian influenza
Lumpy skin disease	Viscerotropic velogenic Newcastle disease
Rift Valley fever	Sheep pox and goat pox
Pseudorabies (Aujeszky's disease)	Brucellosis
Rabies	Tuberculosis
<u>Pullorum disease</u>	<u>Mycoplasma meleagridis</u>
<u>Chronic wasting disease</u>	Any disease that is foreign or exotic to Wisconsin

APPENDIX B**Diseases Reported Within 10 Days****Multiple species diseases**

Anthrax
 Echinococcosis/hydatidosis
 Heartwater
 Leptospirosis
 New world screwworm (*Cochliomyia hominivorax*)
 Old world screwworm (*Chrysomya bezziana*)
 Paratuberculosis also known as Johne's Disease
 Q Fever

Fish diseases

Epizootic haematopoietic necrosis
 Infectious haematopoietic necrosis
 Oncorhynchus masou virus disease
 Spring viraemia of carp
 Viral haemorrhagic septicaemia

Sheep and goat diseases

Caprine and ovine brucellosis (excluding *B. ovis*)
 Caprine arthritis/encephalitis
 Contagious agalactia
 Contagious caprine pleuropneumonia
 Enzootic abortion of ewes (ovine chlamydiosis)
 Maedi-visna
 Nairobi sheep disease
 Ovine epididymitis (*Brucella ovis*)
 Ovine pulmonary adenomatosis
 Salmonellosis (*S. abortusovis*)
 Scrapie

Swine diseases

Atrophic rhinitis of swine
 Enterovirus encephalomyelitis
 Porcine cysticercosis
 Porcine reproductive and respiratory syndrome
 Transmissible gastroenteritis
 Trichinellosis

Cattle diseases

Bovine anaplasmosis
 Bovine babesiosis
 Bovine spongiform encephalopathy
 Bovine cysticercosis
 Bovine genital campylobacteriosis
 Infectious bovine rhinotracheitis / infectious
 pustular vulvovaginitis
 Dermatophilosis
 Enzootic bovine leukosis
 Haemorrhagic septicaemia
 Malignant catarrhal fever
 Theileriosis
 Trichomonosis
 Trypanosomosis (tsetse-borne)

Equine diseases

Contagious equine metritis
 Dourine
 Epizootic lymphangitis
 Equine infectious anemia
 Equine influenza
 Equine piroplasmosis
 Equine rhinopneumonitis
 Equine viral arteritis
 Glanders
 Horse mange
 Horse pox
 Japanese encephalitis
 Surra (*Trypanosoma evansi*)
 Venezuelan equine encephalomyelitis

Bee diseases

Acariosis of bees
American foulbrood
European foulbrood
Nosemosis of bees
Varroosis

Lagomorph diseases

Myxomatosis
Rabbit haemorrhagic disease

Mollusc diseases

Haplosporidiosis (*H. nelsoni* or *H. costale*)
Bonamiosis
Marteiliosis
Mikrocytosis (*Mikrocytos mackini*)
Perkinsosis

Avian diseases

Avian chlamydiosis
Avian infectious bronchitis
Avian infectious laryngotracheitis
Avian mycoplasmosis (*M. gallisepticum*)
Avian tuberculosis
Duck virus enteritis
Duck virus hepatitis
Fowl cholera
Fowl pox
Fowl typhoid
Infectious bursal disease (Gumboro disease)
Marek's disease
Avian infectious encephalomyelitis.
Orinthosis (psittacosis)
Mycoplasma gallisepticum infection
Paramylovirus infections of poultry other than Newcastle disease
Salmonellosis
Infectious laryngotracheitis

Diseases of other animal species

Leishmaniosis

SECTION 15. ATCP 11.01(24q) is amended to read:

1 ATCP 11.01(24q) "Equine infectious anemia test" means a test approved by the
2 department, and conducted at a ~~department laboratory or a~~ laboratory approved by the
3 department or the federal bureau, to determine whether an animal is infected with equine
4 infectious anemia.

5 SECTION 16. ATCP 11.01(37) is repealed and recreated to read:

6 ATCP 11.01(37) "Herd" means any of the following:

7 (a) A commonly owned or controlled group of animals that are maintained on
8 common ground.

9 (b) Two or more commonly owned or controlled groups of animals that are
10 maintained at geographically separate locations, if an interchange occurs between the
11 locations without exercising appropriate bio-security measures.

12 SECTION 17. ATCP 11.01(80g) is created to read:

13 ATCP 11.01(80g) "Tuberculosis modified accredited state" means a state that
14 USDA has classified as a bovine tuberculosis modified accredited state or a state with a
15 tuberculosis prevalence greater than .1%.

16 SECTION 18. ATCP 11.11(5)(title) and (a)(intro.) are amended to read:

17 ATCP 11.11(5) IMPORTS FROM TUBERCULOSIS ~~NON-MODIFIED~~ MODIFIED
18 ACCREDITED STATES. (a) *Pre-import requirements.* No person may import to this state
19 any bovine animal that originates from a tuberculosis ~~non-modified~~ modified accredited
20 state unless all the following apply:

21 SECTION 19. ATCP 11.11(5)(b)(intro.) is amended to read:

1 ATCP 11.11(5)(b) *Post-import testing*. The owner of a bovine animal imported
2 to this state from a ~~non-modified~~ tuberculosis modified accredited state shall have the
3 animal tested for tuberculosis not less than 60 days nor more than 90 days after it is
4 imported. This testing requirement does not apply to feeder cattle imported for feeding
5 prior to slaughter if all the following apply:

6 **SECTION 20.** ATCP 11.11(5)(c)(intro.) is amended to read:

7 ATCP 11.11(5)(c) *Post-import confinement*. Bovine animals imported from a
8 ~~non-modified~~ tuberculosis modified accredited state may not be removed from the
9 premises at which they are first received in this state unless one of the following applies:

10 **SECTION 21.** ATCP 11.20(7) is repealed and recreated to read:

11 ATCP 11.20(7) **SLAUGHTER SWINE IMPORTED FROM PSEUDORABIES STAGE I OR II**
12 **STATE.** No person may import slaughter swine from a state that the national pseudorabies
13 control board has designated as a pseudorabies stage I or II state unless all the following
14 apply:

15 (a) The swine are shipped in a sealed vehicle directly to a slaughter
16 establishment.

17 (b) The swine are accompanied by a USDA permit for movement of restricted
18 animals (form VS 1-27) or a completed slaughter import form provided by the
19 department.

20 **SECTION 22.** ATCP 11.20(7)(note) is created to read:

21 **NOTE:** Slaughter import forms may be obtained from:

22 Wisconsin Department of Agriculture, Trade and Consumer Protection
23 Division of Animal Health
24 P.O. Box 8911
25 Madison, WI 53708-8911

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SECTION 23. ATCP 11.23(2)(a) and (d) are amended to read:

ATCP 11.23(2)(a) ~~This state qualifies~~ The national psuedorabies control board
has designated this state as a pseudorabies stage IV or V state.

(d) The animal is moved to the premises of a livestock dealer or livestock market if the dealer or market operator complies with the testing requirement under ~~par. (a) sub.~~ (1) before the animal is moved from those premises.

SECTION 24. ATCP 11.52 is repealed and recreated to read:

ATCP 11.52 Dogs and domestic cats; imports. (1) No person may import any dog or domestic cat into this state unless it is accompanied by a valid certificate of veterinary inspection. The certificate shall comply with s. ATCP 11.02, and shall indicate all the following:

- (a) Whether the dog or cat has been vaccinated for rabies by a licensed veterinarian.
 - (b) The date on which the dog or cat was last vaccinated for rabies.
 - (c) The date on which the dog or cat is due to be re-vaccinated for rabies.
- (2) If an imported dog or cat has not been vaccinated by a licensed veterinarian, or if the dog or cat is due for revaccination when it enters this state, the owner shall have the dog or cat vaccinated by a licensed veterinarian by the later of the following dates:
- (a) The date that is 30 days after the dog or cat enters this state.
 - (b) The date on which the dog or cat reaches 5 months of age.
- (3) A rabies vaccination under this section shall comply with label instructions, and age and time standards, approved by the federal bureau for the type of vaccine used.

SECTION 25. ATCP 11.55(1)(c) is amended to read:

1 ATCP 11.55(1)(c) A report of a negative pre-import brucellosis test conducted not
2 more than 20 days before the cervid enters this state compliance with testing
3 requirements for interstate movement of cervids published in the September 30, 1998
4 edition of the USDA uniform methods and rules for brucellosis in cervidae (APHIS
5 publication 91-45-12).

6 SECTION 26. ATCP 11.55(1)(note) is created to read:

7 **NOTE:** Copies of the USDA uniform methods and rules for brucellosis in
8 cervidae, dated September 30, 1998 (APHIS publication 91-45-12) are on
9 file with the department, the secretary of state and the revisor of statutes.
10 Copies may be obtained from:

11
12 Wisconsin Department of Agriculture, Trade and Consumer Protection
13 Division of Animal Health
14 P.O. Box 8911
15 Madison, WI 53708-8911
16

17 SECTION 27. ATCP 11.56(2)(f) is repealed.

18 SECTION 28. ATCP 11.56(2)(g) is created to read:

19 ATCP 11.56(2)(g) The cervid originates from a herd that is certified as an
20 accredited tuberculosis-free herd under s. ATCP 10.67(1).

21 SECTION 29. ATCP 11.58(15)(b)2. is amended to read:

22 ATCP 11.58(15)(b)2. Infectious hematopoietic necrosis (IHN); and viral
23 hemorrhagic septicemia (VHS) and whirling disease (*Myxobolus cerebralis*, or WD), if
24 the import shipment includes salmonids. If the import shipment includes fish of the
25 salmonid family, the health certificate shall also certify that those fish are free of whirling
26 disease (*Myxobolus cerebralis*, or WD).

27 SECTION 30. ATCP 11.59(2)(b)2. is amended to read:

1 ATCP 11.59(2)(b)2. Whirling disease (*Myxobolus cerebralis*, or WD), if the
2 health certificate is used for introducing ~~salmonids~~ fish of the salmonid family.

3 **SECTION 31.** ATCP 11.62(4)(a) is amended to read:

4 ATCP 11.62(4)(a) The poultry originate from a flock ~~or state~~ designated as
5 “U.S. Pullorum-Typhoid Clean” under the national poultry improvement plan, or from a
6 flock meeting equivalent standards.

7 **SECTION 32.** ATCP 11.62(6)(a) is amended to read:

8 ATCP 11.62(6)(a) Except as provided under par. (am), no person may exhibit
9 any equine animal at a fair, exhibition or show unless ~~the animal has tested negative for~~
10 ~~equine infectious anemia during the previous 12 months.~~ one of the following applies:

11 1. The animal has tested negative on an equine infectious anemia test conducted
12 during the calendar year in which the animal is exhibited in this state.

13 2. The animal, if exhibited before February 1, has tested negative for equine
14 infectious anemia during the preceding calendar year.

15 **EFFECTIVE DATE.** This rule shall take effect on the first day of the month
16 following publication in the Wisconsin administrative register, as provided in s.
17 227.22(2)(intro.), Stats.

Dated this _____ day of _____, 2002.

**STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE
AND CONSUMER PROTECTION**

James E. Harsdorf, Secretary

FISCAL ESTIMATE

DOA-2048 N(R10/94)

- ORIGINAL
- CORRECTED
- UPDATED
- SUPPLEMENTAL

LRB at Bill No./Adm. Rule No.

ATCP 10, 11, 12

Amendment No. If Applicable

Subject DATCP 10, 11, 12, Animal Health General

Fiscal Effect

State: No State Fiscal Effect

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

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

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

Local: No local government costs

- | | | |
|--|--|---|
| 1. <input type="checkbox"/> Increase Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
2. <input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
4. <input type="checkbox"/> Decrease Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 5. Types of Local Governmental Units Affected:
<input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities
<input type="checkbox"/> Counties <input type="checkbox"/> Others _____
<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |
|--|--|---|

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The rule will not have a major impact on State or Local government resources. This rule integrates minor state law changes that have already been enacted into rule, and creates consistency within animal health rules, and with federal programs and with other states. Increases in workload will be absorbed by existing staff.

Long-Range Fiscal Implications

None

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

DATCP Melissa Mace 224-4883

Authorized Signature/Telephone No.

Barbara Knapp
Barb Knapp 224-4746

Date

7-2-02

Wisconsin Department of Agriculture, Trade and Consumer Protection

Final Regulatory Flexibility Analysis

Rule Subject: Animal Health Rule Revisions
Adm. Code Reference: ATCP 10, 11, 12
Rules Clearinghouse #: 02-054
DATCP Docket #: 99-R-12

Rule Description

The rule modifies current animal health rules, including rules related to animal disease, animal movement and livestock markets. This rule updates a number of current rules. Among other things, this rule:

- Modifies current disease testing and reporting requirements to reflect the fact that DATCP no longer operates Wisconsin's animal health laboratories (the labs are currently operated by the University of Wisconsin).
- Makes technical changes to the definition of herd, making it consistent in all chapters.
- Modifies current import testing requirements for fish, eliminating a whirling testing requirement for salmonid *eggs* (because no reliable test exists). The testing requirement still applies to live fish.
- Updates bovine tuberculosis import requirements to reflect new federal terminology (no substantive change).
- Makes technical changes to current testing requirements for equine infectious anemia (EIA).
- Modifies current rules related to cervids (including deer and elk):
 - Modifies pre-import brucellosis testing requirements to make them consistent with federal *Uniform Methods and Rules*.
 - Modifies pre-import tuberculosis testing requirements to create an exemption for cervids originating from certified tuberculosis-free herds.
 - Modifies current TB testing requirements for *intrastate* movement of captive deer. This rule extends the current testing requirement to white-tail deer (current rules exempt white-tails).

- Requires veterinarians and diagnostic laboratories to report any findings of chronic wasting disease within one day.
- Modifies current testing, identification and classification procedures under voluntary programs to certify poultry flocks free of pullorum-typhoid and mycoplasma-gallisepticum.
- Modifies current rules related to poultry quarantines. Under this rule, a permit must accompany quarantined birds moved to slaughter. This rule repeals current requirements for quarantine release (2 negative flock tests at least 21 days apart). Instead, the quarantine order will spell out quarantine release terms, based on surrounding circumstances.
- Changes current poultry disease reporting requirements, consistent with the national poultry improvement plan:
 - Under current rules, a veterinarian who diagnoses pullorum in poultry must report it to DATCP within 10 days. This rule shortens the reporting deadline from 10 days to one day.
 - This rule adds a reporting requirement for mycoplasma meleagridis. A veterinarian who diagnoses this disease must report it to DATCP within one day.
- Modifies current rabies vaccination requirements for imported dogs and cats, based on recent statutory changes. Under this rule, if an imported dog or cat has never been vaccinated, or is due for re-vaccination, it must be vaccinated by a licensed veterinarian within 30 days after it enters the state or before it reaches 5 months of age, whichever is later.

Small Businesses Affected by this Rule

This rule affects livestock owners and veterinarians. Some of these persons are “small businesses” as defined in s. 227.114(1)(a), Stats.

Effects on Small Business

This rule will have a slight impact on small business. This rule eliminates some unnecessary burdens by making Wisconsin rules more consistent with federal rules. In some cases, this rule imposes slight additional record keeping and reporting requirements on veterinarians, but these requirements are necessary to protect Wisconsin livestock.

Steps to Assist Small Business

This rule creates more consistency between state and federal requirements. It improves regulations to protect the Wisconsin livestock industry from disease. It eliminates some unnecessary requirements, and streamlines disease control programs where possible.

Conclusion

This rule will not, by itself, have a major impact on small business. For the most part, this rule merely implements requirements already mandated by state and federal law.

Dated this 3 day of July, 2002

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By 
Dr. Clarence Siroky, Administrator,
Division of Animal Health