

STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF AGRICULTURE, )  
TRADE & CONSUMER PROTECTION )

Clearinghouse Rule  
No. 94-90


CERTIFICATION:

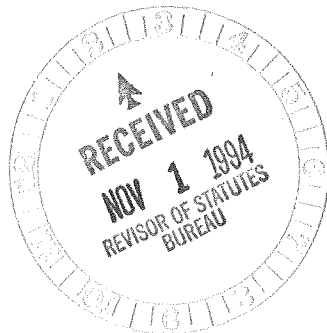
I, Alan T. Tracy, Secretary of the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, and custodian of the department's official records, hereby certify that the attached rulemaking order relating to plant pests and honeybees was signed and adopted by the department on November 1, 1994.

I further certify that I have compared the attached copy to the original on file in the department, and that the attached copy is a complete and accurate copy of the original.

Signed and sealed this 1st of November, 1994

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By   
Alan T. Tracy, Secretary



1-1-95



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  
2 consumer protection adopts the following order to repeal ATCP  
3 21.01(4); to renumber ATCP 21.01(1) to (3); to amend ATCP  
4 21.04(1) (intro.); and to create ATCP 21.01(1) to (3), (5), and  
5 (8) to (15), 21.04(2) (e), and 21.10 to 21.13; relating to plant  
6 pests and honeybees.

---

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

Statutory authority: ss. 93.07(1) and (12), 94.03 and  
94.76(1), Stats.

Statutes interpreted: ss. 93.07(10), (12) and (13), 94.01  
to 94.03 and 94.76, Stats.

This rule modifies the department's current rules under ch. ATCP  
21, Wis. Adm. Code, related to plant pests and honeybees.

Biological control agents; permit exemption

Under current rules, no person may, without a permit from the  
department, knowingly import, move or release into the  
environment in this state any "biological control agent" (i.e.,  
any organism that controls pests by biological rather than  
chemical means). The current permit requirement does not apply  
to a pesticide registered under state or federal law, or to a  
biological control agent that is indigenous throughout this  
state. This rule creates an additional permit exemption for an  
agricultural, horticultural or silvicultural plant that  
suppresses or controls pests or pathogens, provided that the  
plant has not itself been declared a pest under state or federal  
law.

Gypsy Moth; Import Controls and Quarantine

This rule restricts the import and movement of uninspected plants  
and materials that have a high risk of being infested with gypsy  
moth, a serious plant pest. Under this rule:

- No person may import into this state any uninspected trees, woody shrubs, cut Christmas trees, logs, pulpwood, slabwood, firewood or wood chips from any gypsy moth regulated area designated by the United States department of agriculture (USDA) under 7 CFR 301.45-2a.
- No person may move any uninspected trees, woody shrubs, cut Christmas trees, logs, pulpwood, slabwood, firewood or wood chips out of any area in this state which USDA has designated as a gypsy moth regulated area.
- No common carrier may transport into this state, for delivery in this state, any uninspected outdoor household items that have been used in a gypsy moth regulated area designated by USDA.
- No common carrier may transport, out of any area in this state which USDA has designated as a gypsy moth regulated area, any uninspected outdoor household item that has been used in that area.

The above restrictions do not apply to items that are inspected and certified by a pest control official in the state or province of origin. An inspection certificate must accompany the inspected items and must certify at least one of the following:

- That the inspected items originate from non-infested premises and have not been exposed to gypsy moth infestation.
- That the inspected items were found, at the time of inspection, to be free of gypsy moth infestation.
- That the inspected items have been treated according to approved procedures to destroy the gypsy moth.
- That the inspected items are produced, processed, stored, handled or used under conditions, described in the certificate, that effectively preclude the transmission of any gypsy moth infestation.

#### Japanese Beetle; Import Controls

This rule restricts imports of plants, soil and other materials that have a high risk of being infested with Japanese beetle, a serious plant pest. Under this rule, no person may import any of the following items from infested areas designated in this rule unless the items are inspected and certified to be free of Japanese beetle:

- Soil, humus, compost or manure, except packaged products that are commercially processed in a manner that effectively

destroys the Japanese beetle.

- Woody or perennial plants with roots, except bareroot plants that are free from soil that could conceal Japanese beetle larvae or pupae.
- Grass sod.
- Woody or perennial plant crowns or roots for propagation, except when free from soil that could conceal Japanese beetle larvae or pupae.
- Bulbs, corms, tubers or rhizomes of perennial plants, except when free from soil that could conceal Japanese beetle larvae or pupae.
- Any other woody or perennial plant, woody or perennial plant part, or related article or substance that could reasonably harbor any living stage of the Japanese beetle, and that could reasonably transmit an infestation of the Japanese beetle.

Under this rule, imports of the above items are restricted if the items originate from any of the following infested areas:

- The states of Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia and West Virginia.
- The District of Columbia.
- In the state of Missouri, the counties of Crawford, Franklin, Gasconade, Jefferson, St. Charles, St. Louis, Warren and Washington.
- In the state of Nebraska, the county of Lancaster.
- In the state of Nevada, the county of Clark.
- In the province of Ontario, Canada, the counties of Haldimand, Hamilton, Lincoln, Niagara, Norfolk, Welland and Wentworth.
- In the province of Quebec, Canada, the counties of Brome, LaPrairie, Missiquoi and St. Jean.

The import restrictions under this rule do not apply to items that are inspected and certified by a pest control official in the state or province of origin. An inspection certificate must accompany the imported items and must certify at least one of the

following:

- That the inspected items were treated to destroy the Japanese beetle. The certificate must specify the treatment date, which may be not more than 10 days before the date on which the items were shipped from the infested area.
- That the inspected items are produced, processed, stored, handled or used under conditions, described in the certificate, that effectively preclude the transmission of any Japanese beetle infestation.
- That the items originate from an area which the state or province of origin has certified to be free of Japanese beetle infestation.

#### Pine Shoot Beetle; Import Controls and Quarantine

This rule restricts the import and movement of certain "regulated items" that have a high risk of being infested with pine shoot beetle, a serious plant pest. "Regulated items" include the following:

- Plants of the genus *Pinus*, including live plants or plant parts cut live for ornamental use (e.g., Christmas trees).
- Logs or timber with bark from the genera *Abies*, *Picea* or *Pinus*.

Under this rule, no person may do either of the following:

- Import a "regulated item" into this state if that item originates from any of the infested areas designated by the United States department of agriculture under 7 CFR 301.50-3.
- Move a "regulated item" out of an infested area designated in this state by the United States department of agriculture under 7 CFR 301.50-3.

These restrictions on import and movement do not apply to items that are inspected and certified by a pest control official in the state or province of origin. An inspection certificate must accompany the inspected items and must certify at least one of the following:

- That the pine shoot beetle is not present on the inspected items.
- That the inspected items have been effectively treated to destroy the pine shoot beetle.

## Honeybees; Import Controls

This rule regulates imports of honeybees to prevent the dissemination and spread of serious honeybee pests including Varroa mite, American foulbrood and Africanized honeybees.

Under this rule, no person may ship live honeybees or used beekeeping equipment into this state without first reporting the import shipment to the department in writing. A single report may cover 2 or more import shipments made in the same calendar year. A report must include all of the following information for each import shipment covered by the report:

- The name and address of the person making the import shipment.
- A description of the import shipment.
- The expected date of the import shipment. If a report covers 2 or more import shipments, the report need only include the expected date of the first shipment.
- The name and address of the beekeeping operation from which the import shipment will originate, including the state, county and local address of that operation.
- The name and address of the person receiving the import shipment in Wisconsin if that person is a wholesale distributor of honeybees or used beekeeping equipment.
- Required certificates showing that the shipment is free of Africanized honeybees, Varroa mites and American foulbrood (see below). Each certificate must be issued by a pest control official in the state of origin. Each certificate must be based on an inspection performed by the pest control official within 12 months prior to the shipment date.

Under this rule, no person may ship into this state any live honeybees or used beekeeping equipment originating from a county or parish in which, according to the national agricultural pest information survey published by the United States department of agriculture, Africanized honeybees or other undesirable honeybees have been found. This prohibition does not apply to any of the following:

- Honeybees which a pest control official certifies as being European honeybees.
- Used beekeeping equipment if a pest control official certifies that the equipment is free of live honeybees.

Under this rule, a pest control official may use any of the following methods to certify that honeybees are European honeybees:

- The fast Africanized bee identification system (FABIS), published by the United States department of agriculture, agricultural research service. (The department has requested permission from the attorney general and the revisor of statutes to incorporate this method by reference in this rule.)
- The morphometric method for identification of honeybees using large reference populations. (The department has requested permission from the attorney general and the revisor of statutes to incorporate this method by reference in this rule.)
- Any other method approved by the department.

Under this rule, no person may ship live honeybees into this state unless those honeybees are from a colony which a pest control official certifies as being apparently free of Varroa mite infestation. This rule specifies standards and procedures for determining whether a colony is apparently free of infestation.

Under this rule, no person may ship live honeybees into this state unless those honeybees originate from a colony which a pest control official certifies as being apparently free of American foulbrood. This rule specifies standards and procedures for determining whether a colony is apparently free of American foulbrood.

Under this rule, no person may ship used beekeeping equipment into this state unless a pest control official first certifies that the beekeeping equipment is apparently free of Varroa mite and American foulbrood.

---

1           **SECTION 1.** ATCP 21.01(1) to (3) are renumbered (4), (6) and  
2           (7).

3           **SECTION 2.** ATCP 21.01(4) is repealed.

4           **SECTION 3.** ATCP 21.01(1) to (3), (5) and (8) to (15) are  
5           created to read:

6           ATCP 21.01(1) "Africanized honeybee" means any African  
7           honeybee, any hybrid of an African honeybee or any hybrid of that



1 hybrid.

2 (2) "American foulbrood" means *Bacillus larvae* and related  
3 pathogens.

4 (3) "Beehive" means a honeybee colony and any equipment  
5 used to house that colony. "Beehive" does not include a package  
6 or shipment consisting only of a queen, a queen and attendant  
7 honeybees, or adult honeybees.

8 (5) "Colony" means a group of honeybees consisting of a  
9 queen, adult honeybees and brood.

10 (8) "Gypsy moth" means the live insect, *Lymantria dispar*,  
11 family Lymantriidae, in any life stage, including the egg,  
12 larva, pupa or adult stage.

13 (9) "Japanese beetle" means the live insect, *Popillia*  
14 *japonica*, family Scarabaeidae, in any life stage, including the  
15 egg, larva, pupa or adult stage.

16 (10) "Pest" has the meaning specified in s. 93.01(10),  
17 Stats. "Pest" includes honeybee diseases, pests of honeybees,  
18 and undesirable honeybees.

19 (11) "Pest control official" means a federal, state or  
20 provincial government official or agent who is accredited by the  
21 United States department of agriculture to certify that plants,  
22 honeybees or other items are free of pests.

23 (12) "Pine shoot beetle" means the live insect, *Tomicus*  
24 *piniperda*, family Scolytidae, in any life stage, including the  
25 egg, larva, pupa or adult stage.

26 (13) "Undesirable honeybees" means either of the following:

1 (a) Africanized honeybees.

2 (b) Honeybee species which, because of their undesirable  
3 genetic traits, are declared by the department or the United  
4 States department of agriculture to be pests.

5 NOTE: See ss. 93.01(10) and 94.69(1), Stats., and s. ATCP  
6 29.02, Wis. Adm. Code.

7  
8 (14) "Used beekeeping equipment" means any equipment  
9 previously used as part of a beehive, and includes a drawn comb.

10 (15) "Varroa mite" means *Varroa jacobsoni*.

11 **SECTION 4.** ATCP 21.04(1)(intro.) is amended to read:

12 ATCP 21.04(1)(intro.) PERMIT REQUIRED. Except as provided  
13 under sub. (2), no person may knowingly do any of the following  
14 without a permit from the department as required under s. ATCP  
15 ~~159.03~~ 94.03, Stats.:

16 **SECTION 5.** ATCP 21.04(2)(e) is created to read:

17 ATCP 21.04(2)(e) An agricultural, horticultural or  
18 silvicultural plant that suppresses or controls plant pests or  
19 pathogens, provided that the plant has not been declared to be a  
20 pest under state or federal law.

21 **SECTION 6.** ATCP 21.10 to 21.13 are created to read:

22 **ATCP 21.10 GYPSY MOTH; IMPORT CONTROLS AND QUARANTINE.** (1)

23 TREES, UNPROCESSED FOREST PRODUCTS AND SHRUBS FROM INFESTED  
24 AREAS. (a) Except as provided under sub. (3), no person may  
25 import into this state any trees, woody shrubs, cut Christmas  
26 trees, logs, pulpwood, slabwood, firewood or wood chips that  
27 originate from a gypsy moth regulated area designated by the  
28 United States department of agriculture under 7 CFR 301.45-2a.

1           (b) Except as provided under sub. (3), no person may move  
2 any trees, woody shrubs, cut Christmas trees, logs, pulpwood,  
3 slabwood, firewood or wood chips out of any area in this state  
4 which the United States department of agriculture has designated  
5 as a gypsy moth regulated area under 7 CFR 301.45-2a.

6           (2) USED OUTDOOR HOUSEHOLD ITEMS; COMMERCIAL MOVEMENT FROM  
7 INFESTED AREAS. Except as provided under sub. (3), no common  
8 carrier may do either of the following:

9           (a) Transport into this state, for delivery in this state,  
10 any outdoor household item that has been used in a gypsy moth  
11 regulated area designated by the United States department of  
12 agriculture under 7 CFR 301.45-2a.

13           (b) Transport, out of an area in this state which the  
14 United States department of agriculture has designated as a gypsy  
15 moth regulated area under 7 CFR 301.45-2a, any outdoor household  
16 item that has been used in that area.

17           (3) INSPECTED AND CERTIFIED ITEMS. Subsections (1) and (2)  
18 do not apply to items that are inspected and certified by a pest  
19 control official in the state or province of origin, provided  
20 that the items are accompanied by a written certificate issued by  
21 the pest control official who inspected those items. The  
22 certificate shall identify the date of inspection and the items  
23 inspected. In the certificate, the pest control official shall  
24 certify at least one of the following:

25           (a) That the inspected items originate from non-infested  
26 premises and have not been exposed to gypsy moth infestation.

1 (b) That the inspected items were found, at the time of  
2 inspection, to be free of gypsy moth infestation.

3 (c) That the inspected items have been effectively treated  
4 to destroy the gypsy moth. The certificate shall specify the  
5 method and date of treatment.

6 NOTE: Effective treatment methods include the methods  
7 described in the "Gypsy Moth Program Manual" published  
8 by the United States department of agriculture, animal  
9 and plant health inspection service (USDA-APHIS). A  
10 copy of the manual may be inspected at the department,  
11 or may be obtained from USDA-APHIS.

12  
13 (d) That the inspected items are produced, processed,  
14 stored, handled or used under conditions, described in the  
15 certificate, that effectively preclude the transmission of any  
16 gypsy moth infestation.

17 **ATCP 21.11 JAPANESE BEETLE; IMPORT CONTROLS.** (1) SOIL AND  
18 PLANT MATERIALS; IMPORTS FROM INFESTED AREAS. Except as provided  
19 under sub. (3), no person may import any of the following items  
20 into this state if that item originates from any of the areas  
21 identified under sub. (2):

22 (a) Soil, humus, compost or manure, except packaged  
23 products that are commercially processed in a manner that  
24 effectively destroys the Japanese beetle.

25 (b) Woody or perennial plants with roots, except bareroot  
26 plants that are free from soil that could conceal Japanese beetle  
27 larvae or pupae.

28 (c) Grass sod.

29 (d) Woody or perennial plant crowns or roots for  
30 propagation, except when free from soil that could conceal

1 Japanese beetle larvae or pupae.

2 (e) Bulbs, corms, tubers or rhizomes of perennial plants,  
3 except when free from soil that could conceal Japanese beetle  
4 larvae or pupae.

5 (f) Any other woody or perennial plant, woody or perennial  
6 plant part, or related article or substance that could reasonably  
7 harbor any living stage of the Japanese beetle, and that could  
8 reasonably transmit an infestation of the Japanese beetle.

9 (2) INFESTED AREAS. Subsection (1) applies to items  
10 originating from any of the following areas:

11 (a) The states of Alabama, Connecticut, Delaware, Georgia,  
12 Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts,  
13 Michigan, New Hampshire, New Jersey, New York, North Carolina,  
14 Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee,  
15 Vermont, Virginia and West Virginia.

16 (b) The District of Columbia.

17 (c) In the state of Missouri, the counties of Crawford,  
18 Franklin, Guscinode, Jefferson, St. Charles, St. Louis, Warren  
19 and Washington.

20 (d) In the state of Nebraska, the county of Lancaster.

21 (e) In the state of Nevada, the county of Clark.

22 (d) In the province of Ontario, Canada, the counties of  
23 Haldimand, Hamilton, Lincoln, Niagara, Norfolk, Welland and  
24 Wentworth.

25 (e) In the province of Quebec, Canada, the counties of  
26 Brome, LaPrairie, Missiquoi and St. Jean.

1 (3) INSPECTED AND CERTIFIED ITEMS. Subsection (1) does not  
2 apply to items that are inspected and certified by a pest control  
3 official in the state or province of origin, provided that the  
4 items are accompanied by a written certificate issued by the pest  
5 control official who inspected those items. The certificate  
6 shall identify the date of inspection and the items inspected,  
7 and shall certify at least one of the following:

8 (a) That the inspected items have been effectively treated  
9 to destroy the Japanese beetle not more than 10 days before the  
10 date on which the items were shipped from the infested area. The  
11 certificate shall specify the treatment method and date of  
12 treatment.

13 (b) That the inspected items are produced, processed,  
14 stored, handled or used under conditions, described in the  
15 certificate, that effectively preclude the transmission of any  
16 Japanese beetle infestation.

17 (c) That the items originate from an area which the state  
18 or province of origin has certified to be free of Japanese beetle  
19 infestation.

20 **ATCP 21.12 PINE SHOOT BEETLE; IMPORT CONTROLS AND**  
21 **QUARANTINE.** (1) IMPORTING OR MOVING REGULATED ITEMS FROM  
22 INFESTED AREAS; PROHIBITION. Except as provided under sub. (3),  
23 no person may do either of the following:

24 (a) Import into this state any regulated item identified  
25 under sub. (2) if that item originates from any of the regulated  
26 areas designated by the United States department of agriculture

1 under 7 CFR 301.50-3.

2 (b) Move any regulated item identified under sub. (2) out  
3 of any regulated area designated in this state by the United  
4 States department of agriculture under 7 CFR 301.50-3.

5 (2) REGULATED ITEMS. The following items are regulated  
6 under sub. (1):

7 (a) Plants of the genus *Pinus*, including live plants or  
8 plant parts cut live for ornamental use.

9 (b) Logs or timber with bark from the genera *Abies*, *Picea*  
10 or *Pinus*.

11 (3) INSPECTED AND CERTIFIED ITEMS; EXEMPTION. Subsection  
12 (1) does not apply to regulated items that are inspected and  
13 certified by a pest control official in the state or province of  
14 origin, provided that the items are accompanied by a written  
15 certificate issued by the pest control official who inspected  
16 those items. The certificate shall identify the date of  
17 inspection and the items inspected. In the certificate, the pest  
18 control official shall certify at least one of the following:

19 (a) That the pine shoot beetle is not present on the  
20 inspected items.

21 (b) That the inspected items have been effectively treated  
22 to destroy the pine shoot beetle. The certificate shall specify  
23 the method and date of treatment.

24 NOTE: Effective treatment methods include the methods  
25 described in the "Pine Shoot Beetle Program Manual"  
26 published by the United States department of  
27 agriculture, animal and plant health inspection service  
28 (USDA-APHIS). A copy of the manual may be inspected at  
29

1 the department, or may be obtained from USDA-APHIS.

2  
3 **ATCP 21.13 HONEYBEES; IMPORT CONTROLS.** (1) REPORTING

4 IMPORT SHIPMENTS. (a) No person may ship live honeybees or used  
5 beekeeping equipment into this state without first reporting the  
6 import shipment to the department in writing. A single report  
7 may cover 2 or more import shipments made in the same calendar  
8 year.

9 (b) A report under par. (a) shall include all of the  
10 following information for each import shipment covered by the  
11 report:

12 1. The name and address of the person making the import  
13 shipment.

14 2. A description of the import shipment. The description  
15 shall indicate whether the shipment includes any beehive or used  
16 beekeeping equipment, or whether it includes only a queen, a  
17 queen and attendant honeybees, or adult honeybees.

18 3. The expected date of the import shipment. If 2 or more  
19 import shipments are covered by the same report, the report need  
20 only include the expected date of the first import shipment.

21 4. The name and address of the beekeeping operation from  
22 which the import shipment will originate, including the state,  
23 county and local address of that operation.

24 5. The name and address of the person receiving the import  
25 shipment in this state if that person is a wholesale distributor  
26 of honeybees or beekeeping equipment.

27 6. The original copy of each certificate required in



1 connection with the import shipment under subs. (2) to (4). Each  
2 certificate shall be issued by a pest control official in the  
3 state of origin, prior to the import shipment date. Each  
4 certificate shall be based on an inspection performed by the pest  
5 control official within 12 months prior to the import shipment  
6 date. A single certificate may cover 2 or more import shipments  
7 and may combine certifications under subs. (2) to (4).

8 (2) SPECIES CERTIFICATION. (a) Except as provided under  
9 par. (b), no person may ship into this state any live honeybees  
10 or used beekeeping equipment originating from a county or parish  
11 in which, according to the national agricultural pest insect  
12 survey published by the United States department of agriculture,  
13 undesirable honeybees have been found.

14 NOTE: The national agricultural pest insect survey (NAPIS),  
15 which is published on a regular periodic basis by the  
16 United States department of agriculture, identifies  
17 counties in which Africanized honeybees and other  
18 undesirable honeybees have been found. Recent issues  
19 of the national agricultural pest insect survey are  
20 available from the department.  
21

22 (b) Paragraph (a) does not apply to either of the  
23 following:

24 1. Honeybees that a pest control official certifies under  
25 par. (c) as being European honeybees.

26 2. Used beekeeping equipment that a pest control official  
27 certifies as being free of live honeybees.

28 (c) A pest control official may use any of the following  
29 methods to certify that honeybees are European honeybees:

30 1. The fast Africanized bee identification system published

1 by the United States department of agriculture, agricultural  
2 research service.

3 NOTE: Copies of the fast Africanized bee identification  
4 system (FABIS) are on file with the department, the  
5 secretary of state and the revisor of statutes. Copies  
6 are available at cost from the department.  
7

8 2. The morphometric method for identification of  
9 Africanized and European honey bees using large reference  
10 populations.

11 NOTE: The morphometric method for identification of  
12 Africanized and European honey bees using large  
13 reference populations is described in Rinderer et al.,  
14 "Morphometric identification of Africanized and  
15 European honey bees using large reference populations,"  
16 *Apidologie* (1993) 24, 569-585. Copies of this article  
17 are on file with the department, the secretary of state  
18 and the revisor of statutes. Copies are available at  
19 cost from the department.  
20

21 3. Any other method approved by the department.

22 (3) VARROA MITE CERTIFICATION. (a) No person may ship  
23 live honeybees into this state unless those honeybees originate  
24 from a colony which a pest control official has certified as  
25 being apparently free of Varroa mite infestation.

26 (b) A pest control official may certify that honeybee  
27 colonies found at any location are apparently free of Varroa mite  
28 infestation if the pest control official does any of the  
29 following:

30 1. Examines at least 20 percent of those colonies using the  
31 ether roll method, and finds fewer than 3 mites per 250 honeybees  
32 in each examination. Under the ether roll method, the pest  
33 control official shall treat 250 honeybees with ether, and shall  
34 count the number of mites accumulated in the sampling jar.

1           2. Examines at least 20 percent of those colonies using the  
2 sticky board method, and finds fewer than 200 mites in each  
3 examination. Under the sticky board method, the pest control  
4 official shall treat a colony with a miticide approved by the  
5 federal environmental protection agency, shall collect the mites  
6 killed by the miticide during a period of at least 24 hours, and  
7 shall count the collected mites.

8           3. Examines at least 20 percent of those colonies using  
9 another test approved by the department, and finds that every  
10 inspected colony is apparently free of Varroa mite infestation  
11 based on a standard specified by the department.

12           (c) No person may ship used beekeeping equipment into this  
13 state unless a pest control official first certifies that the  
14 beekeeping equipment is apparently free of Varroa mite  
15 infestation.

16           (4) AMERICAN FOULBROOD CERTIFICATION. (a) No person may  
17 ship live honeybees into this state unless those honeybees  
18 originate from a colony which a pest control official has  
19 certified as being apparently free of American foulbrood.

20           (b) A pest control official may certify that colonies found  
21 at any location are apparently free of American foulbrood if the  
22 pest control official visually examines at least 20 percent of  
23 the colonies at that location, and finds evidence of American  
24 foulbrood in fewer than 3 percent of the colonies examined.

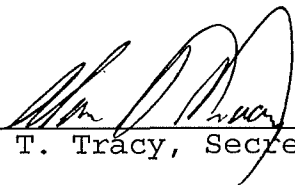
25           (c) No person may ship used beekeeping equipment into this  
26 state unless a pest control official first certifies that the

1   beekeeping equipment is apparently free of American foulbrood.

2           **SECTION 7.** The rules contained in this order shall take  
3 effect on the first day of the month following publication in the  
4 Wisconsin administrative register, as provided under s.  
5 227.22(2)(intro.), Stats.

Dated this 1st day of November, 1994.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By   
Alan T. Tracy, Secretary