

Chapter Ag 10

ANIMAL DISEASE PREVENTION AND CONTROL

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Note: Chapter Ag 10 as it existed on December 31, 1990 was repealed and a new Chapter Ag 10 was created effective January 1, 1991.

Subchapter I — Definitions

Ag 10.01 Definitions. As used in this chapter:

(1) "Accredited tuberculosis-free herd" means a herd of cattle or goats which is certified as tuberculosis-free by one of the following:

- (a) The department under s. Ag 10.17 or 10.62.
- (b) The authorized animal health agency of the state in which the herd is located, under standards comparable to s. Ag 10.17 or 10.62.

(2) "Accredited veterinarian" means a veterinarian who is both of the following:

- (a) Licensed to practice veterinary medicine.
- (b) Specifically authorized by the federal bureau and responsible state agency, pursuant to 9 CFR 160 to 162, to perform animal disease eradication and control functions under state and federal animal health laws.

(3) "Anaplasmosis" means the contagious, infectious disease of cattle caused by *Anaplasma marginale*.

(4) "Anaplasmosis-free herd" means a herd of cattle which is certified as anaplasmosis-free by one of the following:

- (a) The department under s. Ag 10.18.
- (b) The authorized animal health agency of the state in which the herd is located, under standards comparable to s. Ag 10.18.
- (5) "Anaplasmosis test" means the complement fixation test or other anaplasmosis diagnostic test which is approved by the department and conducted at a laboratory approved by the department or the federal bureau.
- (6) "Bison" means American bison of any age or sex, commonly known as buffalo.
- (7) "Boar" means an uncastrated male swine that is sexually mature.
- (8) "Bovine animal" means cattle and American bison of any age or sex.
- (9) "Brucellosis" means the contagious, infectious and communicable disease caused by bacteria of the genus *Brucella*.
- Note: Brucellosis is also known as Bang's disease, undulant fever, and contagious abortion.
- (10) "Brucellosis test" means:
- (a) For bovine animals, a blood serum agglutination test, a particle concentration fluorescence immunoassay (PCFIA) or approved supplemental tests conducted according to procedures approved by the department.
- (b) For swine, the swine brucellosis card test, the blood serum agglutination test, or approved supplemental tests conducted according to procedures approved by the department.
- (11) "Bull" means an uncastrated sexually mature male bovine animal.
- (12) "Calf" means a sexually immature bovine animal of either sex.
- (13) "Cattle" means any of the various animals of the domesticated genus *Bos*.
- (14) "Certificate of veterinary inspection" means a written certificate prepared by an accredited veterinarian in compliance with s. Ag 11.02 (2).
- (15) "Certified brucellosis-free herd" means a herd of cattle or goats which is certified as brucellosis-free by one of the following:
- (a) The department under s. Ag 10.14 or 10.61.
- (b) The authorized animal health agency in the state where the herd is located, under standards comparable to s. Ag 10.14 or 10.61.
- (15j) "Cervical test" means a test, used in cervidae to detect the presence of bovine tuberculosis, which involves injection of 0.1 ml. (or 5,000 international units) of United States department of agriculture contract PPD Bovis tuberculin in the midcervical region, and which is read by observation and palpation 72 hours after injection, plus or minus 6 hours.

(15m) "Cervid" is the singular form of the plural "Cervidae". "Cervidae" means members of the family of animals which includes deer, elk, moose, caribou, reindeer and the subfamily musk deer.

(16) "Commingled" means kept or brought in contact with other animals in any environment which permits direct contact between the animals.

(17) "Communicable" means transmissible either directly or indirectly.

(17m) "Comparative cervical test" means a tuberculosis test conducted in suspect cervidae by a state or federal veterinary medical officer, who is specifically approved to conduct the test.

(18) "Contagious" means spread by contact, body secretions or fomites.

(19) "Cow" means a female bovine animal after first calving.

(20) "Department" means the state of Wisconsin department of agriculture, trade and consumer protection.

(21) "Exotic disease" means any communicable, contagious or infectious disease of livestock or poultry not known to exist in Wisconsin.

(22) "Exposed" means subjected to a causative agent which may cause the exposed animal to contract a contagious, infectious or communicable disease.

(23) "Federal bureau" means the animal and plant health inspection service of the United States department of agriculture, or any other unit of that department which may be vested with authority to administer federal laws and regulations relating to animal disease control.

(24) "Feeder cattle" means bovine animals, kept for the sole purpose of feeding prior to slaughter, which are not more than 18 months old as evidenced by the absence of permanent teeth, and whose sexual status is one of the following:

- (a) Non-spayed female that is not parturient or post-parturient.
- (b) Spayed heifer.
- (c) Steer.

(25) "Feeder swine" means swine, excluding boars, weighing less than 175 pounds and kept for the sole purpose of feeding for slaughter.

(26) "Flock" means one of the following, as the context requires:

(a) All of the poultry on one farm, except that any group of poultry which has been segregated from other poultry for a period of at least 21 days may, at the discretion of the department, be considered a separate flock.

(b) Any group of sheep maintained on common ground for any purpose; or 2 or more groups of sheep, under common ownership or supervision, whose members intermingle between groups even if the groups are geographically separated.

(27) "Fomite" means an inanimate object or substance which serves to transfer infectious organisms from one animal to another.

(28) "Foreign disease" means any communicable, contagious or infectious disease of livestock and poultry not known to exist in the United States.

(29) "Hatchery" means premises used to hatch poultry, including buildings, incubators, hatchers and auxiliary equipment.

(30) "Heifer" means a female bovine animal up to first calving.

(31) "Herd" means either of the following:

(a) A group of animals maintained on common ground for any purpose.

(b) Two or more groups of animals of the same species, under common ownership or supervision, whose members intermingle between groups even if the groups are geographically separated.

(32) "Individual herd plan" means a written herd management and testing plan that is designed by the department to control and eradicate an infectious, contagious or communicable disease from an affected herd.

(33) "Infectious" means caused by a pathogenic agent.

(34) "Interstate health certificate" means a written health certificate prepared by an accredited veterinarian in compliance with s. Ag 11.02 (1).

(35) "Leukosis" means the condition of cattle caused by bovine type C oncovirus manifested by the presence of bovine leukosis virus antibodies, which may result in lymphosarcoma or lymphocytosis.

(36) "Leukosis-free herd" means a herd of cattle which is certified as leukosis-free by one of the following:

(a) The department under s. Ag 10.22.

(b) The authorized animal health agency of the state in which the herd is located, under standards comparable to s. Ag 10.22.

(37) "Leukosis test" means a test, approved by the department for the detection of bovine leukosis antibodies in cattle, which is conducted at a laboratory approved by the department or the federal bureau and evaluated by a state or federal epidemiologist.

(38) "Livestock" means farm animals including bovine animals, sheep, goats, swine and horses.

(39) "Mastitis" means a contagious and infectious disease of bovine animals, manifested by inflammation of the mammary gland, which is caused by a variety of microorganisms.

(40) "Mycoplasmosis" means a disease of poultry caused by *Mycoplasma gallisepticum*.

(41) "National poultry improvement plan" means the national poultry improvement plan established by the federal bureau under 9 CFR 145.

(42) "Negative" means an official diagnostic test result which discloses no evidence of disease.

(43) "Official back tag" means an identification back tag, approved by the federal bureau, that conforms to the 8-character alpha-numeric national uniform backtagging system.

Note: Examples of official back tags include the official Wisconsin bovine back tag and the official Wisconsin swine back tag.

(44) "Official ear tag" means an identification ear tag, approved by the federal bureau, that conforms to the 9-character alpha-numeric national uniform eartagging system.

Note: An official ear tag uniquely identifies each individual animal with no duplication of the alpha-numeric identification, regardless of the materials or colors used. Examples of official ear tags include the official Wisconsin identification tag, the official U.S.D.A. Wisconsin vaccination tag, and the official Wisconsin swine ear tag.

(45) "Official individual identification" means a set of identifying characters which is uniquely associated with an individual animal, and which consists of one of the following:

- (a) The animal's official ear tag number.
- (b) The animal's breed association tattoo.
- (c) The animal's breed association registration number.
- (d) Other identification approved by the department.

(46) "Official spayed heifer" means a female bovine animal which has had its ovaries removed and is identified by an open spade brand or spay certificate.

(47) "Official vaccinate" means a female bovine animal which is vaccinated against brucellosis, and identified and reported as a vaccinate, in compliance with s. Ag 10.10 or comparable laws of another state.

(48) "Originates" means coming from a herd in which the animal was born or spent the last 4 months before being imported to this state or moved to the current herd. A herd of origin does not include a temporary assembly of animals for sale or shipment.

(49) "Paratuberculosis" means the infectious and communicable disease of domestic ruminants, commonly known as Johne's disease, which is caused by *Mycobacterium paratuberculosis*.

(50) "Paratuberculosis herd sample" means a collection of individual samples taken concurrently from all animals in the herd that are at least 20 months of age on the date that the samples are taken.

(51) "Paratuberculosis official vaccinate" means a bovine animal originating from a paratuberculosis program herd or a documented paratuberculosis-free herd, which was vaccinated with the *Mycobacterium paratuberculosis* bacterin between 5 and 35 days of age, and was identified with an official ear tag or other official identification and appropriately tattooed.

(52) "Paratuberculosis reactor" means a ruminant which has a positive fecal culture for *Mycobacterium paratuberculosis*, or which is positive to any other test approved by the department for identification of paratuberculosis.

(53) "Paratuberculosis sample" means a fecal sample or other sample approved by the department.

(54) "Paratuberculosis test" means the fecal culture test, enzyme-linked immunosorbent assay test, also known as the ELISA test, or other test approved by the department, conducted at a laboratory approved by the department or the federal bureau, to determine whether an animal is infected with *Mycobacterium paratuberculosis*.

(55) "Person" includes any individual, corporation, partnership, association, or firm.

(56) "Poultry" means domesticated fowl, including chickens, turkeys, waterfowl, and game birds, except doves and pigeons, which are bred for the primary purpose of producing eggs or meat.

(57) "Pseudorabies" means the contagious, infectious, and communicable disease of livestock and other animals which is caused by the pseudorabies herpes virus, and which is also known as Aujeszky's disease, mad itch, or infectious bulbo-paralysis.

(58) "Pseudorabies test" means the negative serum neutralization (SN) test or another pseudorabies diagnostic test which is approved by the department and conducted at a laboratory approved by the department or the federal bureau.

(59) "Pullorum" means a disease of poultry caused by *Salmonella pullorum*.

(60) "Qualified pseudorabies negative herd" means a herd of swine which is certified as being pseudorabies negative by one of the following:

(a) The department under s. Ag 10.30.

(b) The authorized animal health agency in the state where the herd is located, under standards comparable to s. Ag 10.30.

(61) "Reactor" means an animal which has reacted positively in a conclusive diagnostic test for an infectious, contagious or communicable disease.

(61m) "Single cervical test" means a tuberculosis test, used in herds of cervidae with known exposure to *mycobacterium bovis*, which is conducted using 0.2 ml. (10,000 international units) of United States department of agriculture PPD Bovis tuberculin, or 0.1 ml (10,000 international units) of special double strength tuberculin.

(62) "Slaughtering establishment" means a slaughtering establishment which is licensed by the department, or subject to inspection by the United States department of agriculture. "Slaughtering establishment" includes all premises used in connection with a slaughter operation.

(63) "Sow" means a sexually mature female swine.

(64) "State veterinarian" means the administrator of the animal health division of the department, or a veterinarian who is authorized by the administrator to act on his or her behalf.

(65) "Steer" means a castrated male bovine animal.

(66) "Supplemental brucellosis test" means the complement fixation test, card test, rivanol plate test, individual brucellosis ring test and other tests approved by the department for the diagnosis of brucellosis.

(67) "Suspect" means an animal which is suspected of having a disease, based on test results or other reliable information, but which is not yet confirmed to have the disease.

(68) "Swine" means a domestic hog or any variety of wild hog.

(69) "Tuberculosis" means the contagious, infectious and communicable disease caused by *Mycobacterium bovis*.

(70) "Tuberculosis test" means an approved screening test or confirmatory test to determine whether an animal may be infected with tuberculosis. "Tuberculosis test" includes a caudal fold test or a comparative cervical test.

(71) "Typhoid" or "fowl typhoid" means a disease of poultry caused by *Salmonella gallinarum*.

(72) "Validated brucellosis-free herd" means a herd of swine which is certified as brucellosis-free by one of the following:

(a) The department under s. Ag 10.33.

(b) The authorized animal health agency of the state in which the herd is located, under standards comparable to s. Ag 10.33.

(73) "Veal calf" means a bovine animal of either sex, not more than 120 days old, which is kept for the sole purpose of feeding prior to slaughter for veal.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; emerg. cr. (15j), (15m), (17m) and (61m), eff. 3-18-91; am. (54), Register, June, 1991, No. 426, eff. 7-1-91; cr. (15j), (15m), (17m) and (61m), Register, November, 1991, No. 431, eff. 12-1-91.

Subchapter II — General Provisions

Ag 10.02 Reportable diseases. Except as otherwise provided in this section, a veterinarian shall report the following diseases in writing to the department within 10 days after the disease is diagnosed or suspected. The diseases marked with an asterisk require emergency action and shall be reported to the department's animal health division immediately by telephone or other rapid means. An emergency report shall be confirmed in writing within 10 days. Veterinarians are not required to report any disease that has been diagnosed at the department's animal health laboratory, or rabies diagnosed at the state laboratory of hygiene of the department of health and social services.

(1) Anaplasmosis.

(2) Anthrax.

* (3) Any disease which is foreign or exotic to Wisconsin.

* (4) Avian influenza.

(5) Bluetongue.

* (6) Brucellosis.

(7) Equine infectious anemia.

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- * (8) Equine encephalomyelitis (Eastern, Western or Venezuelan).
- (9) Mycoplasmosis (*Mycoplasma gallisepticum*).
- (10) Paratuberculosis (Johne's disease).
- (11) Potomac horse fever.
- * (12) Pseudorabies.
- (13) Pullorum.
- (14) Rabies.
- (15) Salmonellosis in poultry (*Salmonella typhimurium* or *Salmonella dublin*).
- (16) Scrapie.
- (17) Sheep foot rot.
- (18) Swine dysentery.
- * (19) Tuberculosis.
- * (20) Vesicular conditions, including vesicular stomatitis.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Ag 10.03 Disease testing; reports. (1) VETERINARIAN TO FILE REPORT. Whenever a veterinarian tests an animal for any of the following diseases, the veterinarian shall report the test results to the department within 10 days unless the test sample is analyzed at a department laboratory:

- (a) Anaplasmosis.
- (b) Brucellosis.
- (c) Leukosis.
- (d) Paratuberculosis (Johne's disease).
- (e) Pseudorabies.
- (f) Tuberculosis.

(2) SAMPLES AND REPORTS TO INCLUDE OFFICIAL INDIVIDUAL IDENTIFICATION. Every test sample and every test report submitted to the department under sub. (1) shall be identified with the official individual identification of the animal to which the sample or test report pertains. If the animal has no official individual identification, the veterinarian shall identify the animal.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Ag 10.04 State not a warrantor. Nothing in this chapter constitutes a warranty by the state of Wisconsin or the department that any animal is free of disease.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.
Register, November, 1991, No. 431

Subchapter III — Bovine Disease

Ag 10.10 Brucellosis; official vaccinates. (1) VACCINATION PROCEDURE. No bovine animal may be designated as an official vaccinate unless the animal is vaccinated for brucellosis in compliance with all of the following procedures:

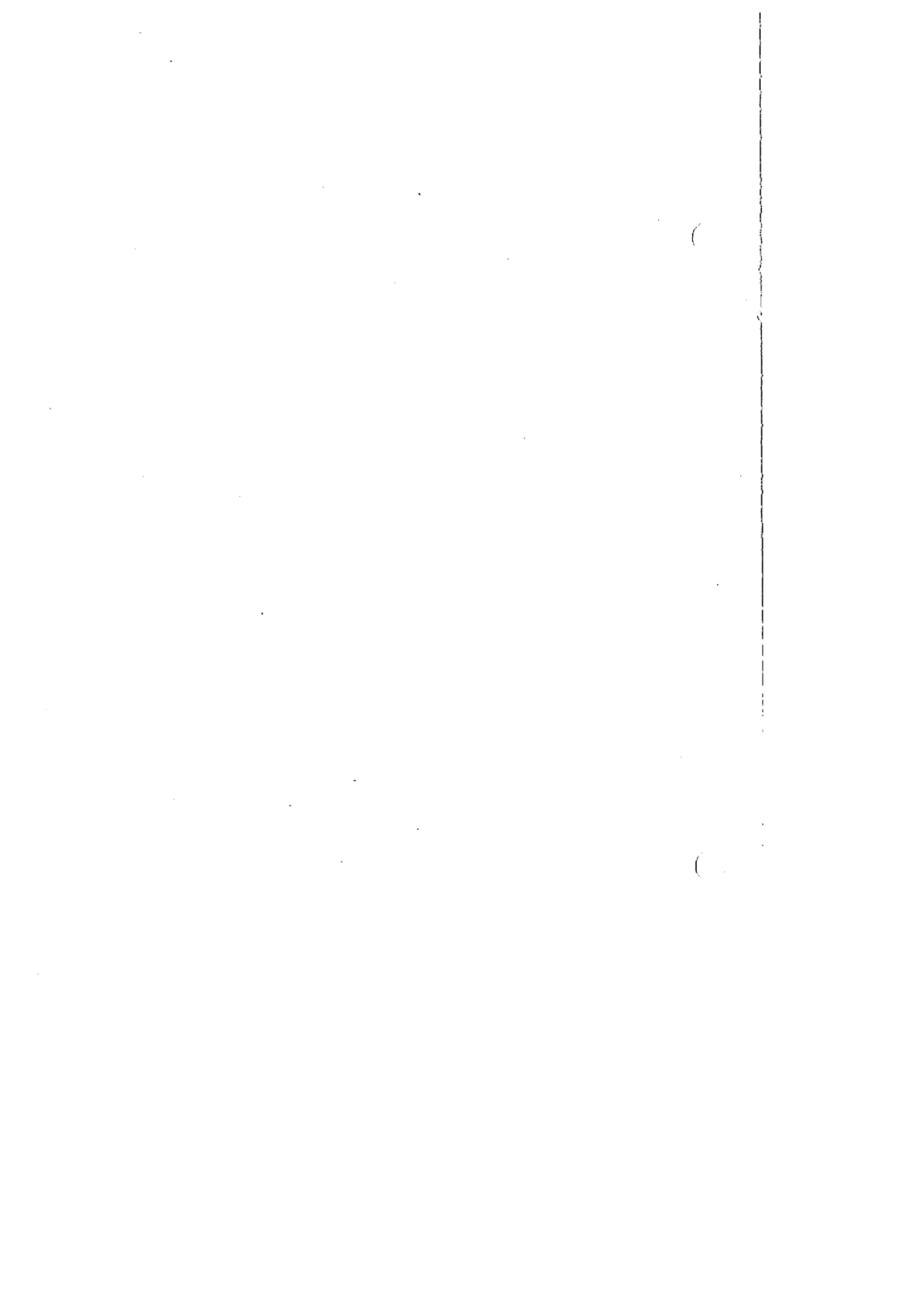
(a) A beef breed animal shall be vaccinated when the animal is between 120 and 299 days of age, and a dairy breed animal shall be vaccinated when the animal is between 120 and 239 days of age.

(b) The vaccine used to immunize the bovine animal shall be a Brucella vaccine approved by the federal bureau.

(c) The vaccine shall be administered subcutaneously by an accredited veterinarian.

(2) IDENTIFYING OFFICIAL BRUCELLOSIS VACCINATES. (a) *Vaccination tattoo.* Every veterinarian who vaccinates a bovine animal for brucellosis shall apply a vaccination tattoo to the inner surface of the right ear of the animal. The vaccination tattoo shall consist of a number representing the quarter of the year in which the animal was vaccinated, followed by a symbol in the form of a shield containing the letter "V" and the last numeral of the year in which the animal was vaccinated. Number 1 represents the first quarter of the year (January, February and March).

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free herd certificate, regardless of whether the goat is infected with paratuberculosis.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Ag 10.64 Brucella ovis-free flock; sheep. (1) INITIAL CERTIFICATION. The department may certify a flock of sheep as "brucella ovis-free" if the flock owner provides proof that all rams in the flock over 6 months of age have been found negative for brucella ovis in 2 successive enzyme linked immune serum assay (ELISA) tests, or other tests approved by the department. The tests shall be conducted not less than 45 days nor more than 60 days apart.

(2) **REVOCATION OF CERTIFICATE.** When any test of a brucella ovis-free flock discloses that any ram in the flock is positive for brucella ovis, the certificate shall be summarily revoked by written notice to the herd owner or agent. The revocation notice shall be signed by the state veterinarian. A person adversely affected by a revocation notice may request a hearing before the department, but a request for hearing does not stay the revocation notice. If certification is revoked, the herd may not be recertified except under sub. (1).

(3) **HANDLING REACTORS.** If any brucella-ovis reactors are disclosed in a flock, all reactors shall be segregated, quarantined and castrated under supervision of the department, or sent to slaughter under a permit issued by the department or an accredited veterinarian.

(4) **ANNUAL RECERTIFICATION.** The department may annually recertify a flock of sheep as a brucella ovis-free flock if all rams in the flock test negative for brucella ovis not more than 14 months after the last annual certification date. If testing for recertification is not completed within 14 months after the last annual certification date, certification expires. If certification expires, the herd may not be recertified except under sub. (1).

(5) **STATUS OF INDIVIDUAL ANIMALS.** No ram qualifies as a member of a brucella ovis-free flock unless one or more of the following apply:

- (a) The ram was included in the initial certification under sub. (1).
- (b) The ram originates from another brucella ovis-free flock.
- (c) The ram has been in the flock for at least 60 days, and was in the flock at the time of the last flock test for brucella-ovis.
- (d) The ram was born to a flock member.

(6) **FLOCK ADDITIONS.** No ram may be added to a brucella ovis-free flock unless one or both of the following apply:

- (a) The ram originates from another brucella ovis-free flock, and was included in the last flock test of that flock.
- (b) The ram tests negative for brucella ovis within 30 days before entering the brucella ovis-free flock, and again within 45 to 60 days after entering the flock.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Ag 10.66 Cervidae; tuberculosis testing. (1) HERD IDENTIFICATION. No person may keep a herd of cervidae in this state unless that person has

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reported the existence of the herd to the department. The report shall identify the herd location, the number and type of animals in the herd, the name and address of the herd owner, and the name and address of the local herd custodian if other than the owner.

(2) **AVAILABILITY FOR TESTING.** The owner or custodian of each herd of cervidae shall make the herd available to the department for tuberculosis testing upon request.

(3) **WHO MAY TEST.** No person, except the following, may conduct a tuberculosis test on a cervid in this state:

(a) An accredited veterinarian.

(b) An employe of the department or the federal bureau.

(4) **VETERINARIAN TO FILE REPORT.** A veterinarian who conducts a tuberculosis test on any cervid shall report the test result to the department within 10 days after the veterinarian obtains the test result. A positive reaction to any tuberculosis test shall be reported immediately by telephone or other rapid means, and shall be confirmed by a written report to the department within 10 days.

(5) **REPORT FORM.** A veterinarian shall submit a tuberculosis test report under sub. (4) in writing, on a form provided by the department. The report shall include the official individual identification of the animal tested, and any other information required by the department. Report forms shall be used only for their intended purpose. A copy of each tuberculosis test report shall be provided to the animal owner. No person other than a veterinarian may sign a tuberculosis test report.

(6) **IDENTIFYING TESTED CERVIDAE.** If a veterinarian conducts a tuberculosis test on a cervid which does not yet have an official individual identification, the veterinarian shall identify the animal by inserting an official eartag in the animal's right ear at the time of testing. An official eartag shall conform to the 9-character national uniform eartagging system. A breed association tattoo which uniquely identifies the animal may serve as official individual identification in lieu of an official eartag.

(7) **CLASSIFICATION OF TESTED CERVIDAE.** Each cervid tested for tuberculosis shall be classified either negative, suspect or reactor.

(a) A cervid tested by the cervical test shall be classified either negative or suspect. Any response, irrespective of size, detected by palpation or visually will cause the animal to be classified as a suspect.

(b) A cervid tested by the comparative cervical test shall be classified either negative or reactor. Any cervid having equal sized avian and bovine responses or predominantly bovine responses shall be classified as a reactor.

(c) A cervid tested by the single cervical test shall be classified either negative or reactor. Any response, irrespective of size, detected by palpation or visually will cause the animal to be classified as a reactor.

(8) **TUBERCULOSIS REACTORS AND SUSPECTS.** (a) Within 24 hours after a cervid is classified as a reactor, the cervid shall be identified for destruction by inserting an official reactor eartag, bearing a serial number, in the animal's left ear.

(b) Individual cervidae classified as suspect shall be handled in either of the following ways:

1. The suspect cervid may be held for 90 days, at which time a comparative cervical test shall be performed by a state or federal veterinary medical officer.

2. The suspect cervid may be sacrificed, provided that the animal must receive a complete necropsy by, or in the presence of, a state or federal veterinary medical officer. Tissue samples for histopathological examination and culture shall be collected and submitted to the national veterinary services laboratories, irrespective of whether suspicious tuberculous lesions are found.

(c) Every cervid, over 6 months of age, in a herd which includes animals classified as suspect shall be tested for tuberculosis, using the method specified in writing by the department.

(9) TUBERCULOSIS INDEMNITY. (a) No indemnity may be paid under s. 95.31, Stats., for tuberculosis in cervidae if any of the conditions under s. 95.36, Stats., apply, or if any of the following conditions apply:

1. A reactor is slaughtered more than 15 days after it is identified by a reactor tag as provided in sub (8), unless the department for good cause extends the deadline for slaughter. The deadline for slaughter may not be extended by more than 15 days.

2. The claimant failed to clean and disinfect the premises within 15 days after the reactors were slaughtered, unless the department, for good cause, extended the deadline for cleaning and disinfecting the premises. The deadline may not be extended by more than 15 days.

3. The claim for indemnities is not accompanied by a report of slaughter certified by a department or federal veterinarian.

(b) If the department recommends depopulation of a herd of cervidae but agrees to a test and remove program to try to eradicate tuberculosis in the herd, the department shall not pay indemnities in the aggregate which exceed the amount which would have been paid had the herd been depopulated initially.

History: Emerg. Cr. eff. 3-18-91; cr. Register, November, 1991, No. 431, eff. 12-1-91.

Subchapter VIII — Enforcement

Ag 10.70 Quarantines. (1) SUMMARY ACTION. The department may summarily issue quarantine orders to control contagious, infectious or communicable diseases which may affect domestic or exotic animals in this state. No person may remove any animal from premises under quarantine or fail to comply with the terms and conditions of a quarantine order.

(2) SERVICE OF NOTICE. A quarantine order under this section shall be served upon a person having custody or control of the quarantined animals, or shall be posted on the premises affected by the quarantine order. A quarantine order may be served by any of the following methods:

(a) Personal service.

(b) Certified mail.

(c) Posting a copy of the order at 2 conspicuous places on the premises affected by the quarantine.

(3) **PROOF OF SERVICE.** Service of a quarantine order may be proved by affidavit or by certified mail return receipt.

(4) **CONTENTS OF ORDER.** A quarantine order shall contain the following information:

(a) The name and address of a person having custody or control of the quarantined animals, if known.

(b) A description of the animals affected by the quarantine.

(c) A description of the premises affected by the quarantine.

(d) The reason or justification for the quarantine.

(e) All terms and conditions applicable to the quarantine.

(f) Notice that persons adversely affected by the quarantine may request a hearing to review the quarantine order.

(5) **DURATION OF QUARANTINE.** A quarantine remains in effect until a written notice of release is issued by the department, unless the quarantine is set aside after review under sub. (6).

(6) **REVIEW OF QUARANTINE.** A person adversely affected by a quarantine may, within 30 days after the quarantine order is issued, request a hearing before the department to review the quarantine. The department shall conduct an informal hearing as soon as reasonably possible, and not later than 10 days after receiving a request for hearing. If the matter is not resolved after informal hearing, the person requesting the hearing may seek a formal hearing under ch. 227, Stats. A request for hearing does not stay a quarantine order.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Ag 10.71 Destruction or removal of animals illegally imported. (1) SUMMARY ACTION. The department may summarily order the destruction or removal from this state of any animal imported into this state if either of the following applies:

(a) The owner or custodian of the animal fails to produce a valid certificate of veterinary inspection or interstate health certificate, if a certificate is required.

(b) The animal is imported in violation of ch. Ag 11, or in violation of any permit condition under ch. Ag 11.

(2) **SERVICE OF NOTICE.** An order under sub. (1) shall be served upon a person having custody or control of the animal affected by the order. The order may be served in person or by certified mail. Service may be proved by affidavit or by certified mail return receipt.

(3) **CONTENTS OF ORDER.** An order under sub. (1) shall contain all of the following information:

(a) The name and address of the person having custody or control of the animals, if known.

(b) A description of the animals affected by the order.

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- (c) The reason or justification for the order.
- (d) A reasonable deadline for compliance with the order.
- (e) Notice that persons adversely affected by the order may request a hearing to review the order.

(4) **REVIEW OF ORDER.** A person adversely affected by an order under sub. (1) may, within 30 days after receiving the order, request a hearing before the department to review the order. If a hearing is requested, the department shall conduct an informal hearing as soon as reasonably possible, and not later than 10 days after receiving the request for hearing. If the matter is not resolved after informal hearing, the person requesting the hearing may seek a formal hearing before the department under ch. 227, Stats. A request for hearing under this subsection does not postpone the deadline for compliance with the order unless the deadline is postponed by further order of the department.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Ag 10.72 Prohibited conduct. (1) No person may:

- (a) Fail to present an animal for any required disease test.
- (b) Allow the sale, movement, or disposition of an animal before any required official test result for that animal is known.
- (c) Misrepresent the disease status of any animal, or of the herd from which an animal originates.
- (d) Sell or move any animal in violation of s. Ag 11.60, or in violation of a department quarantine order under s. Ag 10.70 or 11.70.
- (e) Remove, alter, or tamper with any form of official identification or official back tag.
- (f) Import manure from slaughter plants or stock yards without first obtaining a permit from the department. The department shall grant or deny a permit request within 5 days after the department receives a complete permit application.

(2) No veterinarian may fail to report any reportable disease to the department, as required by s. Ag 10.02.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.