

Chapter Ag 11

MOVEMENT OF ANIMALS (IMPORT, SALE & EXHIBITION)

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Note: Chapter Ag 11 as it existed in December 31, 1990 was repealed and a new chapter Ag 11 was created effective January 1, 1991.

Subchapter I — Definitions

Ag 11. 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 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) "Approved equine quarantine station" means a facility approved by the department under s. Ag 11.32 to receive equine animals imported from foreign countries in which contagious equine metritis has been reported.

(7) "Approved feed lot" means a feedlot which holds an approved feedlot permit under s. Ag 11.14.

(8) "Approved veal lot" means a veal lot which holds an approved veal lot permit under s. Ag 11.13.

(9) "Bison" means American bison of any age or sex, commonly known as buffalo.

(10) "Boar" means an uncastrated male swine that is sexually mature.

(11) "Bovine animal" means cattle or American bison of any age or sex.

(12) "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.

(13) "Brucellosis test" means:

(a) For bovine animals, a blood serum agglutination test, a particle concentration fluorescent immuno essay (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.

(14) "Bull" means an uncastrated sexually mature male bovine animal.

(15) "Calf" means a sexually immature bovine animal of either sex.

(16) "Cattle" means any of the various animals of the domesticated genus *Bos*.

(17) "Certificate of veterinary inspection" means a written certificate prepared by an accredited veterinarian in compliance with s. Ag 11.02 (2).

(18) "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.

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

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

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

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

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

(24) "Equine animal" means a horse, mule, zebra, donkey or ass.

(25) "Equine market" means a market which is open to the public for marketing or trading in equine animals for any purpose.

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

(27) "Exotic ruminant" means a ruminant not native to Wisconsin. "Exotic ruminant" includes llamas and other camelids, but does not include bovine animals.

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

(29) "Fair" means a state fair, county or district fair, exhibition, show, exposition, rodeo or trail ride.

(30) "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.

(31) "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.

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

(33) "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 supervi-

sion, whose members intermingle between groups even if the groups are geographically separated.

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

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

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

(37) "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.

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

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

(40) "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.

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

(42) "Livestock dealer" has the meaning specified under s. 95.70 (1) (a), Stats., and includes any person who leases livestock to others.

(43) "Livestock dealer premises" means any location where a livestock dealer keeps, receives or sells livestock, or conducts livestock transactions, and which is owned, leased, or controlled by the livestock dealer.

(44) "Livestock market" has the meaning specified under s. 95.70 (1) (b), Stats.

(45) "Livestock trucker" has the meaning specified under s. 95.70 (1) (c), Stats.

(46) "Mare" means a female equine animal over 731 days of age.

(47) "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.

(48) "Managerie animal" means a domestic or non-domestic animal kept individually or as part of a collection primarily for purposes of exhibition or competition.

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

(50) "National poultry improvement plan" means the national poultry improvement plan established by the federal bureau.

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

(52) "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.

(53) "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: The 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.

(54) "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.

(55) "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.

(56) "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.

(57) "Open spade brand" means a branding mark consisting of the outline of an inverted heart with a short stalk at the bottom, used for the identification of spayed heifers.

(58) "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.

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

(60) "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.

(61) "Part 78 market" means a licensed livestock market which is approved by the department and the federal bureau to receive cattle in interstate commerce, pursuant to s. Ag 11.12 and 9 CFR 78.

(d) The name and address of the person receiving the animal, and the location at which the animal will be received.

(e) Any specific health information, including information related to herd of origin, vaccination status or diagnostic test results, which is required for the import or movement of the animal under this chapter.

(f) Other information required by this chapter.

(g) The following statement, or one substantially similar, signed by an accredited veterinarian:

"I certify that I have inspected the individual animals described above and find that they are free from signs of infectious, contagious or communicable disease. I certify that the vaccinations and results of tests are as listed above."

(h) The signature of a veterinarian accredited in the state origin, and the date of signature.

(2) **CERTIFICATE OF VETERINARY INSPECTION.** A certificate of veterinary inspection is a written certificate, signed by an accredited veterinarian, which is issued in lieu of an interstate health certificate to facilitate the movement of animals. A certificate of veterinary inspection, like an interstate health certificate, contains health information related to one or more animals which are specifically identified on the certificate. A certificate of veterinary inspection issued under this chapter shall include the same information required for an interstate health certificate under sub. (1), except that the following statement or one substantially similar shall be substituted for the statement under sub. (1) (g):

"I certify, as an accredited veterinarian, that the above described animals have been inspected by me and that they are not showing signs of contagious or infectious disease, except where noted. The vaccinations and results of tests are as indicated on the certificate. To the best of my knowledge, the animals listed on this certificate meet the state of destination and federal interstate requirements. No further warranty is made or implied."

(3) **CERTIFICATE REQUIRED FOR IMPORT.** No person may import any of the following animals into this state unless the animal is accompanied by a valid interstate health certificate or certificate of veterinary inspection:

- (a) Bovine animals, except as provided under s. Ag 11.11 (1) (c).
- (b) Swine, except as provided under s. Ag 11.20 (1) (b).
- (c) Equines, except as provided under s. Ag 11.30 (1) (b).
- (d) Poultry.
- (e) Sheep.
- (f) Goats.
- (g) A dog or cat over 5 months old.
- (h) Circus, rodeo, racing or menagerie animals.

(i) Llamas or other exotic ruminants.

Note: See applicable import requirements for each livestock species, including required contents of interstate health certificates, under subchapters III to VII. See also ss. Ag 11.12 (2) and 11.21 related to the removal of imported animals from part 78 livestock markets and part 76 swine markets in this state.

(4) **CERTIFICATE VALID FOR 30 DAYS.** (a) Except as provided under par. (b), an interstate health certificate or certificate of veterinary inspection is valid for 30 days after it is signed, provided that all required tests are conducted within the time periods prescribed under this chapter.

(b) If a bovine animal originating from a brucellosis-free state, a brucellosis class A state or a certified brucellosis-free herd is imported solely for exhibition at a fair or livestock exhibition and returns to its herd of origin after being exhibited, a certificate issued for the interstate movement of the animal is valid for 90 days.

(5) **FILING COPIES OF CERTIFICATE.** If an interstate health certificate or certificate of veterinary inspection is required to accompany an import shipment of animals under sub. (3), the veterinarian who signs the certificate shall file copies as follows:

(a) Within 7 days after the shipment date, the veterinarian shall file a copy of the certificate with the chief livestock health official of the state of origin.

Note: The chief livestock health official of the state of origin will verify the veterinarian's accreditation status, and certain other information contained on the certificate, and forward an approved copy to the department.

(b) For import shipments of swine and bovine animals, the veterinarian shall mail or telefax a copy of the certificate to the department on or before the shipment date. The veterinarian shall also file a copy with the state of origin under par. (a).

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

Ag 11.03 Special import permit. (1) **PERMIT AUTHORIZATION.** The state veterinarian may issue a special written permit authorizing a named person to import specifically identified animals into this state, even though the import shipment would otherwise be prohibited under this chapter, if special circumstances warrant the permit. The permit may contain any conditions which the state veterinarian deems necessary. No permit may authorize more than one import shipment.

(2) **PERMIT APPLICATION.** To obtain a special import permit under sub. (1), an applicant shall submit a signed written application to the department. The application shall contain the following information:

1. The name and address of the person shipping the animals.
2. The name and address of the person receiving the animals.
3. A complete description of the animals to be imported, including official individual identification of each animal if required under s. Ag 11.02 (1) (a).
4. The reason for importing the animals.
5. Reasons why the state veterinarian should permit the import shipment, notwithstanding the provisions of this chapter.
6. Other information required by the department.

(3) **ACTION ON PERMIT APPLICATION.** The state veterinarian shall grant or deny a permit application under sub. (2) within 30 days after a complete application is received by the department.

(4) **PERMIT COPY KEPT ON FILE.** The department shall keep a copy of every permit issued by the state veterinarian under this section. A copy shall be kept for at least 3 years after the permit is issued.

Note: The state veterinarian may not authorize an import shipment which is prohibited by statute, rather than by administrative rule under this chapter.

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

Subchapter III — Bovine Animals

Ag 11.10 Identification of bovine animals. (1) **OFFICIAL INDIVIDUAL IDENTIFICATION.** (a) *Official eartag.* Except as provided under par. (b), every veterinarian who vaccinates or identifies a bovine animal, or who tests a bovine animal for brucellosis, tuberculosis, anaplasmosis, leukosis or paratuberculosis, shall insert an official eartag in the right ear of the animal unless the animal is already identified with an official eartag. An official eartag shall conform to the 9-character national uniform eartagging system.

Note: An official eartag uniquely identifies each individual animal with no duplication of alphanumeric identification, regardless of the materials or colors used. Official eartags include the official USDA Wisconsin identification tag (silver) and the official USDA Wisconsin vaccination tag (orange).

(b) **PUREBRED IDENTIFICATION.** If a bovine animal is a purebred animal registered with a breed association, either of the following may serve in place of an official eartag to identify the animal:

1. A breed association registration number which uniquely identifies the animal, and which corresponds to breed association registration papers for that animal.

2. A breed association tattoo which uniquely identifies the animal, and which corresponds to breed association registration papers for that animal.

(c) *Right ear reserved for identification tag.* No person may insert any eartag, other than an official eartag or breed association eartag, in the right ear of any bovine animal. This paragraph does not prohibit the use of parasite control tags.

(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). Number 2 represents the second quarter of the year (April, May and June). Number 3 represents the third quarter of the year (July, August and September). Number 4 represents the fourth quarter of the year (October, November and December). No retattooing is permitted.

(b) *Vaccination tag.* 1. Except as provided under subd. 2, every veterinarian who vaccinates a bovine animal for brucellosis shall insert a vacci-

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Ag 11.53 Circus, rodeo, racing and menagerie animals; importation. (1) PERMIT REQUIRED. No person may import any circus, rodeo, racing, or menagerie animal into this state without an import permit from the department. A permit application shall be made on a form prescribed by the department, and shall include all relevant information required by the department. The department shall grant or deny a permit application within 20 business days after it receives a complete application. An import permit is valid for not more than 180 days.

(2) **PERMIT CONDITIONS.** A permit under sub. (1) is subject to the following conditions:

(a) Every animal shall be accompanied by a valid interstate health certificate or certificate of veterinary inspection. The certificate shall comply with s. Ag 11.02, and shall contain the number of the import permit issued by the department under sub. (1).

(b) Every bovine animal shall have a negative brucellosis test conducted within 30 days prior to entry. The exemptions under s. Ag 11.11 (3) (b) do not apply to circus, rodeo or menagerie animals.

(c) Every equine animal shall be tested and found negative for equine infectious anemia within 180 days before a permit application is filed with the department.

(d) All animals shall be isolated from noncircus, nonrodeo, and nonmenagerie animals, and from native wildlife in the state. Facilities and vehicles used for the animals shall be cleaned and disinfected before being used for other animals.

(e) The importer shall notify the department of the locations at which animals will be exhibited in this state, and the dates when exhibition will occur. Notice shall be filed with the department within 15 days before the animals enter this state. This paragraph does not apply to racing animals or competitive pulling animals.

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

Ag 11.54 Llamas and exotic ruminants; import. (1) HEALTH CERTIFICATE. No person may import a llama or other exotic ruminant into this state unless the ruminant is accompanied by a valid interstate health certificate of veterinary inspection. The certificate shall comply with s. Ag 11.02, and shall contain the number of the import permit assigned by the department under sub. (2).

(2) **IMPORT PERMIT.** No person may import a llama or other exotic ruminant into this state without an import permit from the department. A permit application shall be made on a form prescribed by the department, and shall include all relevant information required by the department. The department shall grant or deny a permit application within 10 days after it receives a complete application.

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

Subchapter VIII — Movement and Exhibition

Ag 11.60 Sale or movement of diseased animals. (1) GENERAL. No person may, in connection with the import, sale, movement or exhibition of any animal, do any of the following:

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(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 before the department 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 11.71 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 an interstate health certificate, if a certificate is required under this chapter.

(b) The animal is imported in violation of this chapter, or in violation of any permit condition under this chapter.

(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 provided 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.

(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 11.72 Prohibited conduct. No persons may:

(1) Knowingly make any false report or statement to the department concerning:

(a) The ownership, identification, age, vaccination status, test status, or health status of livestock; or

(b) The purchase, sale or movement of livestock.

(2) Sell or move any animal in violation of s. Ag 11.60, or in violation of a quarantine order under s. Ag 10.70 or 11.70.

(3) Buy, sell, lease or exchange livestock in the name of any person other than a licensed livestock dealer, a licensed livestock market operator, or the person holding or acquiring an ownership or leasehold interest in the livestock.

(4) Transport any livestock without health certificates, permits, or other documents required by ch. Ag 10 or this chapter.

(5) Fail or refuse, upon reasonable demand by an authorized agent of the department, to permit the examination of:

(a) Animals in transit; or

(b) Health or shipping documents or accompanying animals in transit.

(6) Fail to provide, within 10 days following the receipt of a written request from the department, any relevant report or document relating to the transportation of animals. The department may extend the compliance deadline under this subsection for good cause shown.

(7) Cause or permit a susceptible healthy animal to commingle with a diseased animal while in transit, unless the entire load of animals is shipped directly to slaughter or the commingling is authorized by the department.

(8) Cause or permit the commingling of different livestock species during transit.

(9) Advertise or claim to be licensed by the department, unless the advertisement or claim is true.

(10) Use or possess any unauthorized brand or tattoo device, or use or possess an official brand or official tattoo device without express authorization from the department.

(11) Park or store a vehicle containing animal remains or animal waste in any place where it creates a health hazard or a public nuisance.

(12) Deposit animal remains or animal waste in any place where the deposit creates a health hazard or a public nuisance.

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