

Chapter ATCP 10

ANIMAL DISEASES

Subchapter I — Definitions

ATCP 10.01 Definitions

Subchapter II — General Provisions

ATCP 10.02 Reportable diseases
 ATCP 10.03 Disease testing; reports
 ATCP 10.04 State not a warrantor

Subchapter III — Bovine Diseases

ATCP 10.10 Brucellosis; official vaccinates
 ATCP 10.11 Brucellosis testing
 ATCP 10.12 Brucellosis test classifications; diagnostic procedures
 ATCP 10.13 Brucellosis indemnities
 ATCP 10.14 Brucellosis-free herd; certification
 ATCP 10.15 Tuberculosis testing
 ATCP 10.16 Tuberculosis indemnity
 ATCP 10.17 Tuberculosis-free herd; certification
 ATCP 10.18 Anaplasmosis-free herd; certification
 ATCP 10.19 Anaplasmosis control
 ATCP 10.20 Mastitis detection and control
 ATCP 10.21 Johne's disease testing
 ATCP 10.215 Paratuberculosis herd classification
 ATCP 10.216 Paratuberculosis; sale disclosures
 ATCP 10.22 Leukosis-free herd; certification

Subchapter IV — Swine Diseases

ATCP 10.30 Pseudorabies negative herd; certification
 ATCP 10.305 Qualified pseudorabies negative grow-out herd; certification

ATCP 10.31 Pseudorabies control
 ATCP 10.32 Pseudorabies; vaccination and vaccine control
 ATCP 10.33 Brucellosis-free herd; certification
 ATCP 10.335 Validated brucellosis-free grow-out herd
 ATCP 10.34 Brucellosis control

Subchapter V — Equine Diseases

ATCP 10.40 Equine infectious anemia; testing
 ATCP 10.41 Equine infectious anemia; quarantine

Subchapter VI — Poultry Diseases

ATCP 10.50 Poultry; disease control

Subchapter VII — Other Animal Diseases

ATCP 10.60 Aleutian disease-free herd; mink
 ATCP 10.61 Brucellosis-free herd; goats
 ATCP 10.62 Tuberculosis-free herd; goats
 ATCP 10.63 Paratuberculosis-free herd; goats
 ATCP 10.64 *Brucella ovis*-free flock; sheep
 ATCP 10.66 Cervidae; tuberculosis testing

Subchapter VIII — Enforcement

ATCP 10.70 Quarantines
 ATCP 10.71 Destruction and removal; noncomplying and undocumented animals
 ATCP 10.72 Prohibited conduct

Note: Chapter Ag 10 as it existed on December 31, 1990 was repealed and a new ch. Ag 10 was created effective January 1, 1991; Chapter Ag 10 was renumbered ch. ATCP 10 under s. 13.93 (2m) (b) 1, Stats., Register, April, 1993, No. 448.

Subchapter I — Definitions

ATCP 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. ATCP 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. ATCP 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. ATCP 10.18.

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

ATCP 10.01

(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. ATCP 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. ATCP 10.14 or 10.61.

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

(20m) "Equine animal" means a horse, mule, zebra, donkey or ass.

(20p) "Equine infectious anemia," otherwise known as EIA or swamp fever, means the contagious and infectious disease of equine animals caused by a non-oncogenic retrovirus.

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

Register, January, 1994, No. 457

(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 depart-

ment 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. ATCP 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. ATCP 10.22.

(b) The authorized animal health agency of the state in which the herd is located, under standards comparable to s. ATCP 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. ATCP 10.10 or comparable laws of another state.

(48) "Originates from a herd" or "originating from a herd" means coming from a herd, other than a group of animals temporarily assembled for sale or shipment, in which the animal was born or kept since birth, or in which the animal was kept for at least 120 days.

(48m) "Originates from a state" or "originating from a state" means coming directly from one of the following:

(a) A state in which the animal was born and kept since birth.

(b) A state to which the animal was moved from a state holding an equal or better federal classification for the disease in question.

(c) A state in which the animal has been kept for at least 120 days.

(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

ATCP 10.01

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. ATCP 10.30.

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

(60m) "Qualified pseudorabies negative grow-out herd" means a herd of swine certified by the department under s. ATCP 10.305.

(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.

Register, January, 1994, No. 457

(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. ATCP 10.33.

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

(72m) "Validated brucellosis-free grow-out herd" means a herd of swine which is certified by the department under s. ATCP 10.335.

(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; r. and recr. (48), cr. (48m), (60m) and (72m), Register, September, 1993, No. 453, eff. 10-1-93; cr. (20m), (20p) and (20q), Register, January, 1994, No. 457, eff. 2-1-94.

Subchapter II — General Provisions

ATCP 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.
- (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.

ATCP 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.

ATCP 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.

Subchapter III — Bovine Disease

ATCP 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). 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 vaccination tag in the right ear of the animal. A vaccination tag, which is a form of official ear tag under s. ATCP 11.10 (1), shall be orange in color and shall conform to the 9-character alpha-numeric national uniform ear tagging system. The alpha-numeric characters shall consist of the prefix "35," followed by the letter "V," "T" or "S," followed by 2 alphabetic and 4 numeric characters. A vaccination tag may not be applied to a nonvaccinate animal. A vaccination tag may not be replaced if lost or removed, but may be replaced by a silver official Wisconsin ear tag.

Note: See s. ATCP 11.10 related to identification of bovine animals.

2. A vaccination tag is not required under this paragraph for a registered purebred animal, provided that the veterinarian who performs the vaccination records the animal's breed association registration number or breed tattoo on the vaccination report filed with the department under sub. (2).

(3) **REPORTING REQUIREMENT.** An accredited veterinarian who performs a brucellosis vaccination shall file a vaccination report with the department within 15 days after the vaccination is performed. The vaccination report shall be filed on a form provided by the department, and shall include the official individual identification of the vaccinated animal. A copy of the completed form shall be furnished to the owner of the official vaccinate, and another copy shall be retained by the accredited veterinarian who performed the vaccination.

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

ATCP 10.11 Brucellosis testing. (1) **WHO MAY TEST.** No person, except the following, may collect a brucellosis test sample from a bovine animal in this state:

- (a) An accredited veterinarian.
- (b) An employe of the department or the federal bureau.
- (c) A person collecting samples under department supervision at a slaughtering establishment.

(2) **TEST METHOD.** (a) Except as provided under par. (b), a brucellosis test of a bovine animal shall be conducted at a laboratory approved by the department or the federal

ATCP 10.11

bureau, using a method identified under s. ATCP 10.01 (10).

(b) An on-site brucellosis screening test, conducted by an accredited veterinarian at a livestock market licensed under s. 95.70, Stats., satisfies the brucellosis testing requirement under s. 95.49, Stats., and s. ATCP 11.16, provided that the veterinarian submits the test sample to the department within 24 hours for confirmatory testing.

(3) **VETERINARIAN TO FILE REPORT.** A veterinarian who collects a brucellosis test sample from a bovine animal shall report the test result to the department within 10 days after the veterinarian obtains the test result, unless the test sample is analyzed at a department laboratory. A positive reaction on any brucellosis 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. The veterinarian shall also provide a copy of the test report to the owner of the animal.

Note: See also ss. ATCP 10.02 and 10.03.

(4) **REPORT FORM.** A veterinarian shall submit a brucellosis test report under sub. (3) 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. No person other than a veterinarian may sign the report form.

(5) **IDENTIFYING TESTED ANIMALS.** If a veterinarian collects a brucellosis test sample from a bovine animal 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.

Note: See s. ATCP 11.10 regarding identification of bovine animals.

(6) **BRUCELLOSIS REACTORS.** Within 15 days after a bovine animal is classified as a brucellosis reactor based on a brucellosis test, the animal shall be branded and identified for destruction. The animal shall be branded with the letter "B" on the left jaw not less than 2 nor more than 3 inches high, and shall be identified by inserting an official reactor eartag, bearing a serial number, in the animal's left ear.

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

ATCP 10.12 Brucellosis test classifications; supplemental testing. Upon receiving a brucellosis test result, the department shall classify the tested animal as negative, suspect or reactor. The department may, in its discretion, use supplemental brucellosis tests to confirm test results, and to evaluate whether animals may be infected with brucellosis.

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

ATCP 10.13 Brucellosis indemnity. No indemnity may be paid under s. 95.26, Stats., for bovine brucellosis if any of the following occur:

(1) A reactor is slaughtered more than 15 days after it is identified by a reactor tag and branded as provided in s. ATCP 10.11 (6), unless the department for good cause extends the deadline for slaughter. The deadline for slaughter shall 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 is not accompanied by a report of slaughter certified by a department or federal veterinarian.

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

ATCP 10.14 Brucellosis-free herd; certification. (1) **INITIAL CERTIFICATION.** The department may certify a herd of cattle as a "certified brucellosis-free herd" if the herd owner provides proof that all animals in the herd, except steers, official spayed heifers, calves under 6 months old and official vaccinates under 20 months old have tested negative for brucellosis in 2 successive brucellosis tests. The tests shall be conducted at a department laboratory not less than 10 months nor more than 14 months apart. In lieu of these test results, the herd owner may submit both of the following:

(a) Reports of 3 successive negative milk tests, also known as brucellosis ring tests or BRT tests, conducted at a department laboratory at intervals of not less than 3 months nor more than 12 months.

(b) A report of one negative brucellosis test, conducted at a department laboratory within 3 months following the last BRT test under par. (a).

(2) **ANNUAL RECERTIFICATION.** The department may annually recertify a herd as brucellosis-free if all animals in the herd, other than those exempt under sub. (1), are annually tested with the brucellosis test and found negative for brucellosis. Annual testing for recertification shall be performed not less than 10 months nor 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).

(3) **CERTIFICATE REVOCATION; REACTOR HERD.** (a) If a brucellosis test shows that any animal in a certified brucellosis-free herd is a brucellosis reactor, 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 summary revocation may request a hearing before the department. A request for hearing does not stay the summary revocation.

(b) If a brucellosis-free herd certificate is revoked, the herd may not be recertified except under sub. (1). A quarantined herd may not be certified until the quarantine is released.

(4) **CERTIFICATE SUSPENSION; SUSPECT HERD.** (a) If a brucellosis test shows that any animal in a certified brucellosis-free herd is a brucellosis suspect, the certificate shall be summarily suspended pending further evaluation of the herd by a department epidemiologist. The suspension notice shall be signed by the state veterinarian, and shall be served on the herd owner or agent. A person adversely affected by a summary suspension may request a hearing before the department. A request for hearing does not stay the summary suspension.

(b) If a brucellosis-free herd certificate is suspended, but no reactors are found in the herd, the herd may be recertified if all suspect animals are slaughtered, removed under department permit, or retested and found not to have an increased titer. Suspect animals do not qualify as members of a recertified brucellosis-free herd.

(5) **STATUS OF INDIVIDUAL ANIMALS.** No animal qualifies as a member of a certified brucellosis-free herd unless one or more of the following apply:

(a) The animal was in the herd for at least 60 days prior to the last herd test for certification or recertification.

(b) The animal originated from another certified brucellosis-free herd or from a brucellosis-free state and tested negative for brucellosis within 60 to 120 days after entering the herd.

(c) The animal tested negative for brucellosis within 30 days before entering the herd, and again within 60 to 120 days after entering the herd.

(d) The animal is a steer, an official spayed heifer, a calf under 6 months old or an official vaccinate under 20 months old, and has been in the herd for at least 60 days.

(e) The animal was born to a herd member.

(6) **HERD ADDITIONS.** No animal may be added to a certified brucellosis-free herd unless the animal meets one or more of the requirements under sub. (5) (b) to (d). Violation of this subsection is grounds for revocation of a brucellosis-free herd certificate, regardless of whether the animal is infected with brucellosis.

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

ATCP 10.15 Tuberculosis testing. (1) VETERINARIAN TO FILE REPORT. A veterinarian who performs a tuberculosis test on any animal shall report the test results to the department in writing not more than 10 days after the veterinarian obtains the test results, unless the test sample is analyzed in a department laboratory. A positive reaction on 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. The department or the federal bureau may retest the reactor animal using the comparative cervical test.

Note: See also ss. ATCP 10.02 and 10.03.

(2) **REPORT FORM.** Tuberculosis test reports shall be made on official report forms furnished by the department. Official report forms shall be complete and shall be used only for reporting official tuberculosis test results, including intradermal johnin test results. 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.

(3) **IDENTIFYING TESTED ANIMALS.** If a veterinarian performs a tuberculosis test on any bovine animal which does not yet have an official individual identification, the veterinarian shall identify the animal by inserting an official ear tag in the animal's right ear at the time of testing.

Note: See s. ATCP 11.10 regarding identification of bovine animals.

(4) **TUBERCULOSIS REACTORS.** Within 15 days after a bovine animal is identified as a tuberculosis reactor based on a comparative cervical test, the animal shall be branded

and identified for destruction. The animal shall be branded with the letter "T" on the left jaw not less than 2 nor more than 3 inches high, and shall be identified by placing an official reactor ear tag, bearing a serial number, in the animal's left ear.

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

ATCP 10.16 Tuberculosis indemnity. No indemnity may be paid under s. 95.25, Stats., for bovine tuberculosis if any of the following occurs:

(1) A reactor is slaughtered more than 15 days after it is identified by a reactor tag and branded as provided in s. ATCP 10.15 (4), unless the department for good cause extends the deadline for slaughter. The deadline for slaughter shall 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 extends the deadline for cleaning and disinfecting the premises. The deadline shall not be extended more than 15 days.

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

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

ATCP 10.17 Tuberculosis-free herd; certification. (1) INITIAL CERTIFICATION. The department may certify a herd of cattle as an "accredited tuberculosis-free herd" if the herd owner provides proof that all animals in the herd over 20 months old have been found negative for tuberculosis in 2 successive tuberculosis tests. The tests shall be conducted not less than 10 months nor more than 14 months apart.

(2) **ANNUAL RECERTIFICATION.** The department may annually recertify a herd as accredited tuberculosis-free if all animals in the herd over 20 months old are annually tested with a tuberculosis test and found negative for tuberculosis. Annual testing for recertification shall be performed not less than 10 months nor 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).

(3) **CERTIFICATE REVOCATION; INFECTED HERD. (a)** If the results of a comparative cervical test show that any animal in an accredited tuberculosis-free herd is infected with tuberculosis, the tuberculosis-free herd 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 the summary revocation may request a hearing before the department. A request for hearing does not stay the summary revocation.

(b) If a tuberculosis-free herd certificate is revoked, the herd may be recertified under sub. (1) following the release of any quarantine affecting the herd.

(4) **CERTIFICATE SUSPENSION; SUSPECT HERD.** If, on any tuberculosis test, an animal in an accredited tuberculosis-free herd shows a positive reaction for tuberculosis, the tuberculosis-free herd certificate shall be summarily suspended pending further testing and evaluation by the de-

ATCP 10.17

partment. The suspension notice shall be signed by the state veterinarian and shall be served on the herd owner or agent. A person adversely affected by a summary suspension may request a hearing before the department. A request for hearing does not stay the summary suspension.

(5) **STATUS OF INDIVIDUAL ANIMALS.** No animal qualifies as a member of an accredited tuberculosis-free herd unless one or more of the following apply:

(a) The animal was in the herd for at least 60 days prior to the last herd test for certification or recertification.

(b) The animal originated from another accredited tuberculosis-free herd, and was a member of that herd of origin when the herd of origin was last tested for tuberculosis.

(c) The animal originated from an accredited tuberculosis-free state and was isolated from other herd members until it tested negative for tuberculosis at least 60 days after entering the herd.

(d) The animal originated from a herd in a modified accredited tuberculosis-free state. An animal does not qualify under this paragraph unless all of the following conditions are met:

1. The herd of origin tested negative for tuberculosis in a herd test of all animals over 24 months of age conducted not more than 12 months before the animal entered the current herd.

2. The animal tested negative for tuberculosis not more than 60 days before the animal entered the current herd.

3. The animal was isolated from other herd members until it tested negative for tuberculosis at least 60 days after it entered the herd.

(e) The animal was born to a member of the herd.

(6) **HERD ADDITIONS.** No animal may be added to an accredited tuberculosis-free herd unless the animal meets one or more of the requirements under sub. (5) (b) to (d). Violation of this subsection is grounds for revocation of an accredited tuberculosis-free herd certificate, regardless of whether the animal is infected with tuberculosis.

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

ATCP 10.18 Anaplasmosis-free herd; certification. (1) **INITIAL CERTIFICATION.** The department may certify a herd of cattle as an "anaplasmosis-free herd" if the herd owner provides proof that all animals in the herd over 20 months old have been found negative for anaplasmosis in 2 successive anaplasmosis tests. Herd tests shall be conducted not less than 10 months nor more than 14 months apart.

(2) **ANNUAL RECERTIFICATION.** The department may annually recertify a herd as anaplasmosis-free if all herd animals over 20 months old are annually tested and found negative for anaplasmosis. Annual testing for recertification shall be performed not less than 10 months nor 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).

(3) **CERTIFICATE REVOCATION; REACTOR HERD.** (a) If an animal in a certified anaplasmosis-free herd is classified as

Register, January, 1994, No. 457

a suspect or reactor based on an anaplasmosis test, the herd 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 summary revocation notice may request a hearing before the department on the revocation. A request for hearing does not stay the summary revocation.

(b) If an anaplasmosis-free herd certificate is revoked, the herd may be recertified under sub. (1) following the release of any quarantine affecting the herd. The requirement for the second of 2 successive negative herd tests under sub. (1) is waived and the herd may be recertified if all animals test negative on the first herd test.

(4) **STATUS OF INDIVIDUAL ANIMALS.** No animal qualifies as a member of an anaplasmosis-free herd unless one or more of the following apply:

(a) The animal was in the herd for at least 60 days prior to the last herd test for certification or recertification under this section.

(b) The animal, which has been in the herd for at least 60 days, originated from another anaplasmosis-free herd.

(c) The animal, which has been in the herd for at least 60 days, tested negative for anaplasmosis within 30 days before entering the herd.

(d) The animal was born to a member of the herd.

(6) **HERD ADDITIONS.** No animal may be added to a certified anaplasmosis-free herd unless one or both of the following apply:

(a) The animal originates from another anaplasmosis-free herd, and was in that herd of origin when the herd of origin was last tested for anaplasmosis.

(b) The animal tested negative for anaplasmosis within 30 days before entering the herd.

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

ATCP 10.19 Anaplasmosis control. (1) **QUARANTINE.** The department shall quarantine every herd of bovine animals in which an anaplasmosis reactor is found, unless the department's epidemiologist conducts an investigation and determines that full herd quarantine is not necessary. If the epidemiologist determines that full herd quarantine is not necessary, the department shall quarantine the individual anaplasmosis reactors. A bovine animal is an anaplasmosis reactor if it shows a positive reaction to the complement fixation test at a 4+ 1:5 dilution or greater.

(2) **SEGREGATION; TREATMENT OR SLAUGHTER.** Bovine animals classified as anaplasmosis reactors or suspects shall be segregated and treated under department supervision, or shipped to slaughter under a permit issued by the department or an accredited veterinarian. Animals segregated for treatment may be returned to the herd if all segregated animals are retested and found negative for anaplasmosis at least 45 days after treatment is completed. Animals returned to the herd under this subsection may be released from quarantine if the rest of the herd is released from quarantine under sub. (3).

(3) **RETESTING.** If bovine animals from a quarantined herd under sub. (1) are found negative for anaplasmosis upon initial testing, those animals shall be retested not less than 60 days after all reactors and suspects are segregated from the herd or sent to slaughter under sub. (2). If, upon retest, all of the animals again test negative for anaplasmosis, they may be released from quarantine.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1), Register, September, 1993, No. 453, eff. 10-1-93.

ATCP 10.20 Mastitis detection and control. (1) INVESTIGATION AND VOLUNTARY CONTROL MEASURES. The department may investigate the causes and prevalence of mastitis in dairy herds, and may recommend mastitis control measures to herd owners.

1. The number of animals received into the herd, the origin of each animal, and the date on which each animal was received.

2. The number of animals leaving the herd, including animals leaving by death or sale. The record shall include the date on which each animal left the herd, and the identity of the person to whom the animal was sold or delivered.

(b) A herd owner shall keep the records under par. (a) for at least 2 years after the records are made, and shall make the records available to the department for inspection and copying upon request.

History: Cr. Register, September, 1993, No. 453, eff. 10-1-93.

ATCP 10.34 Brucellosis control. (1) TESTING. The department may test all swine on a farm if there is reason to believe that the herd on that farm may be infected with brucellosis.

(2) **BLOOD SAMPLES.** Blood samples for brucellosis testing shall be taken by an accredited veterinarian and shall be submitted to an approved federal or state animal health laboratory.

(3) **QUARANTINE.** The department may tag and brand all swine which are infected with brucellosis and place the entire herd under quarantine until the department determines that the herd is no longer infected. The quarantine shall comply with s. ATCP 10.70. No swine may be removed from quarantined premises except directly to a slaughtering establishment.

(4) **IDENTIFICATION.** (a) Swine which have been tested for brucellosis shall be individually identified with an identification tag, tattoo, or other permanent identification approved by the department.

(b) Swine classified as brucellosis reactors shall be branded or tattooed on the left shoulder with the letter "B" not less than 3 inches in height, and shall be identified by a reactor tag inserted in the left ear.

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

Subchapter V — Equine Diseases

ATCP 10.40 Equine infectious anemia; testing. (1) SAMPLE DRAWN BY VETERINARIAN. A licensed accredited veterinarian shall draw every equine blood sample used for an equine infectious anemia test.

(2) **SAMPLE IDENTIFICATION.** The veterinarian who draws the blood sample for an equine infectious anemia test shall identify the equine animal from which the sample was collected. The identification shall accompany the blood sample submitted for testing. The following are acceptable forms of identification:

(a) A breed registration freeze brand number that uniquely identifies the animal.

(b) A registration lip tattoo that uniquely identifies the animal.

(c) A complete and accurate description of the equine animal, prepared by the veterinarian who collected the sample.

(d) Another form of identification approved by the department.

History: Cr. Register, January, 1994, No. 457, eff. 2-1-94.

ATCP 10.41 Equine infectious anemia; Quarantine. (1) TEST POSITIVE ANIMAL; QUARANTINE. The department shall summarily quarantine every equine animal that tests positive on an equine infectious anemia test. The quarantine notice shall comply with s. ATCP 10.70 and shall also include all of the following:

(a) Notice of the positive equine infectious anemia test.

(b) Notice that the owner or custodian may request a retest under sub. (4).

(c) Notice that the state veterinarian may order the animal to be branded under sub. (7).

(2) **EXPOSED ANIMAL; QUARANTINE.** (a) The department shall summarily quarantine every equine animal which, in the department's judgment, has been exposed to an equine animal that has tested positive on an equine infectious anemia test. The quarantine notice shall comply with s. ATCP 10.70.

Note: An exposed animal includes, but is not limited to, an animal that is deemed to be exposed under par. (b).

(b) An equine animal kept within 300 yards of an equine animal that has tested positive on an equine infectious anemia test is considered exposed under par. (a) unless the department's epidemiologist determines, following investigation, that it has not been exposed.

(c) If the department quarantines an exposed animal under par. (a) the owner or custodian of that animal shall have that animal tested for equine infectious anemia. The exposed animal shall be tested not less than 45 days after the last date on which that animal was exposed to an equine animal that has tested positive on an equine infectious anemia test. The test shall be performed not more than 60 days after the last exposure, or not more than 15 days after the department's quarantine order is served, whichever test deadline is later.

(d) The department shall release a quarantine issued under par. (a) if the quarantined animal tests negative on an equine infectious anemia test under par. (c).

(e) If an equine animal quarantined under par. (a) tests positive for equine infectious anemia, the department shall extend the quarantine on that animal by issuing a quarantine notice under sub. (1).

(3) **HEARING REQUEST.** A person adversely affected by a quarantine under sub. (1) or (2) may, within 30 days after the quarantine is served, request a hearing on the quarantine as provided under s. ATCP 10.70(6). A request for hearing does not automatically stay a quarantine notice.

(4) **RETESTING UPON REQUEST.** The department shall retest an animal quarantined under sub. (1) if, within 10 days after the quarantine notice is served, the department receives a written request for a retest from the owner or custodian of the quarantined animal. A request for a retest does not stay a quarantine notice under sub. (1). A retest fee of \$25.00 shall be charged to the owner or custodian who requested the retest.

ATCP 10.41

(5) **RETEST PROCEDURE.** If an equine animal is retested under sub. (4), a state or federal veterinarian shall positively identify the retested animal as being the same animal originally tested. The state or federal veterinarian who identifies the retested animal shall draw the blood sample for the retest. The blood sample for the retest shall be drawn not less than 14 days after the department receives the written request nor more than 45 days after the blood sample for the initial test was drawn.

(6) **QUARANTINE RELEASE BASED ON RETEST.** If a retest under sub. (4) indicates that the original test result may have been a false positive, the department may release the quarantine issued under sub. (1). The release of a quarantine under sub. (1) does not prevent the department from issuing a quarantine under sub. (2) for the same animal if the 45 day time period under sub. (2) (c) has not yet expired.

(7) **ORDER TO BRAND TEST POSITIVE ANIMAL.** The state veterinarian shall, by written notice, order that a test positive animal quarantined under sub. (1) be branded under sub. (8). The order shall be served on the owner and on the custodian of the animal to be branded. The state veterinarian shall not issue a branding order under this subsection if any of the following apply:

(a) The time for requesting a hearing or retest under sub. (3) or (4) has not yet elapsed.

(b) A hearing has been requested under sub. (3) and the contested case proceeding is not yet completed.

(c) A retest has been requested under sub. (4) and has not yet been completed.

(d) A retest has failed to confirm the initial test result that prompted the quarantine.

(e) The state veterinarian is restrained by a judicial order, or by order of the department's secretary or hearing examiner under ch. ATCP 1.

(f) The department has released its quarantine under sub. (1).

(g) The state veterinarian determines that branding is not appropriate or necessary.

(8) **BRANDING TEST POSITIVE ANIMALS.** (a) A state or federal veterinarian shall execute a branding order under sub. (7) by applying a "35a" freeze brand to the left side of the animal's neck. A branding order may not be executed under this paragraph sooner than 14 days after the order is served on the owner and custodian of the animal, unless the owner and custodian consent in writing to have the animal branded at an earlier date.

(b) An equine animal branded under this section is quarantined to the extent provided under sub. (9) (a), but is no longer quarantined under sub. (1).

(c) No person may, except by judicial or administrative process, prevent a state or federal veterinarian from executing a branding order in compliance with this subsection.

(9) **QUARANTINE TERMS AND CONDITIONS.** (a) An equine animal quarantined under sub. (1), (2) or (8) (b) shall be kept in a tightly screened stall that is secure against the

movement of flies, or shall be kept a minimum of 300 yards from other equine animals not known to be infected with equine infectious anemia.

(b) No person may move, sell or transfer custody of an equine animal quarantined under sub. (1), (2) or (8) (b), without a permit from the department. The department shall grant or deny the permit within 5 days after the permit is requested.

History: Cr. Register, January, 1994, No. 457, eff. 2-1-94.

Subchapter VI — Poultry Diseases

ATCP 10.50 Poultry; disease control. (1) PROHIBITIONS.

(a) No poultry may be used for breeding purposes and no poultry eggs may be used for hatching unless they originate from a flock which is tested annually and classified "U.S. pullorum-typhoid clean" as provided in the national poultry improvement plan. No turkeys or turkey eggs may be used for breeding purposes or hatching unless they originate from a flock which is tested annually and classified "Mycoplasma gallisepticum clean" as provided in the national poultry improvement plan.

(b) No person may use, sell or otherwise transfer any poultry or poultry eggs for breeding or hatching purposes unless the poultry or poultry eggs comply with the requirements of this section and s. ATCP 11.40.

(2) **GENERAL PROVISIONS.** (a) All blood samples for testing under this section shall be drawn by an authorized agent of the department.

(b) All turkeys shall be banded at the time blood samples are drawn. Blood samples shall be identified by band number.

(c) Blood samples drawn from turkeys shall be tested at a laboratory approved by the department. Blood samples drawn from poultry other than turkeys may be field tested by the rapid plate method using approved antigens. Field testing may be conducted by an authorized agent of the department.

(d) Breeder flock and hatchery inspections shall be conducted by the department.

(e) All breeder flock and hatchery owners shall follow sanitation procedures prescribed by the department.

(f) If a flock or hatchery owner, or any person providing poultry disease diagnostic services, obtains test results or evidence indicating the presence of pullorum, fowl typhoid or other serotypes of Salmonella in poultry, or Mycoplasma gallisepticum in turkeys, that person shall report the test results or evidence to the department within 10 days.

(g) Upon receipt of a report of pullorum or fowl typhoid in any poultry, or of Mycoplasma gallisepticum in turkeys, the department shall conduct an immediate investigation to determine the origin and mode of transmission of the infection.

(h) All poultry flocks classified as reactor, infected or suspect under standards of the national poultry improvement plan shall be quarantined to the premises and may be removed only directly to slaughter. The flock owner

shall furnish proof of slaughter upon request by the department. The quarantine may be released following 2 negative tests of the entire flock conducted at least 21 days apart.

(3) PREMISES. No turkey breeding flocks may be commingled with other species of domestic fowl or reared within 100 yards of any other poultry.

(4) HATCHERIES. (a) No operator of a hatchery may hatch any poultry eggs or permit poultry eggs to be on the hatchery premises unless the eggs originate from a flock which complies with this section.

(b) No eggs of any other species of fowl may be hatched in a turkey hatchery.

(c) The department shall inspect poultry hatcheries at least annually.

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

Subchapter VII — Other Animal Diseases

ATCP 10.60 Aleutian disease-free herd; mink. (1) QUALIFYING FOR CERTIFICATE. The department may certify a herd of mink as an "Aleutian disease-free herd" if the herd owner provides proof that all mink in the breeder herd have been found negative for Aleutian disease in 2 consecutive counterimmunoelectrophoresis (CEP) plate tests, or other tests approved by the department. The tests shall be conducted at a state approved laboratory not less than 60 nor more than 395 days apart.

(2) REVOCATION OF CERTIFICATE. (a) The department shall, by written notice, summarily revoke the "Aleutian disease-free herd" certification of a herd if any of the following occurs:

1. An animal in the herd is found positive for Aleutian disease in any test approved by the department.
2. Mink are added to the herd in violation of sub. (4).
3. The herd owner violates the requirements of sub. (5).
4. The herd owner fails to report a positive finding for Aleutian disease in any animal in the herd.

(b) A revocation notice under par. (a) shall be signed by the state veterinarian, and served on the herd owner or agent. 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 be not recertified except under sub. (1).

(3) ANNUAL RECERTIFICATION. The department may annually recertify a herd of mink as an "Aleutian disease-free herd" if the herd owner provides proof that all male animals and 10% of all female animals in the herd have been found negative for Aleutian disease in a CEP or other approved test performed on a herd sample taken not later than 15 months after the last annual certification date. If testing for recertification is not completed within 15 months after the last annual certification date, certification expires. If certification expires, the herd may not be recertified except under sub. (1).

(4) HERD ADDITIONS. (a) Mink may be added to a certified Aleutian disease-free herd without prior testing if they originate from another certified Aleutian disease-free herd.

(b) Mink from other than a certified Aleutian disease-free herd shall be tested and found negative for Aleutian disease not more than 30 days before they are added to a certified Aleutian disease-free herd. The added mink shall be isolated from other mink in the herd, and shall be retested not less than 30 nor more than 60 days after being added to the herd.

(c) Male mink from other than a certified Aleutian disease-free herd may be added to a certified Aleutian disease-free herd without being subject to isolation, provided that the male is tested and found negative for Aleutian disease in 2 successive tests before being added to the herd. The second test shall be conducted within 30 to 60 days after the first test.

(5) SAMPLE COLLECTION AND TESTING; MONITORING BY DEPARTMENT. (a) Department inspectors may monitor the collection of samples for certification or recertification testing under this section. Samples shall be submitted directly to an approved laboratory for testing.

(b) The department may require collection of not more than 200 blood samples from each herd at reasonable times for the purpose of random evaluation.

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

ATCP 10.61 Brucellosis-free herd; goats. (1) INITIAL CERTIFICATION. The department may certify a herd of goats as a "certified brucellosis-free herd" if the herd owner provides proof that all animals over 6 months of age in the herd have been found negative for brucellosis in 2 consecutive brucellosis tests. The tests shall be conducted at a state or federally approved laboratory not less than 10 nor more than 14 months apart.

(2) REVOCATION OF CERTIFICATE. The department shall, by written notice, summarily revoke a certified brucellosis-free herd certification if any goat in the herd is found positive for brucellosis in any test approved by the department. A revocation notice shall be issued by the state veterinarian, and shall be served on the herd owner or agent. 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.

(3) ANNUAL RECERTIFICATION. The department may annually recertify a herd of goats as a certified brucellosis-free herd if the herd owner provides proof that all animals in the herd over 6 months of age have been found negative for brucellosis in an approved test performed on a herd sample taken not later 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).

(4) STATUS OF INDIVIDUAL ANIMALS. No goat qualifies as a member of a certified brucellosis-free herd unless both of the following apply:

(a) The goat was born to a herd member or has been a member of the herd for at least 90 days.

Register, January, 1994, No. 457

ATCP 10.61

(b) The goat has been tested and found negative for brucellosis in the most recent herd test, unless the goat was born since the last herd test or was under 6 months old at the time of the last herd test.

(5) **HERD ADDITIONS.** No goat may be added to a certified brucellosis-free herd unless one or more of the following apply:

(a) The goat originates from another certified brucellosis-free herd and was included in that herd's most recent brucellosis test.

(b) The goat originates from a brucellosis-free state.

(c) The goat tests negative for brucellosis within 30 days prior to entering the herd, and again between 60 to 120 days after entering the herd. An imported goat shall also be accompanied by an interstate health certificate or certificate of veterinary inspection under s. ATCP 11.02.

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

ATCP 10.62 Tuberculosis-free herd; goats. (1) INITIAL CERTIFICATION. The department may certify a herd of goats as an "accredited tuberculosis-free herd" if the herd owner provides proof that all animals in the herd over 12 months of age have been found negative for tuberculosis in 2 successive tuberculosis tests. The tests shall be conducted not less than 10 months nor more than 14 months apart.

(2) **REVOCATION OF CERTIFICATE.** If a tuberculosis test shows that any goat in an accredited tuberculosis-free herd is infected with tuberculosis, the herd certificate shall be summarily revoked. A department veterinarian shall retest all animals showing a tuberculosis reaction within 7 days after the department receives notice of the reaction.

(3) **ANNUAL RECERTIFICATION.** The department may annually recertify a herd of goats as an accredited tuberculosis-free herd if all goats over 12 months of age in the herd have been found negative for tuberculosis in a tuberculosis test conducted 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).

(4) **STATUS OF INDIVIDUAL GOATS.** No goat qualifies as a member of an accredited tuberculosis-free herd unless one or more of the following apply:

(a) The goat originated from another accredited tuberculosis-free herd.

(b) The goat was in the herd for at least 60 days prior to the last herd test.

(c) The goat was born to a herd member.

(5) **HERD ADDITIONS.** No goat may be added to an accredited tuberculosis-free herd unless one or more of the following apply:

(a) The goat originates from another accredited tuberculosis-free herd, and was in that herd of origin when that herd was last tested for tuberculosis.

(b) The goat originates from a herd in an accredited tuberculosis-free state.

(c) The goat originates from a herd in a modified accredited tuberculosis-free state, and that herd tested negative for tuberculosis in a herd test of all goats over 12 months of age, conducted not more than 12 months before the goat was added to the accredited tuberculosis-free herd. The goat shall also be found negative for tuberculosis in a test performed not more than 60 days before the animal is added to the accredited tuberculosis-free herd.

(d) The goat tests negative for tuberculosis within 60 days prior to entering the accredited tuberculosis-free herd, and is isolated from other goats in the herd until it tests negative for tuberculosis at least 60 days after entering the herd.

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

ATCP 10.63 Paratuberculosis-free herd; goats. (1) INITIAL CERTIFICATION. The department may certify a herd of goats as a "paratuberculosis-free herd" if the herd owner provides proof that all goats in the herd over 12 months of age have been found negative for paratuberculosis in 3 successive paratuberculosis tests. The tests shall be conducted not less than 10 months nor more than 14 months apart. Each test shall include all goats in the herd over 12 months of age.

(2) **REVOCATION OF CERTIFICATE.** When any approved paratuberculosis test discloses any goats in the herd to be positive for paratuberculosis, 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) **ANNUAL RECERTIFICATION.** The department may annually recertify a herd of goats as a paratuberculosis-free herd if all goats in the herd over 12 months of age test negative for paratuberculosis within 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).

(4) **STATUS OF INDIVIDUAL ANIMALS.** No goat qualifies as a member of a paratuberculosis-free herd unless one or more of the following apply:

(a) The goat was included in the initial herd certification under sub. (1).

(b) The goat originates from another paratuberculosis-free herd.

(c) The goat has been in the herd for at least 300 days, and was in the herd at the time of the last herd test for paratuberculosis.

(d) The goat was born to a herd member.

(5) **HERD ADDITIONS.** No goat may be added to a paratuberculosis-free herd unless the addition is approved by the department. Violation of this subsection constitutes grounds for the revocation of a paratuberculosis-free herd

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

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

ATCP 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.

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

ATCP 10.66

1. The suspect cervid may be held for the purpose of conducting a confirmatory test such as the comparative cervical test. The confirmatory test shall be performed by a state or federal veterinary medical officer at a time and in a manner determined by the department.

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; am. (8) (b) 1., Register, September, 1993, No. 453, eff. 10-1-93.

Subchapter VIII — Enforcement

ATCP 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 move any animal in violation of a quarantine order, 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.

Register, January, 1994, No. 457

(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; am. (1), Register, January, 1994, No. 457, eff. 2-1-94.

ATCP 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. ATCP 11, or in violation of any permit condition under ch. ATCP 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.

- (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.

ATCP 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. ATCP 11.60, or in violation of a department quarantine order under s. ATCP 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. ATCP 10.02.

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