

## Chapter ATCP 10

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Note: Chapter Ag 10 as it existed on December 31, 1990 was repealed and a new ch.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.

(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.

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

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

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

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

(a) Non-spayed female that is not parturient or post-parturient.

(b) Spayed heifer.

(c) Steer.

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

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

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

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

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

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

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

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

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

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

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

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

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

(34) "Interstate health certificate" means a written health certificate prepared by an accredited veterinarian in compliance with s. 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 ear tagging 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) A registration freeze brand number which uniquely identifies the animal.

(e) The official breed registration lip tattoo number of an equine animal which uniquely identifies that equine animal.

(f) A written or graphic description of an equine animal, prepared by a licensed and accredited veterinarian, which uniquely identifies that equine animal and includes all of the following:

1. A complete and accurate description of the equine animal's breed, coloration and distinguishing markings.

2. The equine animal's status as a gelding, mare or stallion, which may be abbreviated as "G", "M" or "S" respectively.

(g) The microchip number of a ratite which uniquely identifies that ratite.

(h) The leg band number of a ratite which uniquely identifies that ratite.

(i) 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 doves and pigeons, which are bred for the primary purpose of producing eggs or meat. "Poultry" does not include ratites.

(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.

(60r) "Ratite" means a member of the group of flightless birds that includes the ostrich, emu, cassowary, kiwi and rhea.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The department under s. 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; renum. (45) (d) to be (45) (i), cr. (45) (d) to (h), (60r), am. (56), Register, March, 1995, No. 471, eff. 4-1-95.

### 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 non-vaccinate 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 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. 95.68, 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 laboratory 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; am. (2) (b), Register, March, 1995, No. 471, eff. 4-1-95.

**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.<sup>29</sup>

(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 department. 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 ex-

pires. 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 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.

**(2) ORDER PROHIBITING SALE OF MILK.** If a department veterinarian or other accredited veterinarian finds clinical evidence of mastitis in one or more cows, the department may issue an order prohibiting the sale of milk from those cows. A person adversely affected by the order is entitled to a hearing before the department upon request.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; r. and recr. Register, June, 1991, No. 426, eff. 7-1-91.

**ATCP 10.21 Johne's disease testing. (1) HERD OWNER RELIEVED FROM IMPLIED WARRANTY IN SALE OF CATTLE.** (a) Except as provided in par. (b), the implied warranty under s. 95.195 (1), Stats., does not apply to the sale of a bovine animal from a herd which is classified by the department under s. ATCP 10.215, provided that the herd owner discloses the information required under s. ATCP 10.216 to the buyer prior to sale. To obtain an annual herd classification under s. ATCP 10.215, the herd owner shall comply with the annual herd testing requirements under this section.

Note: Paratuberculosis (Johne's disease) is a chronic subclinical disease of bovine animals. Under s. 95.195 (1), Stats., in each contract for the sale of an animal, there is an implied warranty that the animal is not infected with paratuberculosis (Johne's disease) unless the seller does one of the following:

(a) Notifies the buyer in writing before the sale that the animal is not warranted as being uninfected with paratuberculosis; or

(b) Complies with the testing and disclosure requirements under this section and s. ATCP 10.216.

Under current technology, a single test is not adequate to determine that an individual bovine animal is free of paratuberculosis. Tests which are not part of a herd test, or tests which are conducted on groups of animals assembled for a short time prior to sale, are of little or no value in determining the risk of paratuberculosis infection. Test results are only meaningful if tested animals are part of a herd and all animals in the herd are tested. The testing alternative under this section is therefore available only to herd owners, and is not available to livestock dealers or other sellers of bovine animals.

(b) The sale of a bovine animal is subject to the implied warranty under s. 95.195 (1), Stats., even though the animal is from a classified herd, if the animal was added to that classified herd from another herd less than 6 months before the last annual herd test under this section. This paragraph does not apply if the animal was added to the classified herd from a herd which was classified as a paratuberculosis documented-free herd under s. ATCP 10.215 (1) (a).

**(2) ANNUAL HERD TEST.** To obtain an annual herd classification under s. ATCP 10.215, a herd owner shall have the herd tested annually for paratuberculosis. If samples for an annual herd test are not taken within 14 months after the last annual herd test samples were taken, the existing herd classification expires and the herd owner may not claim protection under sub. (1) until the herd is reclassified.

**(3) ANIMALS TESTED.** In an annual herd test, every animal 20 months of age or older, including any animal which was added to the herd within the last 6 months, shall be individually tested for paratuberculosis.

**(4) TEST SAMPLES.** Paratuberculosis test samples for an annual herd test shall be taken by a person authorized under sub. (5). Each test sample shall be identified with the official individual identification of the animal from which the sample was taken, together with the date on which the sample was taken.

**(5) WHO MAY COLLECT TEST SAMPLES.** Paratuberculosis test samples for an annual herd test shall be collected by one of the following:

(a) An accredited veterinarian.

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

**(6) TEST METHOD.** In an annual herd test, animals shall be tested for paratuberculosis using the fecal culture test, the enzyme-linked immunosorbent assay or ELISA test or another test which is approved by the department.

**(7) TESTING LABORATORY.** In an annual herd test, paratuberculosis test samples shall be analyzed at a department laboratory, a federal bureau laboratory, or a laboratory approved by the depart-

ment or the federal bureau. Samples shall be forwarded to the testing laboratory by the person under sub. (5) who collects the samples.

(6) **TEST RESULTS; REVIEW BY DEPARTMENT.** The testing laboratory under sub. (7) shall promptly report to the department epidemiologist all individual test results obtained from an annual herd test. Based on the individual test results, the epidemiologist shall determine the overall prevalence of paratuberculosis in the herd, and shall classify the herd by risk category under s. ATCP 10.215. The epidemiologist shall determine the prevalence of paratuberculosis in the herd based on the number of animals identified as test positive, the total number of animals tested, and the test accuracy in terms of the sensitivity and specificity of the test used.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; r. and recr. Register, June, 1991, No. 426, eff. 7-1-91.

#### ATCP 10.215 Paratuberculosis herd classification.

(1) **RISK CATEGORIES.** Within 30 days after the department epidemiologist receives the test results from an annual herd test under s. ATCP 10.21 (8), the epidemiologist shall classify the herd in one of the following paratuberculosis risk categories:

(a) **Documented paratuberculosis-free herd.** Animals from a documented paratuberculosis-free herd are at negligible or insignificant risk of contracting paratuberculosis. A herd shall be classified in this risk category if either of the following conditions are met:

1. In 3 consecutive herd tests, the herd has been tested by the fecal culture test and found completely negative for paratuberculosis. Samples for each herd test shall be taken not less than 10 months nor more than 14 months after samples were taken for the preceding herd test.

2. In 3 consecutive herd tests, the herd has been tested and found completely negative for paratuberculosis. Two of the herd tests shall be by the ELISA method and one of the tests shall be by the fecal culture method. Samples for each herd test shall be taken not less than 10 months nor more than 14 months after samples were taken for the last preceding herd test.

(b) **Low prevalence paratuberculosis herd.** A herd shall be classified as a low prevalence paratuberculosis herd if the latest annual herd test indicates a paratuberculosis prevalence of less than 5%, but the herd does not qualify as a documented paratuberculosis-free herd under par. (a). Negative test animals from a low prevalence paratuberculosis herd are at negligible or insignificant risk of contracting paratuberculosis. An animal not tested because the animal is less than 20 months of age is at low risk of contracting the disease.

(c) **Moderate prevalence paratuberculosis herd.** A herd shall be classified as a moderate prevalence paratuberculosis herd if the latest annual herd test indicates a paratuberculosis prevalence of at least 5% but not more than 10%. A negative test animal from a moderate prevalence paratuberculosis herd has a 2% to 10% risk of contracting paratuberculosis at a later date. Any animal not tested because the animal is less than 20 months of age is at moderate risk for contracting the disease.

(d) **High prevalence paratuberculosis herd.** A herd shall be classified as a high prevalence paratuberculosis herd if the latest annual herd test indicates a paratuberculosis prevalence greater than 10%. All animals from a high prevalence paratuberculosis herd are at high risk for contracting paratuberculosis.

(2) **NOTICE TO HERD OWNER.** Upon classifying a herd under sub. (1), the department epidemiologist shall promptly provide the herd owner with all of the following information in writing:

(a) **Individual animal test results.** Individual test results for each animal included in the herd test. Test results shall be identified with each animal's official individual identification.

(b) **Herd prevalence.** The prevalence of paratuberculosis in the herd, as determined by the epidemiologist. Upon request by

the herd owner, the epidemiologist shall explain the basis on which the herd prevalence was determined.

(c) **Herd classification.** The owner's herd classification, as determined by the epidemiologist under sub. (1). A herd classification takes effect when this classification notice is signed by the department epidemiologist, and immediately supersedes any prior classification. The classification notice shall be accompanied by the following disclaimer:

"This herd classification expires 14 months after (date of latest herd test) unless the herd is retested prior to that date. This classification does not apply to animals which were added to the classified herd from another herd less than 6 months before the classified herd was tested."

(d) **Individual animal risk factor.** The risk that animals from the herd will contract paratuberculosis in the future, based on the risk category in which the herd is classified under sub. (1). The risk statement shall be accompanied by the following disclaimer:

"This risk statement does not apply to animals which were added to the classified herd from another herd less than 6 months before the classified herd was tested."

(e) **Invitation to participate in herd management program.** An invitation to participate in the department's paratuberculosis herd management program under sub. (3), unless the herd is classified as a documented paratuberculosis-free herd under sub. (1) (a).

(f) **Right of hearing.** Notice that the herd owner is entitled to a prompt informal hearing to contest any disputed findings by the department epidemiologist under this section. If a disputed matter is not resolved after informal hearing, the herd owner is also entitled to a formal hearing under ch. 227, Stats.

(3) **HERD MANAGEMENT PROGRAM.** (a) **General.** If a herd is classified under sub. (1), the herd owner may enroll the herd in the department's paratuberculosis herd management program unless the herd is classified as a documented paratuberculosis-free herd under sub. (1) (a). The herd management program is a voluntary program designed to reduce or eliminate the prevalence of paratuberculosis in a participating herd. If a herd owner chooses to participate, the herd owner and herd veterinarian will enter into a written herd agreement with the department. The herd agreement will include recommended measures for the control or elimination of paratuberculosis in the herd, and may authorize paratuberculosis vaccination under par. (b).

(b) **Vaccination for paratuberculosis.** No person may vaccinate any animal for paratuberculosis except under a herd agreement with the approval of the department. The department will not authorize vaccination in any herd in which the prevalence of paratuberculosis is less than 15% unless special circumstances warrant vaccination in that herd.

History: Cr. Register, June, 1991, No. 426, eff. 7-1-91; am. (1) (a) 2., Register, September, 1993, No. 453, eff. 10-1-93.

**ATCP 10.216 Paratuberculosis; sale disclosures.** To obtain protection under s. ATCP 10.21 (1) (a), a herd owner selling a bovine animal shall disclose all of the following paratuberculosis information to the buyer prior to sale:

(1) **INDIVIDUAL ANIMAL TEST RESULTS.** For each animal sold, the most recent paratuberculosis test result reported to the seller under s. ATCP 10.215 (2) (a), if any.

(2) **HERD PREVALENCE.** The prevalence of paratuberculosis in the seller's herd, as last reported to the seller under s. ATCP 10.215 (2) (b).

(3) **HERD CLASSIFICATION.** The risk classification of the seller's herd, as last reported to the seller under s. ATCP 10.215 (2) (c).

(4) **INDIVIDUAL ANIMAL RISK FACTOR.** For each animal sold, the pertinent risk factor last reported to the seller under s. ATCP 10.215 (2) (d).

History: Cr. Register, June, 1991, No. 426, eff. 7-1-91.



**ATCP 10.22 Leukosis-free herd; certification. (1) INITIAL CERTIFICATION.** The department may certify a herd of cattle as a "leukosis-free herd" if the herd owner or manager provides proof that all animals in the herd, 6 months of age or older, have been found negative for leukosis in 3 consecutive leukosis tests. Herd samples for each successive test shall be taken no sooner than 90 days and no later than 120 days from the date of the preceding test and shall be referred promptly to the department for testing.

**(2) ANNUAL RECERTIFICATION.** The department may annually recertify a herd of cattle as leukosis-free if all animals in the herd, 6 months of age or older, are retested and found negative for leukosis. Testing for recertification shall be performed not less than 10 months nor more than 14 months after the last annual certification date. Annual recertification may be based on a single leukosis test. 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. (a)** If a leukosis test shows that any animal in a certified leukosis-free herd is positive for leukosis, 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 leukosis-free herd certificate is revoked, the herd may be recertified under sub. (1) following the release of any quarantine affecting the herd.

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

**(a)** The animal was in the herd at the time of the last herd test for certification or recertification.

**(b)** If the animal entered the herd after the last herd test for certification or recertification, the animal tested negative for leukosis in 3 consecutive leukosis tests, as provided under sub. (5) (a).

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

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

**(a)** The animal is tested and found negative for leukosis in 3 consecutive leukosis tests. The first test shall be performed not more than 30 days before the animal is added to the herd. The second test shall be performed not less than 90 days nor more than 120 days after the animal is added to the herd and the third test not less than 90 days nor more than 120 days after the second test.

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

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

#### Subchapter IV — Swine Diseases

**ATCP 10.30 Pseudorabies negative herd; certification. (1) INITIAL CERTIFICATION. (a)** The department may certify a herd of swine as a "qualified pseudorabies negative herd" if the herd owner provides proof that all swine in the herd over 6 months of age intended for breeding have been tested with a serum neutralization test or other approved test, and that one of the following applies:

1. All swine over 6 months of age were found negative for pseudorabies.

2. If any of the swine tested positive for pseudorabies, all positive swine were permanently removed from the premises, the premises were cleaned and disinfected, and all remaining swine over 6 months of age were retested and found negative for pseudorabies on 2 successive retests. The first retest shall be conducted not less than 30 days after the premises are cleaned and disin-

fectured. The second retest shall be conducted not less than 30 days after the first retest.

**(b)** All serological tests under this subsection shall be conducted at a state or federal laboratory.

**(2) TESTING TO MAINTAIN CERTIFICATION. (a)** A veterinarian shall test a qualified pseudorabies negative herd according to one of the following procedures selected by the herd owner:

1. On or before the same date each month, the veterinarian may test at least 7% of all swine in the herd that are over 6 months old. If swine over 6 months old are kept in groups, the veterinarian shall test at least 7% of each group each month.

2. During each quarter, the veterinarian may test at least 20% of all swine in the herd that are over 6 months old. If swine over 6 months old are kept in groups, the veterinarian shall test at least 20% of each group each quarter.

**(b)** A herd owner who selects a testing procedure under par. (a) may change his or her selection, with department approval, when the department renews the annual herd certification under sub. (5).

**(3) EXPIRATION OF CERTIFICATE.** Certification as a "qualified pseudorabies negative herd" expires one year after the certification date unless certification is renewed under sub. (5).

**(4) REVOCATION OF CERTIFICATES. (a)** A qualified pseudorabies negative herd certificate shall be summarily revoked if any of the following occurs:

1. Any approved test discloses that one or more swine in the herd are positive for pseudorabies.

2. Swine are added to the herd in violation of sub. (7).

3. Tests are not conducted as required under sub. (2).

**(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. A request for hearing does not stay the revocation notice.

**(5) ANNUAL RECERTIFICATION.** The department may annually renew a qualified pseudorabies negative herd certificate if the herd is tested in compliance with sub. (2).

**(7) No swine may be added to a qualified pseudorabies negative herd unless one of the following applies:**

**(a)** The swine originate from a qualified pseudorabies negative herd or a qualified pseudorabies negative grow-out herd.

**(b)** The swine originate from a stage IV or stage V state or area designated by the national pseudorabies control board.

**(c)** The swine test negative for pseudorabies not more than 30 days before they are added to the herd, and retest negative between 30 and 45 days after they are added to the herd. The swine shall be isolated from other swine in the herd until they retest negative except that, in an emergency, the department may waive the requirement that a boar be isolated from other swine in the herd.

**(8) IDENTIFICATION.** Swine tested for pseudorabies under this section shall be individually identified by an official ear tag, or by another method approved by the department. Test reports submitted to the department shall include the official individual identification of the swine tested.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (7) (a) and (b) (intro.), Register, September, 1993, No. 453, eff. 10-1-93; emerg. r. and rec. (2) and (7), am. (4) (a) 2., and (5), eff. 2-1-95; r. and rec. (2) and (7), am. (4) (a) 2. and (5), r. (6), Register, July, 1995, No. 475, eff. 8-1-95.

**ATCP 10.305 Qualified pseudorabies negative grow-out herd; certification. (1) INITIAL CERTIFICATION.** The department may certify a herd of swine as a "qualified pseudorabies negative grow-out herd" if the herd owner provides proof that all of the following conditions are met:

**(a)** The herd is confined to a single grow-out premises.

**(b)** No swine are farrowed in the herd.

**(c)** All of the swine in the herd were obtained from the same farrowing premises and from the same farrowing herd.

(d) The farrowing herd from which swine were obtained is a qualified pseudorabies negative herd, and was a qualified pseudorabies negative herd when swine were obtained from that farrowing herd. If the farrowing herd loses its certification as a qualified pseudorabies negative herd, the grow-out herd's certification under this section is void.

(e) A veterinarian has performed pseudorabies tests on animals from the grow-out herd, and all of the tested animals have tested negative for pseudorabies. The animals tested under this paragraph shall include at least one of the following groups:

1. If the initial shipment of animals from the farrowing herd is still in the grow-out herd, at least sixty animals selected at random from that initial shipment. If there were fewer than 60 animals in the initial shipment, the veterinarian shall test all of the animals from the initial shipment.

2. If the initial shipment of animals from the farrowing herd is no longer in the grow-out herd, at least 60 animals selected at random from the grow-out herd. If there are fewer than 60 animals in the grow-out herd, the veterinarian shall test all animals in the grow-out herd.

(2) MAINTAINING CERTIFICATION. To maintain a herd's certification as a qualified pseudorabies negative grow-out herd, a veterinarian shall conduct monthly pseudorabies tests on the herd. Each monthly test shall include a minimum of 55 randomly selected swine over 6 weeks old or, if there are fewer than 55 swine over 6 weeks old in the herd, all swine over 6 weeks old in the herd. If any animal in the herd tests positive for pseudorabies, the herd certification is void.

(3) ANIMALS FROM NEW SOURCE. If the owner of a qualified pseudorabies negative grow-out herd receives swine onto the herd premises from more than one source, the herd certification is void. If a herd owner wishes to obtain certification for a grow-out herd derived from a new source, the herd owner shall slaughter or sell the entire herd from the previous source, and shall disinfect the premises before acquiring any animals from the new source. The department may not certify the herd from the new source until the herd owner demonstrates compliance with this subsection and sub. (1).

(4) RECORDKEEPING. (a) The owner of a qualified pseudorabies negative grow-out herd shall record all of the following information:

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 10.31 Pseudorabies control.** (1) SURVEILLANCE SAMPLES; TESTING. The department shall maintain a program of surveillance sampling for pseudorabies, under which the department obtains blood or tissue samples from Wisconsin swine on a systematic basis, and tests the samples for pseudorabies. Samples taken as part of the surveillance sampling program may include blood samples routinely taken from swine at the time of slaughter.

(2) INVESTIGATION; HERD TESTING. Whenever the department detects pseudorabies in any surveillance sample under sub. (1), the department shall initiate an investigation to determine whether swine herds in Wisconsin have been exposed to pseudorabies. The investigation may include additional testing of swine herds suspected of having been exposed to pseudorabies.

(3) QUARANTINE. (a) The department may, in its discretion, quarantine swine whenever the department reasonably suspects

that the swine may be infected with or exposed to pseudorabies. The department may apply the quarantine to all swine located on the premises. The quarantine shall comply with s. ATCP 10.70. Before issuing a herd quarantine based on the results from a surveillance sample taken under sub. (1), the department shall consider the reliability of the sample and test result, and the certainty with which the sample and test result indicate a pseudorabies exposure in the herd proposed for quarantine.

(b) The department may release a quarantine imposed under par. (a) if at least one of the following conditions is met:

1. All of the breeding animals and at least 10% of the finishing animals in the quarantined herd test negative on 2 consecutive pseudorabies tests approved by the department and administered at least 30 days apart.

2. All swine on the premises are slaughtered, and the premises are cleaned, disinfected and kept free of swine for at least 30 days.

(4) CONDEMNATION. The state veterinarian or designee may condemn and order the destruction of swine whenever he or she determines that condemnation and destruction are necessary to prevent or reduce the spread of pseudorabies, as provided in s. 95.27, Stats.

(5) HERD PLAN. (a) A herd plan is an agreement between the department and an owner of swine for the eradication of pseudorabies. A herd plan shall be designed to eradicate pseudorabies in the affected herd within 24 months after the first date of herd quarantine. The herd plan may include provisions for inspection, examination, sampling, testing, vaccination, quarantine, and disposition of swine and other susceptible animals.

(b) The owner of swine which are quarantined for pseudorabies may enter into a herd plan with the department within 60 days after the initial date of quarantine. If the owner fails to enter into a herd plan with the department within 60 days, the herd owner is no longer eligible to enter into a herd plan, and is no longer eligible for indemnities in the event of swine condemnation or destruction under sub. (4). The department may extend the 60 day time period at its discretion.

(c) Following the signing of a herd plan, the department and the herd owner shall review the owner's performance under the herd plan and the progress of the herd plan at least once every 90 days. Performance and progress shall be documented by the department. Eradication of pseudorabies shall be accomplished under the herd plan within 24 months after the plan is signed, or within 24 months after the first date of herd quarantine, whichever occurs first. The time period for eradication may be extended by the department. If an owner fails or refuses to comply with a herd plan, the department may give written notice to the owner revoking the owner's eligibility for indemnities in the event of condemnation or destruction under sub. (4). Notice shall be signed by the state veterinarian.

(6) MOVEMENT OF DISEASED SWINE. If the department orders or authorizes the movement of swine infected with or exposed to pseudorabies, the department shall take reasonable steps to notify other herd owners who may be adversely affected by the movement. Notice shall, where feasible, be issued in writing to affected persons at least 10 days prior to movement of the infected or exposed swine. A person adversely affected by the movement of infected or exposed swine may make written or oral comments to the department before the swine are moved.

(7) RIGHT OF HEARING. A person adversely affected by an order for the quarantine, condemnation, movement or destruction of swine under this section, or by a notice under sub. (5) (c) revoking eligibility for indemnities, may request a hearing before the department. A request for hearing shall be made within 10 days after the department's order or notice is received by the affected person.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; renun. (3) to be (3) (a), cr. (3) (b), Register, September, 1993, No. 453, eff. 10-1-93.

**ATCP 10.32 Pseudorabies; vaccination and vaccine control.** (1) **PERMIT.** No person may vaccinate swine for pseudorabies unless the owner of those swine holds a vaccination permit from the department. To obtain a permit, an owner of swine shall submit a written application to the department. The department may issue a vaccination permit for swine which have been infected with or exposed to pseudorabies, or which the department identifies as being at risk for pseudorabies. The department shall grant or deny an application for a vaccination permit within 5 business days after the department receives a complete application. The department may, in its discretion, require that a vaccination performed under department permit be performed by a veterinarian licensed in this state.

(2) **VACCINE LABEL.** No person may sell, distribute or possess any pseudorabies vaccine in this state unless the vaccine container is labeled with the name and address of the vaccine manufacturer.

(3) **REPORT OF SALES.** Every person who sells or furnishes pseudorabies vaccine to a veterinarian in this state shall file a report with the department within 15 days after the vaccine is delivered to the veterinarian. The report shall specify the name and address of each recipient, the date of delivery and the amount of vaccine delivered.

(4) **SALES RESTRICTED.** (a) Except as provided under par. (b) or (c), no person may sell or furnish pseudorabies vaccine to a retail purchaser or user in this state, other than a veterinarian licensed in this state who is authorized to vaccinate swine on behalf of an owner who holds a vaccination permit under sub. (1). The number of doses of vaccine sold or furnished may not exceed the number of doses specified in the permit.

(b) The department may issue a permit authorizing a veterinarian licensed in this state to purchase pseudorabies vaccine for use in swine outside the state. The department shall grant or deny a permit application within 5 business days after the department receives a written application from a veterinarian licensed in this state. The veterinarian shall record, and file with the department on a monthly basis, the number of doses of vaccine purchased for use outside the state, the location of each herd on which the vaccine was used, and the name and address of the herd owner.

(c) Paragraph (a) does not prohibit a veterinarian from furnishing vaccine to a herd owner who holds a permit under sub. (1), provided that the veterinarian acquired the vaccine in compliance with par. (a).

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1), r. and rec. (2), cr. (3) and (4), Register, September, 1993, No. 453, eff. 10-1-93.

**ATCP 10.33 Brucellosis-free herd; certification.** (1) **INITIAL CERTIFICATION.** The department may certify a herd of swine as a "validated brucellosis-free herd" if the herd owner provides proof that all breeding swine in the herd over 6 months of age which have been segregated from non-breeding swine are found negative for brucellosis in a brucellosis test conducted by an accredited veterinarian.

(2) **REVOCATION OF CERTIFICATE.** The department shall, by written notice, summarily revoke a validated brucellosis-free herd certificate if a reactor is disclosed in any brucellosis test of the herd, or if swine are added to the herd contrary to sub. (4). A revocation notice shall be signed 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.** (a) The department may annually recertify a herd of swine as a validated brucellosis-free herd if one of the following conditions are met:

1. All breeding swine in the herd over 6 months of age which have been segregated from non-breeding swine are found nega-

tive for brucellosis in a test conducted by a veterinarian not more than 13 months after the last annual certification date.

2. Twenty-five percent of all breeding swine in the herd over 6 months of age have been tested every 3 months and found negative for brucellosis, with each breeding animal tested at least once during the certification period.

3. Ten percent of all breeding swine in the herd over 6 months of age have been tested and found negative for brucellosis each month.

(b) If testing for recertification is not completed within the time period prescribed under par. (a), certification expires. If certification expires, the herd may not be recertified except under sub. (1).

(4) **ADDITIONS TO HERD.** No swine may be added to a validated brucellosis-free herd unless one or more of the following apply:

(a) The swine originate from a validated brucellosis-free herd or from a validated brucellosis-free grow-out herd.

(b) The swine have tested negative for brucellosis in 2 successive brucellosis tests conducted by a veterinarian at least 30 but not more than 60 days apart. The most recent test shall be conducted not more than 30 days before the swine are added to the validated brucellosis-free herd.

(c) The swine originate from a herd in which all swine over 6 months of age tested negative in a brucellosis test conducted not more than 30 days before the swine are added to the validated brucellosis-free herd.

(5) **TEST CLASSIFICATION.** Swine brucellosis tests shall be classified "negative" when no reaction on the card test is disclosed in a complete herd test, or when no reaction is disclosed by the agglutination test using a 1-100 or higher dilution.

(6) **BLOOD SAMPLES SUBMITTED TO APPROVED LABORATORY.** Veterinarians taking blood samples from swine for testing under this section shall submit all blood samples, properly identified, to a laboratory approved by the department or the federal bureau.

(8) **IDENTIFICATION TAGS.** Swine which have been tested for brucellosis under this section shall be individually identified with an official ear tag or by another method acceptable to the department. A veterinarian who conducts a brucellosis test shall submit the test results to the department within 15 days after the veterinarian obtains the test results.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (4) (a), Register, September, 1993, No. 453, eff. 10-1-93.

**ATCP 10.335 Validated brucellosis-free grow-out herd.** (1) **INITIAL CERTIFICATION.** The department may certify a herd of swine as a "validated brucellosis-free grow-out herd" if the herd owner provides proof that all of the following conditions are met:

(a) The herd is confined to a single grow-out premises.

(b) No swine are farrowed in the herd.

(c) All of the swine in the herd were obtained from the same farrowing premises and from the same farrowing herd.

(d) The farrowing herd from which swine were obtained is a validated brucellosis-free herd, and was a validated brucellosis-free herd when swine were obtained from that farrowing herd. If the farrowing herd loses its certification as a validated brucellosis-free herd, the grow-out herd's certification under this section is void.

(e) A veterinarian has performed brucellosis tests on the grow-out herd, and all of the tested animals have tested negative for brucellosis. The animals tested under this paragraph shall include at least one of the following groups:

1. Sixty animals selected at random from the initial shipment from the farrowing herd or, if there were fewer than 60 animals in the initial shipment, all animals in the initial shipment.

2. If the initial shipment of animals from the farrowing herd is no longer in the grow-out herd, at least 60 animals selected at random from the grow-out herd, or, if there are less than 60 animals in the grow-out herd, all animals in the grow-out herd.

(2) **MAINTAINING CERTIFICATION.** To maintain a herd's certification as a validated brucellosis-free grow-out herd, a veterinarian shall conduct monthly brucellosis tests on animals over 6 weeks old in the herd. Monthly tests shall be conducted so that at least 10% of the swine in the herd are tested each month, and every animal in the herd is tested at least once each year. If any animal in the herd tests positive for brucellosis, the herd certification is void.

(3) **ANIMALS FROM NEW SOURCE.** If the owner of a validated brucellosis-free grow-out herd receives swine onto the herd premises from more than one source, the herd certification is void. If a herd owner wishes to obtain certification for a grow-out herd derived from a new source, the herd owner shall slaughter or sell the entire herd from the previous source, and shall disinfect the premises before acquiring any animals from the new source. The department may not certify the herd from the new source until the herd owner demonstrates compliance with this subsection and sub. (1).

(4) **RECORDKEEPING.** (a) The owner of a validated brucellosis-free grow-out herd shall record all of the following information:

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 sample with the official individual identification of the equine

animal from which the sample was collected. The identification shall accompany the blood sample submitted for testing.

History: Cr. Register, January, 1994, No. 457, eff. 2-1-94; renun. (2) (intro.) to be (2), r. (2) (a) to (d), Register, March, 1995, No. 471, eff. 4-1-95.

### 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.

(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.

(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 cartag in the animal's right ear at the time of testing. An official cartag 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 cartag.

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

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

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

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

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

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

1. The suspect cervid may be held for 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.
- (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.