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RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 99-168

AN ORDER to repeal ATCP 10.01 (3) to (5), (6m), (13m), (17m), (34), (39), (61m), (66), (70) (c) and (72m), 10.151, 10.19 to 10.20, 10.30, 10.305, 10.335, 10.50 (4) (c), 10.60, 10.61 (4) and (5), 11.01 (3) to (5), (8), (20m), (39), (47), (61) and (62), 11.13, 11.16, 11.21, 11.31, 11.53 (2) (e), 11.56 (2) (g), 11.60 (5) (b), 12.01 (21), (22) and (27), 12.02 (2) (e) and (f) and (2r) (c), 12.03 (2) (c) and (d) and (2r) (c), 12.04 (2) (c) and (2r) (c) and 12.08 (11); to renumber ATCP 10.01 (45) (i), 10.32, 11.01 (54) (i), 12.01 (20) (i) and 12.06 (2) (a) to (d); to renumber and amend ATCP 12.06 (2) (e); to amend ATCP 1.03 (2) (b) 2. and (Note), 10.01 (1) (intro.) and (b), (14), (15), (15m), (16), (20m), (22m), (25), (29), (40), (43), (44), (45) (f) 2., (55), (60), (69m), (69r) and (72), 10.21 (6) (intro.), (11) (a), (b) 1., (c) (intro.) and (d), 10.50 (2) (b) and (c), 10.63 (6) (intro.) and (11) (a), (b) 1. and (c), 10.65 (title) and (1) (intro.), 10.651, 10.652 (3) (a) and (b) and (5) (a) (Note), 10.68 (1) (k), (13) (a) 1. and 2. and (14) (a) and (c), 10.71 (title) and (1) (a), 11.01 (1) (intro.), (7), (17), (18), (18m), (24), (27), (29m), (32), (35), (49), (50), (52), (53), (54) (e) and (f) 2., (63), (68), (71), (80m), (80r), (83) and (85), 11.10 (1) (a) 1. and (4) (d), 11.14 (title), (1) and (Note), (3) (c) and (d), (4) and (5) (intro.) and (b), 11.17, 11.32 (3) (c) and (d), (5) and (6) (b), 11.50 to 11.52, 11.53 (2) (a) to (c), 11.54 (title), (1) (title) and (intro.) and (4), 11.545 (title), (1) (b) (title), (2) (a), (b) 1. and (c), 11.55 (2) (b) 3. to 5., 11.56 (title), (1) (title) and (1), (2) (f), (3) and (4) (a), 11.58 (1) (k) and (2) (intro.), 11.59 (1) (e), (2) (a) (intro.) and (3) (a) and (b), 11.60 (2) and (5) (c), 11.62 (2) (a), (b), (c) 3. and (4) (b), 11.71 (1) (a), 11.72 (4), 12.01 (10), (18), (19), (20) (f) 2. and (24), 12.02 (2m) (a) 2. and (2r) (b), 12.03 (2r) (b) and (2w) (title), 12.04 (2r) (b), 12.05 (1) (a), (2) (a), (4) and (5) (b) and 12.08 (12); to repeal and recreate ATCP 10.01 (26), (31), (60m) and (70) (b), 10.02, 10.10 to 10.15, 10.16 to 10.18, 10.31, 10.33, 10.34, 10.40 (1), 10.41 (1) and (2), 10.62, 10.652 (7) and (8) (b), 10.66, 10.67, 10.72 (1) (d), 11.01 (33), (37) and (81) (b), 11.02, 11.03, 11.10 (2) and (3), 11.11, 11.12, 11.20, 11.22, 11.23, 11.30, 11.34, 11.53 (1), 11.54 (2) and (3), 11.545 (3), 11.55 (title), (1), (3) and (4), 11.57, 11.62 (5) and (6), 11.72 (2), 12.06 (1) and 12.08 (2) and (10); and to create ATCP 1.03 (1) (a) 11. and 12., 10.01 (2) (Note), (9m), (14m), (25m), (26m), (45) (i), (71m) and (74), 10.05, 10.06, 10.21 (1) (br), 10.32, 10.35 to 10.38, 10.63 (1) (br), 10.652 (5) (c), 10.673, 10.675, 10.68 (1) (am) and (8) (Note), 10.705, 10.72 (1) (g) and (h), chapter ATCP 10 Appendix A and Appendix B, 11.01 (2) (Note), (12m), (13m), (17m), (30m), (32m), (33m), (54) (i), (68m), (70g), (82m) and (84m), 11.04, 11.55 (2) (c), 11.59 (1) (am), 11.60 (3) (dm) and (mm), 11.705, 11.72 (13) and (14), 12.01 (8x) and (20i), 12.02 (20) (i), 12.045 (1c), 12.06 (2) and 12.08 (24), relating to animal diseases, animal movement and livestock markets, dealers and truckers.

Submitted by **DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION**

12-20-99 RECEIVED BY LEGISLATIVE COUNCIL.

01-20-00 REPORT SENT TO AGENCY.

RNS:MM:jal;rv

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

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CLEARINGHOUSE RULE 99-168

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

- a. In s. ATCP 10.01, subs. (60) and (60m) should be reversed so that the terms are in alphabetical order. A similar error occurs in ch. ATCP 11. Also, a quotation mark is missing after "herd" in sub. (60).
- b. In s. ATCP 11.30 (2), there are two paragraphs "(b)."
- c. SECTION 168 is amending s. ATCP 11.54 (2), rather than repealing and recreating it. Also, "or" should be stricken.
- d. The underscore should be deleted under "a" in the second sentence of s. ATCP 11.54 (3) (b).
- e. In the last sentence of s. ATCP 12.05 (1) (a), "does not apply" should be underscored.
- f. In s. ATCP 12.06 (1) (b) 3., "shall" should replace "must."

4. Adequacy of References to Related Statutes, Rules and Forms

- a. Section ATCP 10.01 (9m) (a) refers to s. ATCP 10.678, a section that does not exist. Is the correct reference s. ATCP 10.675?

b. Section ATCP 10.01 (14m) refers to a certified "brucellosis-free flock" and cross-references s. ATCP 10.64. The latter rule uses the term "brucella-ovis free flock." Are these terms equivalent? If so, can one term be used?

c. In s. ATCP 10.17, should the reference to s. ATCP 10.15 be changed to s. ATCP 10.16?

d. In s. ATCP 10.41 (1), it appears that the reference to "s. ATCO 10;70" should be changed to "s. ATCP 10.70."

e. It appears that the second reference to "par. (b)" in s. ATCP 10.673 (6) (c) contains an extraneous number.

f. In the note following s. ATCP 11.03 (1) (b) and in s. ATCP 11.03 (1) (c), it appears that "par. (a)" should be changed to "par. (b)."

g. In s. ATCP 11.03 (3) (c), the reference to "sub. (1) par. (e)" should be changed to "sub. (2) (e)."

h. Should s. ATCP 11.04 (1) (c) contain a cross-reference to the rule section under which livestock markets are authorized by the department to receive animal import shipments?

i. In s. ATCP 11.11 (1) (a) 4., "(b)" should be inserted after "sub. (4)".

j. Section ATCP 11.11 (4) (b) 5. refers to a rule provision that does not appear to exist. Similar errors occur in ss. ATCP 1.03 (1) (a) 11., 11.11 (2) (b) 2. and 11.20 (3) (b) 3. and (5) (b) 3.

k. SECTION 145 repeals s. ATCP 11.13. That section is cross-referenced in rules of the Department of Transportation (DOT). See s. Trans 102.20 (2) (i). The department may wish to contact DOT to let that agency know that s. ATCP 11.13 is being repealed.

l. In s. ATCP 12.06 (1) (a) 2., "12.05" should be inserted after "ATCP."

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. ATCP 10.01 (9m) (b), how is it determined whether standards are "comparable" to s. ATCP 10.678? This comment applies to several other sections of the rule using the same terminology.

b. In s. ATCP 10.01 (15m), the quotation marks around "farm raised deer" should be deleted and a hyphen should be inserted after "farm."

c. In s. ATCP 10.01 (26m) (a) and (31) (a), should a definition of "common ground" be provided?

d. In s. ATCP 10.01 (26m) (b) and (31) (b), it appears that "owner" should be changed to "owned."

e. For consistency, in s. ATCP 10.01 (69r) (b), "in which" should be changed to "where."

f. Should the requirement in s. ATCP 10.02 (1) be limited to evidence of disease found or diagnosed in animals present in this state?

g. In s. ATCP 10.41 (1) (b), should the requirement to notify event sponsors that an infected animal was present at the event be limited to events that were held within a certain time prior to the time the animal tests positive on an infectious anemia test?

h. Should the phrase "captive cervid" be defined for purposes of s. ATCP 10.65 (1) and other portions of the rule that use that term?

i. Various provisions in s. ATCP 10.66 refer to "USDA bovine tuberculosis eradication uniform methods," although that section pertains to cervids. Throughout that section, should "bovine" be changed to "cervid"?

j. Section ATCP 10.66 (2) (b) states that a blood tuberculosis test may not be used as an official tuberculosis test for any purpose in this state. Does this restriction apply to all animals or only to cervids? If the restriction applies to all animals, it should be placed in a portion of the rule with general applicability, rather than the portion which applies only to cervids. Also, the parenthetical material should be deleted.

k. In s. ATCP 10.675 (3) (a) 1., "test" should be changed to "tests."

l. Should the phrase ", if any" be added to the end of s. ATCP 11.02 (7) (c)?

m. In s. ATCP 11.03 (2) (b), "paper" should replace "hard copy."

n. In s. ATCP 11.11 (2), how may a person determine whether a test method has been approved by the department?

o. In the note following s. ATCP 11.20 (1) (a) 1., the department should consider inserting "weighing 80 pounds or less" after the first occurrence of "swine."

p. Should the rule provide a definition of "micro pig," used in s. ATCP 11.20 (1) (b) 3. and other provisions of the rule?

q. Should the rule provide a definition of "stage IV or V area," used in s. ATCP 11.20 (2) (b) 4. and similar terms used in other sections of the rule?

r. Should the rule provide a definition of "stag," used in s. ATCP 11.22 (1) (intro.) of the rule?

**PROPOSED ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND
CONSUMER PROTECTION
ADOPTING, AMENDING AND REPEALING RULES**

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9 The state of Wisconsin department of agriculture, trade and consumer protection
10 proposes the following order to repeal ATCP 10.01(3) to (5), (6m), (13m), (17m),
11 (34), (39), (61m), (66), (70)(c), (72m), 10.151, 10.19 to 10.20, 10.30, 10.305,
12 10.335, 10.50(4)(c), 10.60, 10.61(4) and (5), 11.01(3) to (5), (8), (20m), (39), (47),
13 (61), (62), 11.13, 11.16, 11.21, 11.31, 11.53(2)(e), 11.56(2)(g), 11.60(5)(b),
14 12.01(21), (22) and (27), 12.02(2)(e) and (f) and (2r)(c), 12.03(2)(c) and (d) and
15 (2r)(c), 12.04(2)(c) and (2r)(c), and 12.08(11); to renumber ATCP10.01(45)(i), 10.32,
16 11.01(54)(i), 12.01(20)(i) and 12.06(2)(a) to (d); to renumber and amend ATCP
17 12.06(2)(e); to amend ATCP 1.03(2)(b)2. and (note), 10.01(1)(intro.) and (b), (14),
18 (15), (15m), (16), (20m), (22m), (25), (29), (40), (43), (44), (45)(f)2., (55), (60),
19 (69m), (69r), (72), 10.21(6)(intro.), (11)(a), (b)1., (c)(intro) and (d), 10.50(2)(b) and
20 (c), 10.63(6)(intro.), (11)(a), (b)1. and (c), 10.65(title) and (1)(intro.), 10.651,
21 10.652(3)(a), (b) and (5)(a)(note), 10.68(1)(k), (13)(a)1. and 2., and (14)(a) and (c),
22 10.71(title) and (1)(a), 11.01(1)(intro.), (7), (17), (18), (18m), (24), (27), (29m), (32),
23 (35), (49), (50), (52), (53), (54)(e) and (f)2., (63), (68), (71) (80m), (80r), (83), (85),
24 11.10(1)(a)1. and (4)(d), 11.14(title), (1) and (note), (3)(c) and (d), (4) and (5)(intro.)
25 and (b), 11.17, 11.32(3)(c) and (d), (5), (6)(b), 11.50 to 11.52, 11.53(2)(a) to (c),
26 11.54(title), (1)(title) and (intro), and (4), 11.545(title), (1)(b)(title), (2)(a)(title), (a),

1 (b)1., (c)(title) and (c), 11.55(2)(b)3. to 5., 11.56(title), (1)(title) and (1), (2)(f), (3)
2 and (4)(a), 11.58(1)(k) and (2)(intro.), 11.59(1)(e), (2)(a)(intro.) and (3)(a) and (b),
3 11.60(2), and (5)(c), 11.62(2)(a), (b), (c)3. and (4)(b), 11.71(1)(a), 11.72(4),
4 12.01(10), (18), (19), (20)(f)2. and (24), 12.02(2m)(a)2. and (2r)(b), 12.03(2r)(b) and
5 (2w)(title), 12.04(2r)(b), 12.05(1)(a), (2)(a), (4) and (5)(b) and 12.08(12); to repeal
6 and recreate ATCP 10.01(26), (31), (60m), (70)(b), 10.02, 10.10 to 10.15, 10.16 to
7 10.18, 10.31, 10.33, 10.34, 10.40(1), 10.41(1) and (2), 10.62, 10.652 (7) and (8)(b),
8 10.66, 10.67, 10.72(1)(d), 11.01(33), (37) and (81)(b), 11.02, 11.03, 11.10(2) and (3),
9 11.11, 11.12, 11.20, 11.22, 11.23, 11.30, 11.34, 11.53(1), 11.54(2) and (3),
10 11.545(3), 11.55(title), (1), (3) and (4), 11.57, 11.62(5) and (6), 11.72(2), 12.06(1)
11 and 12.08(2) and (10); and to create ATCP 1.03(1)(a)11. and 12., 10.01(2)(note),
12 (9m), (14m), (25m), (26m), (45)(i), (71m) and (74), 10.05, 10.06, 10.21(1)(br), 10.32,
13 10.35 to 10.38, 10.63(1)(br), 10.652(5)(c), 10.673, 10.675, 10.68(1)(am), (8)(note),
14 10.705, 10.72(1)(g) and (h), ch. ATCP 10 Appendix A and Appendix B,
15 11.01(2)(note), (12m), (13m), (17m), (30m), (32m), (33m), (54)(i), (68m), (70g),
16 (82m) and (84m), 11.04, 11.55(2)(c), 11.59(1)(am), 11.60(3)(dm) and (mm) 11.705,
17 11.72(13) and (14), 12.01(8x) and (20i), 12.02(20)(i), 12.045(1c), 12.06(2), and
18 12.08(24); relating to animal diseases, animal movement, and livestock markets,
19 dealers and truckers.

20

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

Statutory authority: ss. 93.06(7), 93.07(1) and (10), 95.19(3), 95.23(3),
95.27(8), 95.55(3), 95.68(8), 95.69(8), 95.71(8),
95.715(2)(b) and (d), Wis. Stats.

Statutes interpreted: ss. 95.21, 95.25, 95.26, 95.27, 95.31, 95.35, 95.42,
95.43, 95.45, 95.46, 95.48, 95.49, 95.68, 95.69, 95.71,
95.715, Wis. Stats.

The Wisconsin department of agriculture, trade and consumer protection (DATCP) administers programs to protect the health of livestock and domestic animals in this state. This rule makes numerous changes to DATCP's current animal health rules under ch. ATCP 10 to 12, Wis. Adm. Code. Among other things, this rule:

- Clarifies current animal import permit requirements, and authorizes the state veterinarian to impose new import requirements in response to disease risks. If the new import requirements have general application, the department will also adopt the requirements by rule.
- Requires state certification of veterinarians who perform official disease eradication and control functions in this state under Wisconsin animal health programs. A federally accredited veterinarian is automatically certified, but DATCP may suspend or revoke the state certification for cause.
- Expands the current list of "reportable diseases" but simplifies reporting methods.
- Clarifies that DATCP's animal health rules apply to government agencies as well as private individuals and businesses.
- Extends, from 2 years to 5 years, the time period for which animal health records must be kept.
- Incorporates federal standards by reference under several state disease control programs, including brucellosis in cattle, cervids and swine, tuberculosis in cattle and cervids; and pseudorabies in swine. This rule incorporates the federal standards in place of current state standards.
- Authorizes DATCP to issue a temporary "animal hold order" pending investigation to determine whether animals are diseased or illegally imported.
- Requires exhibitors at fairs and exhibitions to give copies of required animal health papers to the show chairman or show veterinarian. The show sponsor must keep the records for at least 5 years.

- Modifies livestock market requirements, including license application requirements.
- Eliminates the requirement for livestock market operators, dealers and truckers to provide vehicle identification numbers or serial numbers when registering livestock vehicles with DATCP.
- Eliminates obsolete disease control programs for anaplasmosis and mastitis.
- Modifies current import and testing requirements related to swine pseudorabies.
- Modifies current import and EIA testing requirements for horses, and modifies current rules related to equine markets, shows and quarantine stations.
- Modifies current disease control programs related to cervids, and creates a brucellosis control program for cervids.
- Modifies current rules related to goats, sheep, llamas, ratites and mink.

General Provisions

Import Restrictions

Under current rules, persons importing animals to this state must comply with certain disease certification and testing requirements. Persons importing some types of animals must obtain an import permit from DATCP. The state veterinarian may issue a special import permit waiving normal import requirements, if special circumstances warrant the permit.

This rule retains most pre-import disease certification and testing requirements and the state veterinarian's authority to issue a written permit waiving normal import requirements. DATCP must keep a record of every permit issued.

The state veterinarian may issue a verbal or written directive requiring a person to comply with additional import requirements necessary to prevent the spread of disease. Any person who receives notice of additional import requirements is prohibited from importing animals in violation of those requirements.

Wisconsin Certified Veterinarians

The United States department of agriculture (USDA) currently accredits private veterinarians to perform key functions under federal disease eradication and control programs. For example, accredited veterinarians issue interstate health certificates, assign official livestock identifications, administer official diagnostic tests, administer

controlled vaccines and supervise the disposition of disease reactors. USDA may suspend or revoke the accreditation of a veterinarian who violates federal rules.

DATCP relies on federally accredited veterinarians to perform similar functions under state programs (such as the state's brucellosis, tuberculosis and pseudorabies control programs) for which federal counterpart programs exist. But Wisconsin has also established programs related to diseases (such as fish diseases and Johne's disease in cattle) for which there are no federal counterpart programs. If a federally accredited veterinarian violates state rules related to these programs (but violates no federal rules), there is no basis for USDA to suspend or revoke the veterinarian's federal accreditation.

Under this rule, a veterinarian must be a Wisconsin certified veterinarian to perform official disease eradication and control functions in this state. A federally accredited veterinarian who is licensed to practice in Wisconsin is automatically certified. A veterinarian loses this state certification if any of the following occurs:

- The state veterinary examining board suspends or revokes the veterinarian's license to practice in this state.
- USDA suspends or revokes the veterinarian's federal accreditation.
- DATCP suspends or revokes the veterinarian's state certification for cause. A licensed veterinarian who loses his or her state certification may continue to practice veterinary medicine, but may not perform functions for which certification is required.

Animal Health Rules Apply to Government Agencies

This rule clarifies that DATCP's animal health rules apply to government agencies as well as private individuals and businesses. For example, a government agency importing animals into Wisconsin must comply with the same import requirements that apply to private individuals and businesses.

Reportable Diseases

Under current rules, a veterinarian who diagnoses a "reportable disease" must report that disease to DATCP. This rule expands the current list of "reportable diseases" to include diseases listed by the world organization for animal health. This is necessary to give Wisconsin producers continued access to international markets.

Testing Animals

This rule clarifies that an owner or custodian of animals must, at the request of DATCP, present those animals to DATCP for disease testing. The owner or custodian must also restrain the animals to facilitate safe testing.

Recordkeeping

Under current rules, livestock markets, dealers and other persons must keep various records for 2 years. This rule extends the retention time to 5 years, to facilitate animal disease traceback and control.

Import Markets

Under current rules, animals imported to "Part 76" and "Part 78" livestock markets are exempt from certain import requirements. "Part 76" and "Part 78" markets are import markets regulated by USDA. The names originally derived from the federal code provisions (9 CFR 76 and 9 CFR 78) under which they were regulated. But USDA recently reorganized its code provisions, so the "Part 76" and "Part 78" names are no longer appropriate. This rule renames the markets as "federally approved livestock import markets," but does not change the substance of the current rules.

Reporting Diagnostic Test Results

Under current rules, a veterinarian reporting test results to DATCP must use a form provided by DATCP. Under this rule, a veterinarian is no longer required to use a DATCP form. Among other things, this will permit veterinarians to file test reports which were created electronically.

Certificates of Veterinary Inspection

Under current rules, an "interstate health certificate" or a "certificate of veterinary inspection" must accompany many animals. This rule eliminates references to "interstate health certificates," which are no longer in widespread use, and refers only to "certificates of veterinary inspection."

Animal Hold Orders

This rule authorizes DATCP to issue a temporary hold order (in lieu of a quarantine order) whenever DATCP has reason to believe that animals may have been illegally imported, or may have been exposed to an infectious, contagious or communicable disease. A temporary animal hold order may prohibit the movement of animals for up to 90 days while DATCP investigates the suspected illegal import or disease exposure.

The state veterinarian may, for good cause, extend the animal hold order for up to 90 days. If investigation confirms a suspected disease problem or illegal import, DATCP

may issue a quarantine order or take other appropriate action. A person adversely affected by a temporary animal hold order may request a hearing before DATCP to review the order.

Disease Indemnity Payments; Cleanup Deadlines

Under current law, DATCP may condemn animals to prevent the spread of disease. Owners of condemned animals may be eligible for indemnity payments. To qualify for indemnities under current rules, an owner must clean and disinfect the diseased premises within 15 days after the condemned animal is shipped to slaughter. DATCP may extend the cleanup deadline for another 15 days, but that may not provide adequate time in the winter (when cleaning and disinfecting may not be effective). This rule allows DATCP to extend the cleanup time for a period of time specified by DATCP.

Imported Animals Consigned to Livestock Markets; Origin Disclosed

This rule requires an animal owner to disclose an animal's state of origin when the owner consigns that animal to a Wisconsin livestock market.

Assault on Department Employee

This rule prohibits a person from physically assaulting a DATCP employee when the employee is performing his or her official duties.

Fairs and Exhibitions; Animal Health Records

Under current rules, persons exhibiting certain animals at a fair or exhibition must have certain health papers for those animals (e.g., health certificates or test results). This rule requires the exhibitor to provide copies of those health papers to the show chairman or show veterinarian. The show organizer must keep the records for at least 5 years. The exhibitor and the show organizer must make records available to DATCP for inspection and copying upon request.

Livestock Market Operators, Dealers and Truckers

Livestock Market Operator License

Under current law, a livestock market operator must be licensed and pay annual license fees. A livestock market (other than an equine market) that conducted sales on fewer than 5 days during the preceding year must pay an annual fee of \$115. Other market operators must pay higher fees. Under this rule, a market operator who claims to have conducted sales on fewer than 5 days in the preceding year must identify, in the license application, the dates on which the operator conducted those sales.

Under current rules, a person applying to be licensed as a livestock dealer or market operator must prove compliance with applicable federal security and bonding requirements. This rule does not exempt license applicants from federal requirements, but does eliminate the requirement to prove compliance with those requirements.

Livestock Vehicles; Registration

Under current law, a livestock market operator, livestock dealer or livestock trucker must register livestock vehicles with DATCP. Under current rules, the operator must provide the vehicle identification number and serial number of each registered vehicle.

Under this rule, the operator is no longer required to provide the vehicle identification number or serial number. Under this rule, the operator may simply identify the number of vehicles operated and pay the required registration fee for those vehicles. DATCP will provide two registration stickers for each vehicle. The operator must attach one sticker to each side of the registered vehicle.

Equine Markets

This rule clarifies (per current law) that an equine market is a livestock market and must comply with rules relating to livestock markets. It also clarifies that a livestock market receiving, selling or delivering any equine animal must keep a copy of any required health certificate and equine infectious anemia (EIA) test result. The market operator must keep the record for at least 5 years.

Bovine Animals; Disease Control

Brucellosis Control Program; Federal Standards

Current rules spell out standards for DATCP's brucellosis control program. Some of the current standards are patterned after federal standards ("uniform methods and rules") adopted by USDA. This rule repeals those current state standards, and adopts current federal standards by reference. This will ensure that state standards are fully consistent with federal standards, and will make it easier for DATCP to adopt future changes in federal standards.

Brucellosis Vaccination

Under current rules, a veterinarian who vaccinates an animal for brucellosis must report that vaccination to DATCP. This rule extends the reporting deadline from 15 days after the vaccination date to 30 days after the vaccination date.

Tuberculosis Control Program; Federal Standards

Current rules spell out standards for DATCP's tuberculosis control program. Some of the current standards are patterned after federal standards ("uniform methods and rules") adopted by USDA. This rule repeals those current state standards, and adopts current federal standards by reference. This will ensure that state standards are fully consistent with the federal standards, and will make it easier for DATCP to adopt future changes in federal standards.

Anaplasmosis Control Program

This rule repeals current rules relating to anaplasmosis control and anaplasmosis-free herd certification, because the rules are no longer needed.

Mastitis Control Program

This rule repeals obsolete rules related to mastitis control. DATCP's food safety rules (which remain in effect) and modern dairy industry practices are more effective in addressing mastitis in dairy cattle.

Veal Lots

Under current rules, veal calves imported to an "approved veal lot" are exempt from certain import requirements. DATCP may certify a veal lot as an "approved veal lot" if the veal lot complies with standards specified in the current rules. Certification is voluntary and, to date, no veal lot operators have applied. This rule therefore repeals the "approved veal lot" rules.

Swine Disease Control

Pseudorabies Control Program; Federal Standards

Current rules spell out standards for DATCP's pseudorabies control program. Some of the current standards are patterned after federal standards adopted by USDA. This rule repeals those current state standards, and adopts current federal standards by reference. This will ensure that state standards are fully consistent with federal standards, and will make it easier for DATCP to adopt future changes in federal standards.

Pseudorabies: Swine Imports

Under current rules, swine imported to this state must meet certain health certification and testing requirements. Under current rules, imported swine must be isolated on the receiving premises until they test negative for pseudorabies (there are some exceptions). This rule maintains current import requirements, and adds a further restriction for swine imported from pseudorabies stage I or II states.

Under this rule, swine imported from a pseudorabies stage I or II state may not leave the premises where they are received unless they are shipped direct to slaughter. Swine received at a federally approved livestock import market may be shipped to a farm for feeding, but may then be shipped only to slaughter. Swine that commingle with the imported swine are subject to the same restrictions unless all the imported swine are removed and a statistically significant number of the remaining swine test negative for pseudorabies.

Intrastate Movement of Swine; Pseudorabies Test

Under current rules, no person may move any of the following swine within this state unless the swine test negative on a pseudorabies test conducted within the preceding 30 days:

- A sow or boar that is more than 5 months old or weighs more than 175 pounds.
- Any swine moved to a swine growth performance test station.
- Any swine removed from a swine growth performance test station, unless DATCP gives prior written authorization.
- Any swine that weighs more than 100 pounds if DATCP has notified the owner of the swine's herd of origin that the herd is located in a high pseudorabies incidence area.

The following swine are currently exempt from the pre-movement testing requirement:

- An animal that originates from a qualified pseudorabies negative herd or a qualified pseudorabies negative grow-out herd.
- An animal moved directly to a licensed slaughter facility for immediate slaughter.
- An animal moved directly to a livestock market or livestock dealer premises if the animal is tested before it leaves the livestock market or dealer premises.
- An animal moved between 2 premises owned or operated by the owner of the animal.

This rule modifies current rules related to pre-movement testing of swine for pseudorabies. Under this rule, all swine must be tested for pseudorabies before they are moved within this state unless one of the following applies:

- Wisconsin is classified, by the national rabies control board, as a pseudorabies stage IV or V state.

- The swine originate from a qualified pseudorabies negative herd or a qualified pseudorabies negative grow-out herd.
- The swine are shipped directly to slaughter.

Swine Brucellosis Control Program; Federal Standards

Current rules spell out standards for the state swine brucellosis control program. Some of the current standards are patterned after federal standards (“uniform methods and rules”) adopted by USDA. This rule repeals current state standards, and adopts current federal standards by reference. This will ensure that state standards are fully consistent with federal standards, and will make it easier for DATCP to adopt future changes in federal standards.

Feeder Swine

Current rules regulate “feeder swine” in various ways. Under current rules:

- No person may import “feeder swine” into this state unless the feeder swine are imported to a slaughter plant, to a federally approved import market (“Part 76 market”), or to a farm for finish feeding prior to slaughter. Feeder swine imported to any of these destinations are exempt from pre-import brucellosis testing.
- “Feeder swine” imported to a farm must be kept separate from breeder swine on that farm, and may not be removed from the farm except to slaughter.
- “Feeder swine are exempt from pre-import pseudorabies testing required of other swine if they originate from a “feeder swine pseudorabies monitored herd.” Feeder swine, like other swine, are exempt from pre-import pseudorabies testing if they are imported directly to a slaughter plant, or to a federally approved import market (“Part 76 market”).
- DATCP may certify a herd of “feeder swine” in this state as a “feeder swine pseudorabies monitored herd” if the herd tests negative for pseudorabies every year.

This rule changes the current definition of “feeder swine.” Under the current rules, “feeder swine” mean any swine, except boars, that weigh less than 175 pounds and are kept for the sole purpose of feeding for slaughter. Under this rule, “feeder swine” mean any swine weighing 80 pounds or less that are kept for the sole purpose of feeding for slaughter.

Current rules require “official individual identification” of swine for various purposes. An animal’s “official individual identification” uniquely identifies that particular

animal. This rule creates a different, and less specific, form of “official individual identification” for “feeder swine.” Under this rule, the “official individual identification” of feeder swine may simply identify the premises where the feeder swine originated.

Equine Animals

Horse Imports; Certificate of Veterinary Inspection

Under current rules, a horse imported to this state must be accompanied by a certificate of veterinary inspection. There are some exceptions. This rule affects current exceptions as follows:

- Under current rules, a certificate of veterinary inspection is not required for animals imported directly to slaughter. This rule continues this current exception.
- Under current rules, a horse may be imported to an equine market without a certificate of veterinary inspection if the importer and the equine market operator agree in writing that the animal will be sold from the equine market only for slaughter. This rule eliminates the requirement of a written agreement. Under this rule, an equine animal may be imported to a livestock market without a certificate of veterinary inspection if the horse is then shipped to slaughter, or if a veterinarian completes that certificate before the horse leaves the livestock market.
- Under current rules, an equine animal may be imported to a veterinary facility for treatment without a certificate of veterinary inspection, if the animal returns to the state of origin immediately after treatment. This rule retains this current exemption and creates a parallel exemption for Wisconsin animals returning to its place of origin immediately following treatment at an out-of-state veterinary facility.
- This rule creates a new exception for a horse imported for a trail ride, horse show or exhibition. A horse may be imported for that purpose without a certificate of veterinary inspection if all the following apply:
 - * Ownership of the horse does not change while the horse is in this state.
 - * The horse does not stay in this state for more than 7 days.
 - * The horse meets current equine infectious anemia (EIA) test requirements.
 - * The horse originates from a state that allows imports of Wisconsin horses, under similar conditions, to attend trail rides, horse shows and exhibitions.

Horse Imports; EIA Test

Under current rules, a horse imported to this state must first test negative for EIA. There are some exceptions. This rule affects current exceptions as follows:

- Under current rules, a pre-import EIA test is not required for animals imported directly to slaughter. This rule continues this current exception.
- Under current rules, a horse may be imported to an equine market without a pre-import EIA test if the animal is tested within 48 hours after it arrives at the market. The animal may not leave the market until the test results are known. Under this rule, an untested animal may be imported to a livestock market without a pre-import EIA test if one of the following applies:
 - * The animal is shipped directly to slaughter within 10 days after it arrives at the livestock market and before it is commingled with any animals not sent to slaughter.
 - * The livestock market operator has the animal tested for EIA within 10 days after it arrives at the market, and obtains the test results before the animal leaves the livestock market and before it is commingled with any other equine animal at the livestock market.
- Under current rules, an equine animal may be imported to a veterinary facility for treatment without prior EIA testing if the animal returns to the state of origin immediately after treatment. This rule retains this current exemption and creates a parallel exemption for Wisconsin animals returning to Wisconsin immediately following treatment at an out-of-state veterinary facility.
- Under this rule, DATCP may issue a written permit authorizing a person to import a horse before obtaining the results of a pre-import EIA test if all the following apply:
 - * The test sample is collected before the horse is imported.
 - * The horse is isolated at the receiving premises until the test results are known.

Horses Infected With EIA

This rule prohibits any person from importing an animal that has tested positive for EIA. If a person imports an animal under a DATCP written permit before obtaining the results of an EIA test and the owner receives positive results are received the animal enters this state, the owner must do one of the following:

- Euthanize the animal.
- Ship the animal to slaughter with DATCP approval.
- Return the animal to its state of origin with DATCP approval.

Quarantining Horses Exposed to EIA

Under current rules, DATCP must quarantine every horse that has been exposed to a horse that tests positive for EIA. This rule changes the quarantine requirement. Under this rule, DATCP must quarantine all horses kept at the premises where the EIA positive horse is normally housed. This rule does not require DATCP to identify and quarantine every horse that may have been exposed to the EIA positive animal.

Horse Shows, Fairs and Exhibitions

If DATCP finds that a horse infected with EIA participated in a horse show, fair or exhibition, DATCP will notify the sponsor of the horse show or exhibition. Under this rule, the sponsor must notify other participants that their animals may have been exposed to EIA.

Under current rules, no person may exhibit a horse at a fair or livestock exhibition unless the horse first tests negative for EIA. The sponsor of a horse show, fair or exhibition must record the name and address of every person who owns a horse participating in the event. The sponsor must keep the records for at least 2 years. This rule changes the current recordkeeping requirements. Under this rule, the sponsor must do one of the following:

- Keep, for at least 5 years, the name and address of the horse owner, the horse's name and identification, and the accession or laboratory number of the EIA test.
- Keep, for at least 5 years, a copy of the horse's EIA test report.

Equine Markets

Under s. 95.68(1)(b), Stats., an "equine market" is defined as a livestock market that deals exclusively with equine animals (horses). This rule clarifies (per current law) that equine markets are livestock markets and must comply with applicable livestock market rules. It also clarifies that a livestock market operator receiving horses must comply with applicable equine market requirements

Equine Quarantine Stations

Under current rules, a person applying for a permit to operate an approved equine quarantine station must disclose the location of the equine quarantine station, including county, township and section. Under this rule, the applicant must also disclose the fire number assigned to the proposed equine quarantine station. The quarantine station veterinarian must be a Wisconsin certified veterinarian, and the quarantine station must keep records for 5 years (rather than 2 years under current rules).

Cervids

Captive Cervids; Herd Owner Report

A "cervid" means a member of the family of animals that includes deer, elk, moose, caribou, reindeer and the subfamily of musk deer. Under current rules, a person keeping a herd of cervids in this state must report all the following to DATCP:

- The location of the herd.
- The number and types of animals in the herd.
- The name and address of the herd owner.
- The name and address of the local herd custodian if other than the herd owner.

This rule clarifies that the current reporting requirement applies only to captive deer or elk. It thereby exempts the department of natural resources from the current reporting requirement.

Farm-Raised Deer; Herd Registration

Under s. 95.55, Stats., and current rules, a person keeping farm-raised deer in this state must obtain a registration certificate from DATCP. DATCP may deny, suspend or revoke a registration certificate for cause, pursuant to s. 93.06(7), Stats. This rule clarifies that DATCP may deny, suspend or revoke a registration certificate if a person files an incomplete or fraudulent application, or misrepresents any information on the application.

This rule creates a registration fee surcharge of \$100 if DATCP determines that the applicant kept farm-raised deer without a registration certificate within 365 days prior to applying for a registration certificate.

Tuberculosis in Cervids

Current rules spell out standards for DATCP's program for controlling tuberculosis in cervids. Some of the current standards are patterned after federal standards ("uniform methods and rules") adopted by USDA. This rule repeals those current state standards, and adopts current federal standards by reference. This will ensure that state standards are fully consistent with federal standards, and will make it easier for DATCP to adopt future changes in federal standards.

This rule modifies the federal standards, for Wisconsin, in one important respect. Whereas the federal standards permit the use of the blood tuberculosis test (BTB) in cervids, this rule prohibits use of the BTB test for any purpose in Wisconsin. In Wisconsin, the BTB test has consistently failed to identify, as TB suspects or reactors, animals that are culture positive for tuberculosis.

Tuberculosis Reactors

Under current rules, a cervid classified as a tuberculosis reactor must be identified as such within 24 hours, and must be shipped to slaughter within 15 days. This rule keeps the 15 day slaughter deadline but extends the identification deadline to 15 days.

Intrastate Movement; Certificate of Veterinary Inspection

Under current rules, a certificate of veterinary inspection must normally accompany a cervid moved within this state. There are several exemptions, including an exemption for cervids originating from an accredited tuberculosis-free herd, a tuberculosis qualified herd or a tuberculosis monitored herd. This rule eliminates this current exemption.

Cervids; Brucellosis Control Program

This rule creates a brucellosis control program for cervids. Under this rule:

- The program must comply with current federal standards (“uniform methods and rules”) adopted by USDA.
- The person who collects a brucellosis test sample must be either a certified veterinarian or an authorized employee of DATCP or USDA.
- A veterinarian who conducts a brucellosis test must report the test results within 10 days. If the cervid tests positive for brucellosis, the veterinarian must report immediately and confirm the report in writing within 10 days.
- A veterinarian who performs a brucellosis test on a cervid must apply an official individual identification to that cervid.
- Within 15 days after a cervid is classified as a reactor, the cervid must be shipped to slaughter. Within 15 days after the cervid is shipped to slaughter, the owner must clean and disinfect the premises where the cervid was kept. The department may extend the cleaning and disinfecting deadline, if extension is appropriate. DATCP may not pay indemnities to an owner who fails to meet the deadlines.
- DATCP may certify a herd of cervids as a brucellosis-free herd based on federal standards.

Other Animals

Goats

Current rules spell out standards for controlling tuberculosis in goats. Some of the current standards are patterned after federal standards ("uniform methods and rules") adopted by USDA. This rule repeals those current state standards, and instead adopts the current federal standards by reference. This will ensure that state standards are fully consistent with federal standards, and will make it easier for DATCP to adopt future changes in federal standards.

Sheep

This rule prohibits the sale or movement of sheep infected with or exposed to scrapie.

Exotic Ruminants or South American Camelids

Under current rules, a person importing an exotic ruminant (e.g., gnu, antelope, mouflon sheep, wild goats) or South American camelid (e.g., a llama) must hold an import permit from DATCP. The exotic ruminant or South American camelid must test negative for tuberculosis and brucellosis prior to import and must be accompanied by a certificate of veterinary inspection. This rule makes the following changes:

- It retains the requirement that the importer obtain an import permit for exotic ruminants, but it eliminates the permit requirement for South American camelids. It simplifies the procedure for obtaining a permit, and makes it consistent with other import permits.
- It retains the requirement for a negative tuberculosis and brucellosis test for exotic ruminants but eliminates the test requirements for South American camelids. It requires the importer to contact the department to identify species appropriate tests to be used for the exotic ruminants.
- It retains the requirement that the animal be accompanied by a certificate of veterinary inspection for both exotic ruminants and South American camelids.

Ratites

Under current rules, a person importing a ratite (e.g., an ostrich or emu) must obtain an import permit from DATCP. The ratite must test negative for avian influenza, and a veterinarian must certify that the ratite originates from a flock that has shown no signs of avian influenza for at least 6 months. This rule makes the following changes:

- It simplifies the procedure for obtaining a permit, and makes it consistent with other import permits.
- It eliminates the avian influenza test requirement.

- It changes the health certification requirement. Under this rule, an imported ratite must be accompanied by a standard certificate of veterinary inspection. A certificate is not required if the ratite is imported directly from a federal quarantine facility.

Mink

This rule eliminates the current aleutian disease-free herd certification program for mink.

Circus, Rodeo, Racing or Menagerie Animals

Under current rules, a person importing circus, rodeo, racing or menagerie animals must hold an import permit from DATCP. This rule simplifies the procedure for obtaining permits, and makes it consistent with the procedure for other permits.

Under current rules, a person importing circus, rodeo or menagerie animals must notify DATCP of the dates and locations at which the animals will be exhibited in this state. This rule eliminates this requirement.

Test Methods

Current rules identify specific test methods for a number of required animal health tests. This rule eliminates specific descriptions of test methods identified in federal rules, and instead incorporates the federal rules by reference. This will ensure that state test methods are fully consistent with federal methods, and will make it easier for DATCP to adopt future changes in federal standards.

This rule authorizes DATCP to approve additional test methods that are not specifically identified in this rule. This will make it easier for state disease control programs to keep pace with rapidly changing disease testing technology.

Technical Changes

This rule makes many nonsubstantive drafting and organizational changes to current rules.

The department is seeking authority from the department of justice and the revisor of the statutes to incorporate uniform methods and rules by reference.

1 **SECTION 1.** ATCP 1.03(1)(a)11. and 12. are created to read:

1 ATCP 1.03(1)(a)11. Animal health import requirements that the state
2 veterinarian imposes on an import permit holder under s. ATCP 11.03(5)(b), unless the
3 department has adopted those import requirements by rule. ? ^{no such rule -}
_(see p. 85)

4 12. A temporary animal hold order issued under s. ATCP 10.705 or ATCP
5 11.705.

6 **SECTION 2.** ATCP 1.03(2)(b)2. and (note) are amended to read:

7 ATCP 1.03(2)(b)2. Special orders identified under sub. (1)(a)5. to 9., 11. and
8 12.

9 **NOTE:** Special orders under sub. (1)(a)5. to 8., 11. and 12. are normally
10 issued by the responsible divisions. Subpoenas and investigative
11 demands under sub. (1)(a)9. are normally issued by department attorneys
12 or other authorized officials of the department.

13 **SECTION 3.** ATCP 10.01(1)(intro.) is amended to read:

14 ATCP 10.01(1) "Accredited tuberculosis-free herd" means a herd of bovine
15 animals, ~~cervidae~~ cervids or goats which is certified as tuberculosis-free by one of the
16 following:
17

18 **SECTION 4.** ATCP 10.01(1)(b) is amended to read:

19 ATCP 10.01(1)(b) The authorized animal health agency of in the state in which
20 where the herd is located, under standards comparable to s. ATCP 10.17, 10.62 or
21 10.67(1).

22 **SECTION 5.** ATCP 10.01(2)(note) is created to read:

23 **NOTE:** Under s. ATCP 10.05, a veterinarian who seeks to perform disease
24 control and eradication functions in Wisconsin must be accredited by the
25 federal bureau and certified by the department.

26 **SECTION 6.** ATCP 10.01(3) to (5) are repealed.
27

1 SECTION 7. ATCP 10.01(6m) is repealed.

2 SECTION 8. ATCP 10.01(9m) is created to read:

3 ATCP 10.01(9m) "Brucellosis monitored herd" means a herd of cervids that is
4 certified as a brucellosis monitored herd by one of the following:

5 (a) The department under s. ATCP 10.678. ← ? 10.673 } 10.60
6 10.675 }

7 (b) The authorized animal health agency in the state where the herd is located,
8 under standards comparable to s. ATCP 10.678.

9 SECTION 9. ATCP 10.01(13m) is repealed.

10 SECTION 10. ATCP 10.01(14) is amended to read:

11 ATCP 10.01(14) "Certificate of veterinary inspection" means a written
12 certificate prepared by an accredited veterinarian in compliance with s. ATCP
13 11.02(2).

14 SECTION 11. ATCP 10.01(14m) is created to read:

15 ATCP 10.01(14m) "Certified brucellosis-free flock" means a flock of sheep that
16 is certified as brucellosis-free by one of the following:

17 (a) The department under s. ATCP 10.64. ← ~~10.64~~ cervids.

18 (b) The authorized animal health agency in the state where the flock is located,
19 under standards comparable to s. ATCP 10.64.

20 SECTION 12. ATCP 10.01(15) is amended to read:

21 ATCP 10.01(15) "Certified brucellosis-free herd" means a herd of cattle,
22 cervids or goats that is certified as brucellosis-free by one of the following:

(a) The department under s. ATCP 10.14, ~~or 10.61~~ or 10.675.

1 (b) The authorized animal health agency in the state where the herd is located,
2 under standards comparable to s. ATCP 10.14, ~~or~~ 10.61 or 10.675.

3 SECTION 13. ATCP 10.01(15m) is amended to read:

4 ATCP 10.01(15m) "Cervid" ~~is the singular form of the plural "Cervidae".~~

5 "~~Cervidae~~" means ~~members~~ a member of the family of animals ~~which that~~ includes
6 deer, elk, moose, caribou, reindeer and the subfamily musk deer. "~~Cervidae~~"

7 "Cervid" includes all [^]farm raised deer. [^]

8 SECTION 14. ATCP 10.01(16) is amended to read:

9 ATCP 10.01(16) "Commingle" means kept or brought in contact with other
10 animals in any environment which permits direct physical contact between the animals.

11 SECTION 15. ATCP 10.01(17m) is repealed.

12 SECTION 16. ATCP 10.01(20m) is amended to read:

13 ATCP 10.01(20m) "Equine animal" ~~means a horse, mule, zebra, donkey or ass~~
14 has the meaning given in s. 95.68(1)(a), Stats.

15 SECTION 17. ATCP 10.01(22m) is amended to read:

16 ATCP 10.01(22m) "Farm-raised deer" has the meaning given in s.
17 95.001(1)(a), Stats., but does not include ~~cervidae~~ cervids kept by an institution
18 accredited by the American association of zoological parks and aquariums.

19 SECTION 18. ATCP 10.01(25) is amended to read:

20 ATCP 10.01(25) "Feeder swine" means swine, ~~excluding boars, weighing less~~
21 ~~than 175 pounds~~ that weigh 80 pounds or less and are kept for the sole purpose of
22 feeding for slaughter.

23 SECTION 19. ATCP 10.01(25m) is created to read:

1 ATCP 10.01(25m) "Feeder swine pseudorabies monitored herd" means a herd
2 of swine that is certified as a feeder swine pseudorabies monitored herd by one of the
3 following:

4 (a) The department under s. ATCP 10.34.

5 (b) The authorized animal health agency in the state where the herd is located,
6 under standards comparable to s. ATCP 10.34.

7 **SECTION 20.** ATCP 10.01(26) is repealed and recreated to read:

8 ATCP 10.01(26) "Flock" as applied to poultry means all poultry on a farm,
9 except that the department may designate as a separate "flock" any group of poultry
10 that has not been allowed to commingle with other poultry on a farm for at least 21
11 days.

12 **SECTION 21.** ATCP 10.01(26m) is created to read:

13 ATCP 10.01(26m) "Flock" as applied to sheep means one of the following:

14 (a) A commonly owned or controlled group of sheep that are maintained on
15 common ground.

16 (b) Two or more commonly owner or controlled groups of sheep that are
17 maintained at geographically separate locations, if animals or people move between the
18 locations without exercising appropriate bio-security measures.

19 **SECTION 22.** ATCP 10.01(29) is amended to read:

20 (29) "Hatchery" means premises used to hatch poultry, ~~including~~ or ratites.

21 "Hatchery" includes buildings, incubators, hatchers and auxiliary equipment.

22 **SECTION 23.** ATCP 10.01(31) is repealed and recreated to read:

23 ATCP 10.01(31) "Herd" means one of the following:

1 (a) A commonly owned or controlled group of animals of the same species that
2 are maintained on common ground.

3 (b) Two or more commonly ^{owned?} owner or controlled groups of animals of the same
4 species that are maintained at geographically separate locations, if animals or people
5 move between the locations without exercising appropriate bio-security measures.

6 SECTION 24. ATCP 10.01(34) is repealed.

7 SECTION 25. ATCP 10.01(39) is repealed.

8 SECTION 26. ATCP 10.01(40) is amended to read:

9 ATCP 10.01(40) "Mycoplasmosis" means a disease of poultry caused by
10 bacteria of the genus *Mycoplasma gallisepticum*.

11 SECTION 27. ATCP 10.01(43) and (44) are amended to read:

12 ATCP 10.01(43) "Official back tag" means an identification back tag,
13 approved by the federal bureau or the department, that conforms to the ~~8-character~~
14 ~~alpha-numeric~~ national uniform backtagging system.

15 (44) "Official eartag" means an identification eartag, approved by the federal
16 bureau or the department, that conforms to the ~~9-character alpha-numeric~~ national
17 uniform eartagging system.

18 SECTION 28. ATCP 10.01(45)(f)2. is amended to read:

19 ATCP 10.01(45)(f)2. The equine animal's sexual status ~~as a gelding, mare or~~
20 ~~stallion, which may be abbreviated as "G", "M" or "S" respectively.~~

21 SECTION 29. ATCP 10.01(45)(i) is renumbered ATCP 10.01(45)(j).

22 SECTION 30. ATCP 10.01(45)(i) is created to read:

1 ATCP 10.01(45)(i) For a swine weighing 80 pounds or less, the premises
2 identification of the premises of origin.

3 SECTION 31. ATCP 10.01(55) is amended to read:

4 *Desk* 990 ATCP 10.01(55) "Person" ~~includes any~~ means an individual, corporation,
5 partnership, association, or firm limited liability company, trust, governmental entity,
6 or other organization or entity.

7 SECTION 32. ATCP 10.01(60) is amended to read:

8 ATCP 10.01(60) "Qualified pseudorabies negative herd means a herd of swine
9 ~~which that~~ is certified as being pseudorabies negative by one of the following: X

10 *alpha* (a) The department under s. ATCP ~~10.30~~ 10.32.

11 (b) The authorized animal health agency in the state where the herd is located,
12 under standards comparable to s. ATCP ~~10.30~~ 10.32.

13 SECTION 33. ATCP 10.01(60m) is repealed and recreated to read:

14 ATCP 10.01(60m) "Qualified pseudorabies negative grow-out herd" means a
15 grow-out herd of swine that is certified by one of the following:

16 (a) The department under s. ATCP 10.33.

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

19 SECTION 34. ATCP 10.01(61m) is repealed.

20 SECTION 35. ATCP 10.01(66) is repealed.

21 SECTION 36. ATCP 10.01(69m) and (69r) are amended to read:

22 ATCP 10.01(69m) "Tuberculosis monitored herd" means a herd of ~~cervidae~~

23 cervids that is certified as a tuberculosis monitored herd by one of the following:

1 (a) ~~By the~~ The department under s. ATCP 10.67(3).

2 (b) ~~By the~~ The authorized animal health agency of the state in which the herd is
3 located, using standards comparable to ~~those specified under~~ s. ATCP 10.67(3).

4 ATCP 10.01(69r) "Tuberculosis qualified herd" means a herd of ~~cervidae~~
5 cervids that is certified as a tuberculosis qualified herd by one of the following:

6 (a) ~~By the~~ The department under s. ATCP 10.67(2).

7 (b) ~~By the~~ The authorized animal health agency of the state in which the herd is
8 located, using standards comparable to ~~those specified under~~ s. ATCP 10.67(2).

9 **SECTION 37.** ATCP 10.01(70)(b) is repealed and recreated to read:

10 ATCP 10.01(70)(b) A single cervical tuberculin test or a comparative cervical
11 tuberculin test for cervids.

12 **SECTION 38.** ATCP 10.01(70)(c) is repealed.

13 **SECTION 39.** ATCP 10.01(71m) is created to read:

14 ATCP 10.01(71m) "USDA" means the United States department of
15 agriculture.

16 **SECTION 40.** ATCP 10.01(72) is amended to read:

17 ATCP 10.01(72) "Validated brucellosis-free herd" means a herd of swine
18 ~~which~~ that is certified as brucellosis-free by one of the following"

19 (a) The department under s. ATCP ~~10.33~~ 10.36.

20 (b) The authorized animal health agency of the state ~~in which~~ where the herd is
21 located, under standards comparable to s. ATCP ~~10.33~~ 10.36.

22 **SECTION 41.** ATCP 10.01(72m) is repealed.

23 **SECTION 42.** ATCP 10.01(74) is created to read:

1 ATCP 10.01(74) "Wisconsin certified veterinarian" means a veterinarian
2 certified under s. ATCP 10.05.

3 **SECTION 43.** ATCP 10.02 is repealed and recreated to read:

4 **ATCP 10.02 Reportable diseases; general.** (1) DISEASES REPORTED WITHIN
5 ONE DAY. A veterinarian or diagnostic laboratory that diagnoses or finds evidence of
6 any disease identified in *Appendix A* shall report that diagnosis or finding to the
7 department, in the manner provided under sub. (3), within one day after making the
8 diagnosis or finding.

9 (2) DISEASES REPORTED WITHIN 10 DAYS. A veterinarian or diagnostic
10 laboratory that diagnoses or finds evidence of any disease identified in *Appendix B* shall
11 report that diagnosis or finding to the department, in the manner provided under sub.
12 (3), within 10 days after making the diagnosis or finding.

13 (3) FORM OF REPORT. A veterinarian or diagnostic laboratory may report under
14 subs. (1) or (2) by telephone or any other effective means of communication. If a
15 veterinarian reports other than in writing, the veterinarian shall confirm the report in
16 writing within 10 days. A fax report is a written report under this section.

17 (4) EXEMPTION. This section does not require a veterinarian to report a
18 diagnosis or finding made by the department or the Wisconsin department of health and
19 family services.

20 **SECTION 44.** ATCP 10.05 and 10.06 are created to read:

1 **ATCP 10.05 Wisconsin certified veterinarians. (1) AUTOMATIC**

2 **CERTIFICATION.** A veterinarian is automatically certified as a Wisconsin certified

3 veterinarian, without any action by the department, if all the following apply:

4 (a) The veterinarian is currently licensed under ch. 453, Stats., to practice
5 veterinary medicine in this state.

6 (b) The veterinarian is currently accredited by the federal bureau under 9 CFR
7 160 to 162. 

8 **(2) DECERTIFICATION.** A veterinarian is no longer certified under sub. (1) if
9 any of the following occurs:

10 (a) The veterinarian is no longer licensed under ch. 453, Stats., to practice
11 veterinary medicine. If the veterinarian's license is temporarily suspended, the
12 certification under sub. (1) is suspended for the period of the license suspension.

13 (b) The veterinarian is no longer accredited by the federal bureau under 9 CFR
14 160 to 162. If the veterinarian's federal accreditation is temporarily suspended, the
15 certification under sub. (1) is suspended for the period of the accreditation suspension.

16 (c) The department suspends or revokes the certification for cause. The state
17 veterinarian may, on behalf of the department, summarily suspend or revoke the
18 certification of a veterinarian who violates applicable requirements under this chapter,
19 ch. ATCP 11 or ch. ATCP 12. The state veterinarian shall specify, in the order, the
20 period of suspension or the requirements for reinstatement after revocation. A
21 veterinarian may request a hearing before the department, pursuant to ch. 227, Stats.
22 A request for hearing does not stay the summary suspension or revocation.

1 **ATCP 10.06 Disease testing; owner to assist department.** An owner or
2 custodian of animals shall make those animals available to the department, at the
3 department's request, for any disease testing that the department is authorized to
4 perform on those animals. The owner or custodian shall restrain the animals, as
5 necessary, to facilitate testing and protect the safety of the animal and the persons
6 performing the testing.

7 **SECTION 45.** ATCP 10.10 to 10.15 are repealed and recreated to read:

8 **ATCP 10.10 Brucellosis; official vaccinates.** A bovine animal does not
9 qualify as an official brucellosis vaccinate unless all the following apply:

10 (1) An accredited veterinarian vaccinates the animal in compliance with USDA
11 brucellosis eradication uniform methods and rules dated February 1, 1998. If the
12 animal is vaccinated in Wisconsin, the accredited veterinarian shall also be a Wisconsin
13 certified veterinarian.

14 (2) The veterinarian identifies the animal in compliance with the USDA
15 brucellosis eradication uniform methods and rules dated February 1, 1998.

16 (3) The veterinarian files a vaccination report with the department within 30
17 days after the veterinarian performs the vaccination. The veterinarian shall file the
18 vaccination report on a form approved by the department, and shall include in the
19 report the official individual identification of the vaccinated animal. The veterinarian
20 shall provide a copy of the vaccination report to the owner of the vaccinated animal,
21 and shall retain another copy.

22 **NOTE:** Copies of the USDA brucellosis eradication uniform methods and rules
23 dated February 1, 1998 (APHIS publication 91-45-011) are on file with

1 the department, the secretary of state and the revisor of the statutes.

2 Copies may be obtained from:

3
4 Wisconsin Department of Agriculture, Trade and Consumer Protection

5 Division of Animal Health

6 P.O. Box 8911

7 Madison, WI 53708-8911

8
9 **ATCP 10.11 Brucellosis testing. (1) WHO MAY TEST.** A person collecting a

10 brucellosis test sample under this chapter, ch. ATCP 11 or ch. ATCP 12 shall be one

11 of the following:

12 (a) An accredited veterinarian. If the veterinarian collects the sample in this
13 state, the veterinarian shall also be a Wisconsin certified veterinarian.

14 (b) An authorized employee or agent of the department or the federal bureau.

15 (c) A person who collects samples at a slaughtering establishment under the
16 supervision of the department or the federal bureau.

17 **(2) TEST PROCEDURE.** A brucellosis test shall comply with the USDA
18 brucellosis eradication uniform methods and rules dated February 1, 1998.

19 **(3) VETERINARIAN TO FILE REPORT.** A veterinarian who collects a brucellosis
20 test sample from a bovine animal in this state shall report the test result to the
21 department within 10 days after the veterinarian obtains the test result, unless the
22 department's laboratory analyzes the test sample. The veterinarian shall immediately
23 report any positive reaction by telephone or other rapid means, and shall confirm the
24 report in writing within 10 days. The veterinarian shall provide a copy of the test
25 report to the owner of the animal.

26 **(4) REPORT FORM.** A veterinarian shall submit a brucellosis test report under
27 sub. (3) in writing, on a form approved by the department. The report shall include

1 the official individual identification of the animal tested, and any other information
2 required by the department. The veterinarian shall sign the report form. A report form
3 may be used only for its intended purpose.

4 (5) IDENTIFYING TESTED ANIMALS. If a veterinarian collects a brucellosis test
5 sample from a bovine animal that does not yet have an official individual identification,
6 the veterinarian shall identify the animal with an official individual identification.

7 **NOTE:** See s. ATCP 11.10 regarding identification of bovine animals.

8 (6) CLASSIFICATION. Upon receiving a brucellosis test result, the department
9 shall classify the tested animal as negative, suspect or reactor. The department may, in
10 its discretion, use supplemental brucellosis tests to confirm test results, and to evaluate
11 whether animals may be infected with brucellosis.

12 **ATCP 10.12 Brucellosis reactors. (1) ACTION REQUIRED.** Within 15 days
13 after the department classifies a bovine animal as a brucellosis reactor under s. ATCP
14 10.11(6), the animal owner shall do all the following:

15 (a) Have the animal identified as a reactor and shipped to slaughter in
16 compliance with USDA brucellosis eradication uniform methods and rules dated
17 February 1, 1998.

18 (b) Clean and disinfect the premises where the animal was kept.

19 (2) DEADLINE EXTENSION. The department may, for good cause, extend a
20 deadline under sub. (1). The department may not extend a deadline under sub. (1)(a)
21 for more than 15 days.

22 **NOTE:** Copies of the USDA brucellosis eradication uniform methods and rules
23 dated February 1, 1998 (APHIS publication 91-45-011) are on file with



1 the department, the secretary of state and the revisor of the statutes.
2 Copies may be obtained from:

3
4 Wisconsin Department of Agriculture, Trade and Consumer Protection
5 Division of Animal Health
6 P.O. Box 8911
7 Madison, WI 53708-8911
8

9 **ATCP 10.13 Brucellosis indemnity.** An animal owner may request an

10 indemnity under s. 95.26(7), Stats., for a brucellosis reactor slaughtered under s.

11 **ATCP 10.12.** The animal owner shall file the request with the department, on a form

12 provided by the department. The owner shall include, with the request, a slaughter

13 confirmation signed by an authorized employee of the department or the federal bureau.

14 An animal owner does not qualify for an indemnity if the owner fails to comply with s.

15 **ATCP 10.12.**

16 **ATCP 10.14 Brucellosis-free herd; certification.** (1) OBTAINING INITIAL

17 CERTIFICATION. The department may certify a herd of cattle as a brucellosis-free herd

18 if the herd qualifies under the USDA brucellosis eradication uniform methods and rules

19 dated February 1, 1998.

20 (2) MAINTAINING CERTIFICATION. To maintain a brucellosis-free herd

21 certification, a herd owner shall comply with applicable requirements under the USDA

22 brucellosis eradication uniform methods and rules dated February 1, 1998.

23 (3) SUSPENDING OR REVOKING CERTIFICATION. (a) The department may

24 summarily suspend or revoke a brucellosis-free herd certification if any of the

25 following occurs:

26 1. A brucellosis test shows that any animal in the herd is a brucellosis suspect

27 or reactor.

1 2. The herd owner does not comply with sub. (2).
2 (b) The state veterinarian may issue a summary suspension or revocation notice
3 under par. (a). The notice shall state the reason for the suspension or revocation. A
4 herd owner affected by a suspension or revocation may request a hearing before the
5 department under ch. 227, Stats. A request for a hearing does not automatically stay
6 the summary suspension or revocation.

7 **NOTE:** Copies of the USDA brucellosis eradication uniform methods and rules
8 dated February 1, 1998 (APHIS publication 91-45-011) are on file with
9 the department, the secretary of state and the revisor of the statutes.
10 Copies may be obtained from:
11 Wisconsin Department of Agriculture, Trade and Consumer Protection
12 Division of Animal Health
13 P.O. Box 8911
14 Madison, WI 53708-8911
15
16

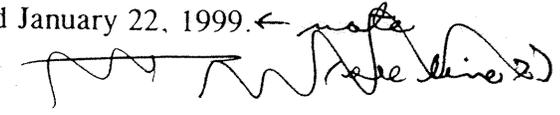
17 **ATCP 10.15 Tuberculosis testing.** (1) WHO MAY TEST. A person performing
18 a tuberculosis test under this chapter, ch. ATCP 11 or ch. ATCP 12 shall be one of the
19 following:

20 (a) An accredited veterinarian. If the veterinarian performs the test in this
21 state, the veterinarian shall also be a Wisconsin certified veterinarian.

22 (b) A veterinarian employed by the department or the federal bureau.

23 (c) A technician employed by the department or the federal bureau if the
24 technician performs only routine screening tests under the direct supervision of a
25 veterinarian employed by the department or the federal bureau.

26 (2) TEST PROCEDURES. A person who performs a tuberculosis test on a bovine
27 animal in Wisconsin shall comply with applicable procedures in the USDA bovine
28 tuberculosis eradication uniform methods and rules dated January 22, 1999.



1 (3) VETERINARIAN TO REPORT. A veterinarian who performs or supervises a
2 tuberculosis test on a bovine animal in Wisconsin shall report the test result to the
3 department within 10 days after the veterinarian observes the result. A veterinarian
4 shall immediately report a positive reaction by telephone or other rapid means, and
5 shall confirm the report in writing within 10 days. A veterinarian shall provide a copy
6 of every test report to the animal owner.

7 **NOTE:** See also ss. ATCP 10.02 and 10.03

8 (4) REPORT FORM. A veterinarian shall report a tuberculosis test result under
9 sub. (3) in writing, on a form approved by the department. The report shall include
10 the official individual identification of the animal tested, and any other information
11 required by the USDA bovine tuberculosis eradication uniform methods and rules dated
12 January 22, 1999. The veterinarian shall sign the report form. A report form may be
13 used only for its intended purpose.

14 (5) IDENTIFYING TESTED ANIMALS. If a veterinarian performs or supervises a
15 tuberculosis test on a bovine animal that does not yet have an official individual
16 identification, the veterinarian shall identify the animal with an official individual
17 identification.

18 **NOTE:** See s. ATCP 11.10 regarding identification of bovine animals.

19 (6) TEST POSITIVE ANIMAL; MOVEMENT RESTRICTED. No person may sell or
20 move a bovine animal that tests positive on any tuberculosis test until one of the
21 following occurs:

22 (a) The department determines that the animal is not a tuberculosis suspect or
23 reactor.

1 (b) The animal is classified as a tuberculosis reactor and shipped to slaughter
2 according to s. ATCP 10.16.

3 (7) TEST POSITIVE ANIMAL; FURTHER TESTING AND CLASSIFICATION. Whenever
4 the department receives a positive tuberculosis test report under sub. (3), the
5 department shall conduct follow-up testing to determine whether the animal is a
6 tuberculosis suspect or reactor. The department shall test and classify animals
7 according to the USDA bovine tuberculosis eradication uniform methods and rules
8 dated January 22, 1999.

9 **SECTION 46.** ATCP 10.151 is repealed.

10 **SECTION 47.** ATCP 10.16 to 10.18 are repealed and recreated to read:

11 **ATCP 10.16 Tuberculosis reactors.** (1) ACTION REQUIRED. Within 15 days
12 after the department classifies a bovine animal as a tuberculosis reactor, the animal owner
13 shall do all the following:

14 (a) Have the animal identified and shipped to slaughter in compliance with the
15 USDA bovine tuberculosis eradication uniform methods and rules dated January 22,
16 1999.

17 (b) Clean and disinfect the premises where the animal was kept.

18 (2) DEADLINE EXTENSION. The department may, for good cause, extend a
19 deadline under sub. (1). The department may not extend a deadline under sub. (1)(a)
20 for more than 15 days.

1 (3) SLAUGHTERED ANIMALS. (a) A tuberculosis reactor shall be slaughtered
2 and inspected according to the USDA bovine tuberculosis eradication uniform methods
3 and rules dated January 22, 1999.

4 (b) If a tuberculosis suspect is slaughtered, it shall be slaughtered and inspected
5 according to the USDA bovine tuberculosis eradication uniform methods and rules dated
6 January 22, 1999.

7 **NOTE:** Copies of the USDA bovine tuberculosis eradication uniform methods
8 and rules dated January 22, 1999 (APHIS publication 91-45-011) are on
9 file with the department, the secretary of state and the revisor of the
10 statutes. Copies may be obtained from:

11
12 Wisconsin Department of Agriculture, Trade and Consumer Protection
13 Division of Animal Health
14 P.O. Box 8911
15 Madison, WI 53708-8911
16

17 **ATCP 10.17 Tuberculosis indemnity.** An animal owner may request an
18 indemnity under s. 95.25(5), Stats., for a slaughtered tuberculosis reactor. The animal
19 owner shall file the request with the department, on a form provided by the
20 department. The owner shall include, with the request, a slaughter confirmation signed
21 by an authorized employee of the department or the federal bureau. An animal owner
22 does not qualify for an indemnity if the owner fails to comply with s. ATCP 10.15.

23 **ATCP 10.18 Tuberculosis-free herd; certification.** (1) INITIAL
24 CERTIFICATION. The department may certify a herd of bovine animals as an accredited
25 tuberculosis-free herd if the herd qualifies under the USDA bovine tuberculosis
26 eradication uniform methods and rules dated January 22, 1999.

1 (2) MAINTAINING CERTIFICATION. To maintain a tuberculosis-free herd
2 certification, a herd owner shall comply with applicable requirements under the USDA
3 bovine tuberculosis eradication uniform methods and rules dated January 22, 1999.

4 (3) SUSPENDING OR REVOKING CERTIFICATION. (a) The department may
5 summarily suspend or revoke a tuberculosis-free herd certification if any of the
6 following occurs:

7 1. An animal in the herd tests positive for tuberculosis.

8 2. The herd owner does not comply with sub. (2).

9 (b) The state veterinarian may issue a summary suspension or revocation notice
10 under par. (a). The notice shall state the reason for the suspension or revocation. A
11 herd owner affected by a suspension or revocation may request a hearing before the
12 department under ch. 227, Stats. A request for a hearing does not automatically stay
13 the summary suspension or revocation.

14 **NOTE:** Copies of the USDA bovine tuberculosis eradication uniform methods
15 and rules dated January 22, 1999 (APHIS publication 91-45-011) are on
16 file with the department, the secretary of state and the revisor of the
17 statutes. Copies may be obtained from:

18
19 Wisconsin Department of Agriculture, Trade and Consumer Protection
20 Division of Animal Health
21 P.O. Box 8911
22 Madison, WI 53708-8911
23

24 **SECTION 48.** ATCP 10.19 and 10.20 are repealed.

25 **SECTION 49.** ATCP 10.21(1)(br) is created to read:

26 ATCP 10.21(1)(br) "Certified veterinarian" means a Wisconsin certified
27 veterinarian except that, for actions taken under this section outside this state,
28 "certified veterinarian" means an accredited veterinarian.

1 **SECTION 50.** ATCP 10.21(6)(intro.) is amended to read:

2 ATCP 10.21(6) COLLECTING TEST SAMPLES. Annual herd test samples shall be
3 collected by ~~an accredited~~ a certified veterinarian, or by an employee of the department
4 or the federal bureau. The person who collects an annual herd test sample shall do all
5 the following:

6 **SECTION 51.** ATCP 10.21(11)(a) is amended to read:

7 ATCP 10.21(11)(a) No person may move a paratuberculosis reactor under sub.
8 (9) unless ~~an accredited~~ a certified veterinarian first identifies that reactor with a
9 permanent paratuberculosis reactor identification approved by the department.

10 **SECTION 52.** ATCP 10.21(11)(b)1. is amended to read:

11 ATCP 10.21(11)(b)1. ~~An accredited~~ A certified veterinarian first identifies that
12 reactor with a permanent paratuberculosis reactor identification approved by the
13 department.

14 **SECTION 53.** ATCP 10.21(11)(c)(intro.) is amended to read:

15 ATCP 10.21(11)(c) Within 30 days after an animal is determined to be a
16 reactor under sub. (9)(a) or (c), ~~an accredited~~ a certified veterinarian shall do one of
17 the following:

18 **SECTION 54.** ATCP 10.21(11)(d) is amended to read:

19 ATCP 10.21(11)(d) Within 30 days after an animal tests positive for
20 paratuberculosis on a fecal culture test, ~~an accredited~~ a certified veterinarian shall
21 identify the reactor with a paratuberculosis reactor identification approved by the
22 department.

23 **SECTION 55.** ATCP 10.30 and 10.305 are repealed.

1 **SECTION 56.** ATCP 10.31 is repealed and recreated to read:

2 **ATCP 10.31 Pseudorabies testing and control.** (1) WHO MAY TEST. No
3 person may collect a pseudorabies test sample from swine in this state unless that
4 person is one of the following:

5 (a) A Wisconsin certified veterinarian.

6 (b) An authorized employee or agent of the department or the federal bureau.

7 (2) TEST PROCEDURE. A pseudorabies test shall comply with the USDA
8 pseudorabies eradication state-federal-industry program standards dated January 1,
9 1999, and shall be submitted to a laboratory operated by or approved by the department
10 or the federal bureau.

11 (3) VETERINARIAN TO REPORT. A veterinarian who collects a pseudorabies test
12 sample from swine in this state shall report the test result to the department within 10
13 days after the veterinarian obtains the test result, unless a department laboratory
14 analyzes the test sample. A veterinarian shall immediately report a positive reaction by
15 telephone or other rapid means, and shall confirm the report in writing within 10 days.
16 A veterinarian shall provide a copy of every test report to the animal owner.

17 **NOTE:** See also ss. ATCP 10.02 and 10.03.

18 (4) REPORT FORM. A veterinarian shall report a pseudorabies test result under
19 sub. (3) in writing, on a form approved by the department. The report shall include
20 the official individual identification of the animal tested, and any other information
21 required by the department. The veterinarian shall sign the test report. A report form
22 may be used only for its intended purpose.

1 (5) IDENTIFYING TESTED ANIMALS. If a veterinarian collects a pseudorabies test
2 sample from an animal that does not yet have an official individual identification, the
3 veterinarian shall identify the animal with an official individual identification.

4 (6) SURVEILLANCE SAMPLES; TESTING. The department shall conduct a
5 surveillance sampling program for pseudorabies. The department shall obtain blood or
6 tissue samples from Wisconsin swine on a systematic basis, and shall test the samples
7 for pseudorabies. Samples may include blood samples routinely collected from
8 slaughtered swine.

9 (7) INVESTIGATION; HERD TESTING. Whenever the department detects
10 pseudorabies in any surveillance sample under sub. (6), the department shall investigate
11 to determine whether swine herds in Wisconsin have been exposed to pseudorabies.
12 The investigation may include additional testing of potentially exposed herds.

13 (8) QUARANTINE. (a) The department may quarantine swine whenever the
14 department reasonably suspects that the swine may be infected with or exposed to
15 pseudorabies. The department may quarantine all swine located on the premises. The
16 quarantine shall comply with s. ATCP 10.70. A herd owner adversely affected by a
17 quarantine order may request a hearing on the order, as provided in s. ATCP 10.70(6).

18 (b) The department may release a herd quarantine under par. (a) if at least one
19 of the following occurs:

20 1. All of the breeding animals and a statistically significant number of the
21 finishing animals in the quarantined herd test negative on 2 consecutive pseudorabies
22 tests approved by the department and administered at least 30 days apart.

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

3 3. The department determines that the herd is not infected based upon survey
4 testing and epidemiological information.

5 (9) CONDEMNATION. (a) The department may summarily condemn and order
6 the destruction of swine whenever the department finds that condemnation is necessary
7 to prevent or reduce the spread of pseudorabies.

8 **NOTE:** See s. 95.27, Stats.

9 (b) The state veterinarian or designee may issue a condemnation order under
10 par. (a) on behalf of the department. The order shall state the reason for the
11 condemnation. A herd owner may request a hearing on a condemnation order,
12 pursuant to ch. 227, Stats. A request for hearing does not automatically stay the
13 condemnation order.

14 (10) HERD PLAN. (a) A herd plan is an agreement, between the department
15 and an owner of swine, for the eradication of pseudorabies. A herd plan shall comply
16 with the USDA pseudorabies eradication state-federal-industry program standards dated
17 January 1, 1999, based on the state's current program stage for control of
18 pseudorabies.

19 (c) An owner of swine may enter into a herd plan within 60 days after the
20 department quarantines those swine. The department may extend the deadline date for
21 good cause. If a herd owner fails to enter into a herd plan by the deadline date, the
22 herd owner is no longer eligible for indemnities if the department condemns the swine
23 under sub. (9).

1 (d) A herd plan shall be designed to eradicate pseudorabies within 24 months
2 after the herd plan is signed, or within 24 months after the department quarantines the
3 herd, whichever occurs first. The department may extend the eradication deadline for
4 good cause.

5 (c) The department shall periodically review and document a herd owner's
6 performance under a herd plan. If a herd owner fails or refuses to comply with a herd
7 plan, the department may issue a notice revoking the herd owner's eligibility for
8 indemnities on swine condemned under sub. (9). The state veterinarian may issue the
9 notice on behalf of the department. A herd owner may request a hearing on the notice,
10 pursuant to ch. 227, Stats.

11 (11) MOVEMENT OF DISEASED SWINE. Whenever the department orders or
12 authorizes the movement of swine quarantined for pseudorabies, the department shall
13 take reasonable steps to notify other herd owners who may be adversely affected by the
14 movement. The department shall, if practicable, issue a written notice to the other
15 herd owners at least 10 days before the swine are moved.

16 **NOTE:** Copies of the USDA pseudorabies eradication state-federal-industry
17 program standards dated January 1, 1999 (APHIS publication 91-55-047)
18 are on file with the department, the secretary of state and the revisor of
19 the statutes. Copies may be obtained from:

20
21 Wisconsin Department of Agriculture, Trade and Consumer Protection
22 Division of Animal Health
23 P.O. Box 8911
24 Madison, WI 53708-8911
25

26 **SECTION 57.** ATCP 10.32 is renumbered ATCP 10.30.

27 **SECTION 58.** ATCP 10.32 is created to read:

1
2 **SECTION 59.** ATCP 10.33 is repealed and recreated to read:

3 **ATCP 10.33 Qualified pseudorabies negative grow-out herd; certification.**

4 (1) INITIAL CERTIFICATION. The department may certify a herd of swine as a
5 qualified pseudorabies negative grow-out herd if the herd qualifies under the USDA
6 pseudorabies eradication state-federal-industry program standards dated January 1,
7 1999.

8 (2) MAINTAINING CERTIFICATION. To maintain a qualified pseudorabies
9 negative grow-out herd certification, a herd owner shall comply with applicable
10 requirements under the USDA pseudorabies eradication state-federal-industry program
11 standards dated January 1, 1999.

12 (3) SUSPENDING OR REVOKING CERTIFICATION. (a) The department may
13 summarily suspend or revoke the pseudorabies negative grow-out herd certification if
14 any of the following occurs:

- 15 1. An animal in the herd tests positive for pseudorabies.
16 2. The herd owner fails to comply with sub. (2).

17 (b) The state veterinarian may issue a summary suspension or revocation notice
18 under par. (a). The notice shall state the reason for the suspension or revocation. A
19 herd owner affected by a suspension or revocation may request a hearing before the
20 department under ch. 227, Stats. A request for a hearing does not automatically stay
21 the summary suspension or revocation.

22 **NOTE:** Copies of the USDA pseudorabies eradication state—federal—industry
23 program standards dated January 1, 1999 (APHIS publication 91-55-047)

1 are on file with the department, the secretary of state and the revisor of
2 the statutes. Copies may be obtained from:

3
4 Wisconsin Department of Agriculture, Trade and Consumer Protection
5 Division of Animal Health
6 P.O. Box 8911
7 Madison, WI 53708-8911
8

9 **SECTION 60.** ATCP 10.335 is repealed. 

10 **SECTION 61.** ATCP 10.34 is repealed and recreated to read:

11 **ATCP 10.34 Feeder swine pseudorabies monitored herd; certification.** (1)

12 **INITIAL CERTIFICATION.** The department may certify a herd of swine as a feeder swine
13 pseudorabies monitored herd if the herd qualifies under USDA pseudorabies
14 eradication state-federal-industry program standards dated January 1, 1999.

15 (2) **MAINTAINING CERTIFICATION.** To maintain a feeder swine pseudorabies
16 monitored herd certification, the herd owner shall comply with applicable requirements
17 under the USDA pseudorabies eradication state-federal-industry program standards
18 dated January 1, 1999.

19 (3) **SUSPENDING OR REVOKING CERTIFICATION.** (a) The department may
20 summarily suspend or revoke the feeder swine pseudorabies monitored herd
21 certification if any of the following occurs:

22 1. An animal in the herd tests positive for pseudorabies.

23 2. The herd owner fails to comply with sub. (2).

24 (b) The state veterinarian may issue a summary suspension or revocation notice
25 under par. (a). The notice shall state the reason for the suspension or revocation. A
26 herd owner affected by a suspension or revocation may request a hearing before the