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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2003-04

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Agriculture...

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(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
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* Contents organized for archiving by: Stefanie Rose (LRB) (August 2012)

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

1 The state of Wisconsin department of agriculture, trade and consumer protection
2 proposes the following order to repeal ATCP 10.65 and 10.652; to renumber ATCP
3 10.01(45)(j), 10.61, 10.62, 10.63(title), (1) to (6) and (7) to (14), 10.64, 10.651, 10.66,
4 10.67, 10.673, 10.675, 10.68, 10.70, 10.705, 10.71, 10.72, 11.01(54)(j), 11.545(1)(a)2.,
5 and 12.01(20)(j); to renumber and amend ATCP 10.63(6)(note); to amend ATCP
6 10.01(1)(a) and (b), (9m)(a) and (b), (14m)(a) and (b), (15)(a) and (b), (22m), (69m)(a)
7 and (b), (69r)(a) and (b), 10.41(1)(a)(intro.), (2) and (3), subchapter VII (title),
8 subchapter VIII (title), 11.01(1)(a) and (b), (12m)(a) and (b), (17m)(a) and (b), (18)(a)
9 and (b), (29m), (42), (44), (45), (70m), (80m)(a) and (b), and (80r)(a) and (b), 11.02(4)(f),
10 11.545(1)(b)(intro.), (1)(d) and (3), 11.55(2)(a)1. and (4), 11.58(2)(c), (6)(a) and
11 (12)(a)4., 11.60(2) and (note), 12.01(8w), (14), (16) and (17), and 12.03(1)(note) and
12 12.03(5)(a)3.; to repeal and recreate ATCP 11.545(1)(c) and 11.56(1) and (2); and to
13 create ATCP 10.01(15r) and (45)(j) and (k), 10.61, 10.66, 10.67, subchapter IX (title),
14 subchapter X (title), 11.01(18r) and (54)(j) and (k), 11.545(1)(a)2., 11.55(1)(d) to (i),
15 11.56(2)(note) and 12.01(2m) and (20)(j) and (k); relating to farm-raised deer and chronic
16 wasting disease.

17

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

Statutory Authority: ss. 93.07(1), 93.07(10) and 95.20, Stats.
Statutes Interpreted: ss. 93.07(10), 95.20, 95.22, 95.31 and 95.65, Stats.

This rule regulates the import, testing, identification and movement of farm-raised deer (including deer and elk) to prevent the spread of chronic wasting disease. This rule also modifies current rules related to the registration of farm-raised deer herds in this state. The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) administers this rule.

For the most part, this rule does not apply to wild deer or elk regulated by the Department of Natural Resources (DNR). However, this rule does regulate *imports* of wild deer and elk. This rule also requires a person to report to DATCP if a farm-raised deer *or a wild deer or elk* tests positive for chronic wasting disease.

Background

In February 2002, chronic wasting disease was discovered in the wild deer population in Wisconsin. In September 2002, chronic wasting disease was first diagnosed in captive white-tail deer in this state. Chronic wasting disease is a form of transmissible spongiform encephalopathy, a disease that is always fatal. It is known to affect several species of cervids, including elk, white-tailed deer, black-tailed deer and mule deer. Very little is known about the disease, but it appears to be spread by cervid-to-cervid contact. The disease may spread more readily where cervids are concentrated.

Registering Farm-Raised Deer Herds

DATCP currently registers approximately 300 "farm-raised deer" herds. This includes captive deer and elk, other than captive white-tail deer. DNR currently registers approximately 600 captive white-tail herds. A new captive wildlife law (2001 Wis. Act 56) will transfer registration of white-tail herds from DNR to DATCP, effective January 1, 2003. On that date, captive white-tails will also be classified as "farm-raised deer." This rule will apply to all captive deer and elk, including captive white-tail deer.

Under current rules, a person keeping a herd of farm-raised deer must register the herd with DATCP. A person who keeps farm-raised deer at 2 separate locations may register all of those farm-raised deer as a single herd, and may freely move farm-raised deer between the 2 locations. Under this rule, a person may continue to register multiple locations as a single herd only if the person is enrolled in the chronic wasting disease monitoring program (see below) and every farm-raised deer is identified with an official individual identification before it is moved between the jointly-registered locations. The herd keeper may move farm-raised deer between the jointly registered locations without meeting other intra-state movement requirements (see below). But if a disease is found at one location, all of the farm-raised deer at all of the jointly-registered locations will be treated as a single herd for disease control purposes.

A person may register separate herds at the same location if there is “medically significant separation” of the herds. There must be adequate fencing and facilities to maintain the separation, and the herd owner must comply with intra-state movement regulations (see below) when moving farm-raised deer between the herds. A person might choose to register separate herds at the same location if, for example, the person maintains a breeding operation (from which live animals are shipped) and a separate hunting operation (from which no live animals are shipped) at that location.

Before DATCP registers 2 herds at the same location, DATCP must inspect the premises to determine whether the facilities and fencing are adequate to maintain “medically significant separation” of the herds. The herd owner must pay, in addition to the normal registration fees, a \$150 inspection fee to cover the costs of the inspection.

Under current rules, DATCP must grant or deny registration within 30 days after DATCP receives a complete application. Under this rule, if DATCP must inspect to ensure that there is “medically significant separation” between herds kept at the same location, DATCP must grant or deny the registration within 60 days after receiving a complete application.

Duties of Herd Owners

A person keeping farm-raised deer must comply with this rule. The person must do all the following:

- Keep complete herd records, including records related to animals entering or leaving the herd.
- Refrain from adding any cervid to the herd unless the cervid is imported in compliance with this rule, or moved from another registered herd in compliance with this rule.
- Refrain from accepting into the herd, on a temporary or permanent basis, any cervid from a wild herd.
- Report any escapes of farm-raised deer, to DATCP, within 48 hours after the escape.
- Notify a certified veterinarian within 24 hours if the person observes any signs or symptoms of chronic wasting disease in the herd.
- Officially identify every farm-raised deer or farm-raised deer carcass before it leaves the herd premises.

DATCP may deny, suspend or revoke a registration certificate for cause, including violations of this rule.

Importing Deer and Elk to Wisconsin

Under current rules, no person may import a deer, elk or other cervid into Wisconsin without a permit from DATCP. The importer, or a veterinarian acting on behalf of the importer, may apply for an import permit. The applicant must identify the herd of origin and the herd of destination. Current import rules apply to wild cervids as well as farm-raised deer.

This rule clarifies that DATCP will not issue a written import permit until DATCP receives a certificate of veterinary inspection completed by a federally accredited veterinarian. The certificate must identify each cervid to be imported, and must certify one of the following:

- The cervid originates from a herd monitored for at least 5 years under a state-approved chronic wasting disease herd certification program that complies with federal uniform methods and rules.
- The cervid originates from a herd that meets all the following criteria:
 - Herd members have all been born in the herd or kept in the herd for at least one year.
 - Herd members have not been added from any outside source, or exposed to cervids from any outside source, in the past year.
 - There have been no clinical signs of chronic wasting disease in the herd for the past 5 years.
 - Animal health officials in the state of origin have access to herd records for the past 5 years, including records of deaths and causes of death.
 - The animal originates from a herd that is enrolled in a state-approved chronic wasting disease program that complies with federal uniform methods and rules:
 - * Animals imported in 2004 must originate from herds enrolled for at least one year.
 - * Animals imported in 2005 must originate from herds enrolled for at least 2 years.
 - * Animals imported in 2006 must originate from herds enrolled for at least 3 years.
 - * Animals imported in 2007 must originate from herds enrolled for at least 4 years.
 - * Animals imported in 2008 and subsequent years must originate from herds enrolled for at least 5 years.

Moving Live Farm-Raised Deer from Herds in Wisconsin

Under current rules, no person may move a live farm-raised deer from a herd in this state without a certificate of veterinary inspection. A Wisconsin certified veterinarian must certify that the farm-raised deer has tested negative for tuberculosis not more than 90 days prior to the movement (there are some exceptions). Under this rule, the Wisconsin certified veterinarian must certify one of the following:

- The farm-raised deer originated from an accredited tuberculosis free herd and the test necessary to maintain accreditation was completed within the last 24 months.
- The farm-raised deer originated from a tuberculosis qualified herd (the herd had a whole herd tuberculosis test completed but has not yet met all the requirements to be accredited tuberculosis free), and the whole herd test was completed within 90 days prior to movement.
- The farm-raised deer originated from a tuberculosis qualified herd; the whole herd test was completed at least 91 days and not more than 365 days before the movement; and the farm-raised deer being moved tested negative on a tuberculosis test conducted not more than 90 days prior to the movement.

In addition, this rule requires the following:

- The veterinarian must also certify that the herd of origin has shown no clinical signs of chronic wasting disease in the last 12 months. The veterinarian must be the herd veterinarian for the herd of origin.
- The herd of origin must be enrolled in Wisconsin's herd monitoring program (see below). The required length of enrollment will increase over time:
 - Beginning in 2004, the herd must have been enrolled for at least one year.
 - Beginning in 2005, the herd must have been enrolled for at least 2 years.
 - Beginning in 2006, the herd must have been enrolled for at least 3 years.
 - Beginning in 2007, the herd must have been enrolled for at least 4 years.
 - Beginning in 2008, the herd must have been enrolled for at least 5 years.

These requirements do not apply to any of the following:

- A farm-raised deer moved directly to slaughter if it is tested for chronic wasting disease.
- A farm-raised deer moved between institutions that are accredited by the American association of zoological parks and aquariums.

Mandatory Testing in Wisconsin

This rule requires chronic wasting disease testing of farm-raised deer. There is no test available for live farm-raised deer. Tests must be conducted on brain tissue collected

from dead farm-raised deer. Tests are only effective on farm-raised deer at least 16 months old. This rule requires herd owners to have all the following tested for chronic wasting disease:

- All farm-raised deer at least 16 months old that are shipped to slaughter.
- All farm-raised deer at least 16 months old that die or are killed on the herd premises.

No live farm-raised deer may be shipped from a herd unless that herd is enrolled in the monitoring program (see below).

Test Standards and Reports

This rule spells out standards for official chronic wasting disease testing in this state. Under this rule:

- Test samples must be collected by a DATCP-certified veterinarian, a DATCP employee, an employee of the animal and plant health inspection service of the United States department of agriculture (APHIS), or another person approved by DATCP. The person must complete training approved by DATCP.
- Test samples must be collected according to standard veterinary procedure, and tested at a laboratory approved by DATCP or APHIS.
- Veterinarians and others must report to DATCP if test results are positive for chronic wasting disease. This reporting requirement applies to voluntary tests, as well as required tests. Persons receiving positive test results must report within one day, and confirm the report in writing within 10 days.

Quarantine and Condemnation

Under this rule, if a farm-raised deer tests positive for chronic wasting disease, DATCP must quarantine the herd. DATCP will conduct an epidemiological evaluation to determine the appropriate disposition of farm-raised deer in the herd. DATCP may condemn farm-raised deer exposed to the disease, and may direct the disposition of their carcasses. The herd owner may apply for statutory indemnity payments. If the owner of a farm-raised deer is eligible, indemnities will normally cover 2/3 of the appraised value of the condemned farm-raised deer, but not more than \$1500 for each animal.

If DATCP condemns a herd because of exposure to or infection with chronic wasting disease, DATCP will provide information to the herd owner explaining actions the herd owner must take to clean and disinfect the premises. DATCP will also explain the conditions under which the herd owner may be allowed to establish a new herd on the premises where the infected or exposed animals were kept. This information will be provided at the time the herd is condemned and will reflect the latest scientific knowledge and understanding of the disease.

Herd Monitoring Program

This rule establishes a herd monitoring program for chronic wasting disease. This program supplements the mandatory testing requirements described above. No live farm-raised deer may be shipped from a herd unless that herd is enrolled in the monitoring program (see above). A herd owner who wishes to enroll in the program must do all the following:

- Complete an application form.
- Provide a report of a herd census completed not more than 30 days before the application date. The census report must include all the following:
 - The number, species and sex of farm-raised deer in the herd.
 - The number of farm-raised deer at least one year old.
 - The number of farm-raised deer less than one year old.
 - The official individual identification (ear tag number or other approved identification) of each farm-raised deer that is at least one year old.
- Provide a statement from the herd veterinarian. The veterinarian must certify that he or she is the herd veterinarian, and that no farm-raised deer in the herd has shown any clinical signs of chronic wasting disease in the past 12 months.

DATCP must grant or deny the application within 30 days. A herd is enrolled in the program when DATCP accepts the herd owner's application. The herd owner must do all the following to remain in the program:

- Identify each farm-raised deer in the herd, with official individual identification, before the farm-raised deer is one year old.
- Test every farm-raised deer that dies or is shipped to slaughter, if that farm-raised deer is at least 16 months old.
- Notify the herd veterinarian within 24 hours after the herd owner observes any signs or symptoms of chronic wasting disease.
- Provide an annual statement from the herd veterinarian. The herd veterinarian must submit the annual statement to DATCP, within 30 days before or after the herd enrollment anniversary date. The veterinarian must certify that he or she is the herd veterinarian, and that no farm-raised deer in the herd has shown any clinical signs of chronic wasting disease since the last annual statement.
- File a report of an annual herd census. The herd owner must complete the annual census within 30 days before or after the enrollment anniversary date, and must file

the report within 10 days after completing the census. The census report must include all the following:

- The number, species and sex of farm-raised deer in the herd.
- The number of farm-raised deer at least one year old, and the number less than one year old.
- The official individual identification of each farm-raised deer that is at least one year old.
- The number, species and sex of farm-raised deer added to the herd since the last reported herd census. The report must indicate whether these new farm-raised deer were born into the herd or added from another source. If farm-raised deer were added from another source, the report must identify the source from which they were obtained.
- The number of farm-raised deer that died or left the herd since the last reported herd census. The report must explain how each farm-raised deer left the herd, including all the following:
 - * Whether the farm-raised deer died on the premises, was shipped to slaughter, or was shipped live other than to slaughter.
 - * If the farm-raised deer was shipped live other than to slaughter, the name of the person to whom it was shipped and the place to which it was shipped.
 - * If the farm-raised deer died on the premises, the animal's age and the disposition of its carcass. If the carcass left the premises, the report must identify the carcass destination or recipient. If the animal was at least 16 months old, the report must include a chronic wasting disease test report.
 - * If the farm-raised deer was shipped to slaughter, the animal's age and the name and address of the slaughter establishment. If the farm-raised deer was at least 16 months old, the report must include a chronic wasting disease test report.
- Refrain from adding farm-raised deer to the monitored herd, except from other monitored herds. Imported animals must originate from herds that are monitored under a state-recognized chronic wasting disease monitoring program that complies with federal uniform methods and rules.
- Notify DATCP within 14 days whenever the herd owner adds, to the monitored herd, a farm-raised deer originating from a herd that has been monitored for a shorter period than the receiving herd. The owner must provide the following information to DATCP:

- The official individual identification of the farm-raised deer.
 - The date on which the farm-raised deer was added to the herd.
 - The keeper and location of the farm-raised deer's herd of origin, and the date on which that herd was enrolled in an approved herd monitoring program.
- Maintain all the following records for at least 5 years, and make those records available to DATCP for inspection and copying upon request:
 - A record of each farm-raised deer added to the herd from another source, including:
 - * The species, age and sex of the animal.
 - * The name and address of the person from whom the animal was obtained.
 - * The address of the herd from which the animal was obtained.
 - A record of each farm-raised deer leaving the herd, including all the following:
 - * Whether the animal died on the premises, was shipped to slaughter, or was shipped live other than to slaughter.
 - * If the animal was shipped live other than to slaughter, the name of the person to whom it was shipped and the place to which it was shipped.
 - * If the animal died on the premises, the apparent cause of death, the animal's age, and the disposition of the animal's carcass. If the carcass left the premises, the record must identify the carcass destination or recipient.
 - * If the animal was shipped to slaughter, the animal's age and the name and address of the slaughter establishment.
 - A copy of all records received from the herd veterinarian related to veterinary services provided to the herd.

Herd Monitoring; Enrollment Dates

A herd is enrolled in the herd monitoring program when DATCP first accepts the herd into the program (see above), except that:

- If the herd owner adds a farm-raised deer to the monitored herd, and that farm-raised deer originates from a herd that has been monitored for a shorter period than the receiving herd, the enrollment date of the receiving herd becomes the enrollment date of the source herd.

- If a herd owner assembles a new herd solely from previously monitored source herds, the enrollment date for the new herd is the latest enrollment date assigned to any of those source herds if all the following apply:
 - The herd owner submits an enrollment application within 90 days after the herd owner acquires the first farm-raised deer for the new herd.
 - The herd owner complies with applicable herd monitoring requirements under this rule.
 - The herd owner includes, in the initial herd census for the new herd, the official individual identification and source herd of every farm-raised deer in the new herd (including those less than one year old). The herd census must also indicate the date on which each animal was added to the new herd.
 - The herd owner tests, for chronic wasting disease, every farm-raised deer (16 months or older) that dies before DATCP accepts the new herd into the chronic wasting disease program.
 - The new herd is not kept at a location where a prior herd was depopulated because of exposure to or infection with chronic wasting disease.

1 **SECTION 1.** ATCP 10.01(1)(a) and (b) are amended to read:

2 ATCP 10.01(1)(a) The department under s. ATCP 10.17, ~~10.62 or 10.67(1)~~ 10.63
3 or 10.82.

4 (b) The authorized animal health agency in the state where the herd is located,
5 under standards comparable to s. ATCP 10.17, ~~10.62 or 10.67(1)~~ 10.63 or 10.82.

6 **SECTION 2.** ATCP 10.01(9m)(a) and (b) are amended to read:

7 ATCP 10.01(9m)(a) The department under s. ATCP ~~10.675~~ 10.65.

8 (b) The authorized animal health agency in the state where the herd is located,
9 under standards comparable to s. ATCP ~~10.675~~ 10.65.

10 **SECTION 3.** ATCP 10.01(14m)(a) and (b) are amended to read:

11 ATCP 10.01(14m)(a) The department under s. ATCP ~~10.64~~ 10.84.

12 (b) The authorized animal health agency in the state where the flock is located,
13 under standards comparable to s. ATCP ~~10.64~~ 10.84.

1 SECTION 4. ATCP 10.01(15)(a) and (b) are amended to read:

2 ATCP 10.01(15)(a) The department under s. ATCP 10.14, ~~10.61 or 10.675~~ 10.65
3 or 10.81.

4 (b) The authorized animal health agency in the state where the herd is located,
5 under standards comparable to s. ATCP 10.14, ~~10.61 or 10.675~~ 10.65 or 10.81.

6 SECTION 5. ATCP 10.01(15r) is created to read:

7 ATCP 10.01(15r) "Chronic wasting disease registration tag" means an eartag,
8 used to identify a cervid, which includes all the following:

9 (a) A premises identification number assigned by the department.

10 (b) A number that uniquely identifies the cervid.

11 SECTION 6. ATCP 10.01(22m) is amended to read:

12 ATCP 10.01(22m) "Farm-raised deer" has the meaning given in ~~s. 95.001(1)(a)~~ s.
13 95.001(1)(ag), Stats., but does not include cervids kept by an institution accredited by the
14 American association of zoological parks and aquariums.

15 SECTION 7. ATCP 10.01(45)(j) is renumbered ATCP 10.01(45)(l).

16 SECTION 8. ATCP 10.01(45)(j) and (k) are created to read:

17 ATCP 10.01(45)(j) A chronic wasting disease registration tag.

18 (k) A premises tattoo for a farm-raised deer, provided the farm-raised deer also
19 has a unique individual identification number.

20 SECTION 9. ATCP 10.01(69m)(a) and (b) are amended to read:

21 ATCP 10.01(69m)(a) The department under s. ATCP ~~10.67~~ 10.63.

22 (b) The authorized animal health agency of the state in which the herd is located,
23 using standards comparable to s. ATCP ~~10.67~~ 10.63.

1 SECTION 10. ATCP 10.01(69r)(a) and (b) are amended to read:

2 ATCP 10.01(69r)(a) The department under s. ATCP ~~10.67~~ 10.63.

3 (b) The authorized animal health agency of the state in which the herd is located,
4 under standards comparable to s. ATCP ~~10.67~~ 10.63.

5 SECTION 11. ATCP 10.41(1)(a)(intro.), (2) and (3) are amended to read:

6 ATCP 10.41(1)(a)(intro.) *Quarantine*. The department shall summarily
7 quarantine every animal that tests positive on an infectious anemia test. The quarantine
8 notice shall comply with s. ATCP ~~10.70~~ 10.91 and shall also include all of the following:

9 (2) EXPOSED ANIMALS; QUARANTINE. If an equine animal tests positive for
10 equine infectious anemia, the department shall summarily quarantine all of the equine
11 animals kept at the premises where that animal is normally housed. The quarantine shall
12 comply with s. ATCP ~~10.70~~ 10.91.

13 (3) HEARING REQUEST. A person adversely affected by a quarantine under sub.
14 (1) or (2) may, within 30 days after the quarantine is served, request a hearing on the
15 quarantine as provided under s. ATCP ~~10.70(6)~~ 10.91(6). A request for hearing does not
16 automatically stay a quarantine notice.

17 SECTION 12. ATCP 10 subchapter VII (title) is amended to read.

18 **SUBCHAPTER VII – ~~OTHER ANIMAL~~ CERVID DISEASES**

19 SECTION 13. ATCP 10.61, 10.62 and 10.63(title) and (1) to (6) are renumbered
20 ATCP 10.81, 10.82 and 10.83(title) and (1) to (6).

21 SECTION 14. ATCP 10.61 is created to read:

22 **ATCP 10.61 Farm-raised deer; keepers registered. (1) REGISTRATION**
23 **CERTIFICATE REQUIRED.** (a) Except as provided in par. (b), no person may keep farm-

1 raised deer unless that person holds a current annual registration certificate issued by the
2 department under this section. A registration certificate is not transferable between
3 persons or herd locations.

4 (b) Paragraph (a) does not apply to the operator of an establishment, licensed
5 under s. 97.42, Stats., at which that operator keeps live farm-raised deer for not more
6 than 72 hours before slaughtering them.

7 *NOTE:* A registration certificate under this section does not entitle the certificate
8 holder to operate as a livestock dealer unless that person is also licensed
9 under s. ATCP 12.03. A livestock dealer license under s. ATCP 12.03 does
10 not entitle the license holder to keep farm-raised deer unless that person
11 also holds a registration certificate under this section.
12

13 (2) **REGISTRATION CERTIFICATE EXPIRES.** A registration certificate under sub. (1)
14 expires on December 31 of each year. The holder of a registration certificate may renew
15 that certificate by submitting an annual renewal application under sub. (5).

16 (3) **HERDS KEPT AT SEPARATE LOCATIONS.** A person keeping farm-raised deer at
17 more than one location shall do one of the following:

18 (a) Obtain a separate registration certificate for each location. No person may
19 move farm-raised deer between separately registered locations without complying with s.
20 ATCP 11.56.

21 (b) Register multiple locations under a single registration certificate if all the
22 following apply:

23 1. The herd is enrolled and participating in the chronic wasting disease
24 monitoring program under s. ATCP 10.67.

25 2. Every farm-raised deer is identified with official individual identification
26 before it is moved between any of the locations.

1 (c) All farm-raised deer kept at locations covered by a single registration
2 certificate under par. (b) are considered a single herd for disease control purposes.

3 (d) Farm-raised deer may be moved between locations covered by the same
4 registration certificate under par. (b) without a certificate of veterinary inspection under s.
5 ATCP 11.56(1).

6 (4) SEPARATE HERDS KEPT AT SAME LOCATION. A single herd registration covers
7 all farm-raised deer kept at the same location, except that a person may register separate
8 herds at the same location if all the following apply:

9 (a) There is medically significant separation of the herds, and adequate fencing
10 and facilities to maintain that separation at all times.

11 (b) The person files a separate registration application under sub. (5) for each
12 herd.

13 (c) The department inspects the herd premises for compliance with par. (a) before
14 registering any herd at a location where another herd is also registered. The registrant
15 shall pay the fee required under sub. (6)(b). No inspection is required for the renewal of
16 an existing herd registration.

17 (d) The person complies with s. ATCP 11.56 if the person moves any farm-raised
18 deer between the herds.

19 (e) The person adopts and implements appropriate bio-security measures.

20 (5) APPLYING FOR REGISTRATION CERTIFICATE. To obtain or renew a registration
21 certificate, a person keeping farm-raised deer shall file a registration application on a
22 form provided by the department. The application shall include the fees required under
23 sub. (6). The application form shall include all of the following information:

1 (a) The name, address and telephone number of the herd owner.

2 (b) The name, address and telephone number of the herd custodian, if other than
3 the herd owner.

4 (c) The location at which the farm-raised deer will be kept, including the county,
5 township, section and fire number assigned to that location.

6 (d) The number of farm-raised deer in the herd.

7 (e) A breakdown, by species, age and sex, of the farm-raised deer in the herd.

8 **NOTE:** A person may obtain a registration form by calling (608) 224-4872, by
9 visiting Wisconsin's state website at www.wisconsin.gov, or by writing to
10 the following address:

11
12 Wisconsin Department of Agriculture, Trade
13 and Consumer Protection
14 Division of Animal Health
15 P.O. Box 8911
16 Madison, WI 53708-8911
17

18 (6) FEES. (a) A person applying for a registration certificate shall pay the
19 following registration fees:

20 1. An annual fee of \$50 if the herd includes no more than 15 farm-raised deer.

21 2. An annual fee of \$100 if the herd includes more than 15 farm-raised deer.

22 3. Any supplemental fees required under pars. (b) to (d).

23 (b) A person who applies to register a herd at the same location where another
24 herd is registered shall pay a fee of \$150 for each day needed to complete an inspection
25 under sub. (4)(c).

26 (c) An applicant shall pay a registration fee surcharge of \$100 if the department
27 determines that, within 365 days prior to submitting the registration application, the
28 applicant kept farm-raised deer without a required registration certificate. In addition to

1 the surcharge, the applicant shall pay the fee due for the year in which the applicant failed
2 to obtain the required registration certificate.

3 (d) A person who applies for the renewal of a herd registration certificate after
4 that certificate has expired shall pay, in addition to all other fees required under this
5 subsection, a fee equal to 20% of those fees.

6 *NOTE:* See s. 93.21(5)(b), Stats.

7 (7) ACTION ON REGISTRATION APPLICATION. The department shall grant or deny a
8 registration application within 30 days after the department receives a complete
9 application, except that the department shall grant or deny the application within 60 days
10 if the department is required to perform an inspection under sub. (4)(c).

11 (8) DENYING, SUSPENDING OR REVOKING A REGISTRATION CERTIFICATE. The
12 department may deny, suspend or revoke a registration certificate for cause, including
13 any of the following:

14 (a) Filing an incomplete or fraudulent application, or misrepresenting any
15 information on an application.

16 (b) Violating ch. 95, Stats., this chapter or ch. ATCP 11.

17 (c) Violating the terms of the registration certificate.

18 (d) Preventing a department employee from performing his or her official duties,
19 or interfering with the lawful performance of his or her duties.

20 (e) Physically assaulting a department employee while the employee is
21 performing his or her official duties.

22 (f) Refusing or failing, without just cause, to do any of the following:

23 1. Produce records under sub. (9).

1 2. Comply with a lawful department subpoena or order.

2 (g) Paying a registration fee with a worthless check.

3 (9) RECORDKEEPING. (a) A person who keeps farm-raised deer shall keep all of
4 the following records for each farm-raised deer that the person receives from or delivers
5 to another person:

6 1. The official individual identification of the farm-raised deer.

7 2. The name and address of the person from whom the person received, or to
8 whom the person delivered, the farm-raised deer.

9 3. The date on which the person received or delivered the farm-raised deer.

10 4. The location at which the person received or delivered the farm-raised deer.

11 5. A copy of the certificate of veterinary inspection that accompanied the farm-
12 raised deer under s. ATCP 11.56.

13 (b) A person required to keep records under par. (a) shall retain those records for
14 at least 5 years, and shall make them available to the department for inspection and
15 copying upon request.

16 (10) PROHIBITIONS. No person keeping a herd of farm-raised deer may do any of
17 the following:

18 (a) Add a cervid to the herd, from outside the herd, unless the cervid is one of the
19 following:

20 1. Imported into this state in compliance with s. ATCP 11.55.

21 2. Moved, in compliance with s. ATCP 11.56, from another herd that holds a
22 current annual registration certificate under sub. (1).

1 (b) Take or accept into the herd, on a temporary or permanent basis, any cervid
2 from a free-ranging herd.

3 **NOTE:** Among other things, paragraph (b) prohibits a keeper of farm-raised deer
4 from accepting orphan fawns or injured deer for temporary care pending
5 return to the free-ranging herd. Persons accepting orphan fawns and
6 injured deer must hold a rehabilitation license under s. 169.24, Stats., and
7 must keep those fawns and injured deer separate from any farm-raised
8 deer herd.

9
10 (c) Move a live farm-raised deer or any portion of a farm-raised deer carcass
11 from the premises at which it has been kept unless the farm-raised deer has an official
12 individual identification.

13 (11) REPORT ESCAPED FARM-RAISED DEER. A person keeping farm-raised deer
14 shall report to the department whenever any of those farm-raised deer escapes to the wild.
15 The person shall report the escape within 48 hours after the escape occurs.

16 **NOTE:** A person may report an escape under sub. (11) by telephone, by calling
17 (608) 224-4872.

18
19 **SECTION 15.** ATCP 10.63(6)(note) is renumbered ATCP 10.83(6)(note) and
20 amended to read:

21 **NOTE:** A herd owner may have animals tested for Johne's disease at any time.
22 The department will not use the test results to classify the tested herd under
23 this section unless the test complies with this section and the herd owner
24 asks the department to classify the herd.

25
26 This ~~rule~~ section does not prohibit a person from collecting test samples
27 from animals that are too young to be "test eligible" under ATCP
28 ~~10.63(1)(g)~~ 10.83(1)(g), but the department will not consider test results
29 from those animals when determining the appropriate herd classification.
30 To facilitate review of results, the person collecting test samples should
31 separate "test eligible" from "non-test eligible" samples, and should
32 prepare separate test submission forms for each category.

33
34 **SECTION 16.** ATCP 10.63(7) to (14) are renumbered ATCP 10.83(10) to (14).

35 **SECTION 17.** ATCP 10.64 is renumbered ATCP 10.84.

1 **SECTION 18.** ATCP 10.65 is repealed.

2 **SECTION 19.** ATCP 10.651 is renumbered ATCP 10.60.

3 **SECTION 20.** ATCP 10.652 is repealed.

4 **SECTION 21.** ATCP 10.66, 10.67, 10.673 and 10.675 are renumbered ATCP
5 10.62 to 10.65.

6 **SECTION 22.** ATCP 10.66 and 10.67 are created to read:

7 **ATCP 10.66 Chronic wasting disease in farm-raised deer. (1) TESTING**

8 **REQUIRED.** A person who keeps farm-raised deer in this state shall have chronic wasting
9 disease tests performed on all the following:

10 (a) Any farm-raised deer that dies or is killed on the herd premises. A person
11 trained and authorized under sub. (3) shall collect the test sample before any part of the
12 carcass leaves the herd premises, and shall submit the sample for testing at a laboratory
13 approved under sub. (4). This paragraph does not apply to a farm-raised deer that is less
14 than 16 months old.

15 (b) Any farm-raised deer that is shipped to slaughter from the herd premises. A
16 person trained and authorized under sub. (3) shall collect the test sample after the farm-
17 raised deer is slaughtered, and shall submit the sample for testing at a laboratory
18 approved under sub. (4). This paragraph does not apply to a farm-raised deer that is less
19 than 16 months old.

20 **(2) MOVING LIVE FARM-RAISED DEER FROM HERDS IN THIS STATE.** No person may
21 move a live farm-raised deer from a herd in this state unless the movement complies with
22 s. ATCP 11.56(1).

1 (3) COLLECTING TEST SAMPLES. (a) One of the following persons shall collect a
2 test sample under sub. (1) and submit it for testing:

- 3 1. A certified veterinarian.
- 4 2. An employee of the department or the federal bureau.
- 5 3. A person approved by the department in writing.

6 (b) Before a person under par. (a) collects a test sample under sub. (1), that
7 person shall complete training approved by the department. A person shall comply with
8 standard veterinary procedures when collecting a test sample under sub. (1).

9 (4) APPROVED LABORATORIES. Tests under sub. (1) shall be performed at a
10 laboratory that the department or the federal bureau has approved to conduct chronic
11 wasting disease tests.

12 (5) REPORTING DISEASE FINDINGS. Whenever any person receives a laboratory
13 test result that is positive for chronic wasting disease, that person shall immediately
14 report that result to the department. The person shall report by telephone, FAX or other
15 rapid means within one day after receiving the test result, and shall report in writing
16 within 10 days. The person shall provide a copy of the test result to the owner of the
17 tested cervid.

18 **NOTE:** The reporting requirement under sub. (5) applies to *any* laboratory test
19 result that is positive for chronic wasting disease, not just the result of a
20 test required under sub. (1). Telephone and FAX reports should be made
21 to the following numbers:

22 Phone: (608) 224-4872

23 FAX: (608) 224-4871

24 Written reports should be made to the following address:
25

26 Wisconsin Department of Agriculture, Trade and Consumer Protection
27 Division of Animal Health
28
29

1 P.O. Box 8911
2 Madison, WI. 53708-8911
3

4 (6) HERD QUARANTINE. The department shall quarantine a farm-raised deer herd,
5 under s. ATCP 10.91, whenever any farm-raised deer from that herd tests positive for
6 chronic wasting disease. The department shall conduct an epidemiological evaluation of
7 the quarantined herd to determine the appropriate disposition of the herd.

8 (7) CONDEMNED FARM-RAISED DEER. (a) The department may order the
9 slaughter or destruction of a farm-raised deer, as provided in s. 95.23(1m) or 95.31, Stats.
10 If the department orders the slaughter or destruction of a farm-raised deer, the department
11 shall direct the disposition of the carcass. The owner or custodian of the farm-raised deer
12 shall dispose of the carcass as the department directs.

13 (b) The owner of a farm-raised deer slaughtered or destroyed under par. (a) may
14 request an indemnity as provided under s. 95.23(1m) or 95.31, Stats. The owner shall file
15 the request with the department, on a form provided by the department. The owner shall
16 include, with the request, a slaughter confirmation signed by an authorized employee of
17 the department or the federal bureau. The owner of a farm-raised deer does not qualify
18 for an indemnity if the owner or custodian of the deer fails to properly dispose of the
19 carcass.

20 (8) KEEPER SHALL NOTIFY VETERINARIAN. Whenever the keeper of farm-raised
21 deer observes signs or symptoms of chronic wasting disease in any animal in the herd, the
22 keeper shall report the signs or symptoms to a certified veterinarian. The person shall
23 make the report within 24 hours after observing the signs or symptoms.

1 **ATCP 10.67 Chronic wasting disease in farm-raised deer; herd monitoring**

2 **program. (1) GENERAL.** A person who keeps farm-raised deer in this state may enroll
3 the herd in the chronic wasting disease monitoring program under this section.

4 **NOTE:** No person may move a live farm-raised deer from a herd in this state
5 unless the herd is enrolled in the monitoring program under this section.
6 See ss. ATCP 10.66(2) and 11.56(1).

7
8 **(2) APPLICATION.** To enroll a herd in the monitoring program under this section,
9 a person shall submit an application on a form provided by the department. The
10 application shall include all the following:

11 (a) The name, address and telephone number of the herd owner, and any trade
12 names under which the herd owner does business.

13 (b) The name, address and telephone number of the herd custodian, if other than
14 the herd owner.

15 (c) The herd location, including the county, township, section and fire number
16 assigned to that location.

17 (d) A report of a complete herd census completed no more than 30 days prior to
18 the date of application. The applicant shall submit the census report on a form provided
19 by the department. The census report shall include all the following:

20 1. The number, species and sex of farm-raised deer in the herd.

21 2. The number of farm-raised deer at least one year old.

22 3. The number of farm-raised deer less than one year old.

23 4. The official individual identification of each farm-raised deer that is at least
24 one year old.