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Details:

(FORM UPDATED: 07/12/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Agriculture (AC-Ag)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**



State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection
Rod Nilsestuen, Secretary

DATE: June 6, 2006

TO: The Honorable Alan J. Lasee
President, Wisconsin State Senate
Room 219, South, State Capitol
PO Box 7882
Madison WI 53707-7882

The Honorable John Gard
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
PO Box 8952
Madison WI 53708-8952

FROM: Rodney J. Nilsestuen, Secretary
Department of Agriculture, Trade and Consumer Protection

SUBJECT: **Animal Diseases and Movement; Final Draft Rule**
(Clearinghouse Rule #06-009)

The Department of Agriculture, Trade and Consumer Protection ("DATCP") is transmitting this rule for legislative committee review, as provided in s. 227.19(2) and (3), Stats. DATCP will publish notice of this referral in the Wisconsin Administrative Register, as provided in s. 227.19(2), Stats.

Background

DATCP administers Wisconsin's animal health and disease control programs, including programs to control diseases affecting domestic animals, humans and wild animals. DATCP does the following things, among others:

- Monitors for disease outbreaks.
- Regulates the import, sale and movement of animals to prevent the spread of serious diseases.
- Regulates animal identification and tracking, vaccination, disease testing, records and reporting.
- Regulates animal-related businesses, including animal markets, animal dealers, animal truckers, farm-raised deer herds and fish farms.
- Certifies the disease status of animal herds or flocks, to facilitate sale, movement and export of animals.

Agriculture generates \$51.5 billion for Wisconsin

State-Federal Consistency

This rule coordinates state disease testing and certification programs with federal programs, to ensure consistent state and federal standards where possible. These technical changes will eliminate conflicting regulatory requirements, and will have no adverse impact on Wisconsin producers. The technical changes will facilitate disease control and animal movement, and will have no adverse impact on disease control.

Johne's Disease; Voluntary Testing and Herd Management

Johne's disease is a serious and widespread disease that affects Wisconsin's dairy and cattle industries. The disease also affects goats. Wisconsin has a voluntary program for Johne's disease herd testing, herd classification and herd management. This rule changes the Wisconsin program, so that it will be consistent with federal program standards. This will help ensure the continued availability of federal funds.

Based on the availability of federal funds, this rule expands producer eligibility for reimbursement of costs related to voluntary Johne's disease testing and herd management. Under current state rules, a producer may claim reimbursement of testing costs *only*, and then *only* if the producer participates in the Johne's disease herd classification program. Under this rule, producers may *also* claim reimbursement of costs for herd risk assessments, herd management plans and herd vaccination.

A producer is eligible for cost reimbursement under this rule, *regardless* of whether the producer participates in Wisconsin's herd classification program for Johne's disease. Participation in the herd classification program is voluntary, but may facilitate sales of cattle under current state law. Under this rule, a producer who chooses to participate in the herd classification program must have a herd risk assessment and management plan (per federal standards).

This rule simplifies current standards for Johne's disease sample collection and testing (per federal standards), and gives participating producers more testing and management options. These changes may encourage more voluntary testing and herd management. This rule preserves the confidentiality of Johne's disease herd records, per current law.

Johne's Disease Reactors

Under current rules, an animal that tests positive for Johne's disease must be permanently identified as Johne's positive. This rule removes that requirement. The federal program does not require reactor identification, nor do a majority of other states.

Johne's Disease; Certified Veterinarians

Under this rule, DATCP may reimburse producers for Johne's disease herd risk assessments, herd management plans and vaccinations, but only if the work is done by veterinarians who complete training provided by DATCP.

Sheep and Goats; Identification

This rule requires official individual identification of sheep and goats sold or moved within this state, consistent with federal standards (there are exemptions for slaughter animals under 12 months old, and neutered animals under 12 months old). This change will facilitate exports of Wisconsin sheep and goats.

Fairs and Exhibitions; Disease Control

This rule strengthens and clarifies disease control standards related to fairs and exhibitions, including organized swap meets, which can spread serious diseases. This rule clarifies the responsibilities of exhibition organizers and exhibitors.

Under this rule, a "fair" means a state, county or district fair. An "exhibition" means an organized fair, swap meet, rodeo, trail ride, show or other organized event at which animals owned by different persons are brought together from different premises and exhibited on the same premises. An "exhibition" does not include any of the following:

- An animal market or animal dealer premises (animal markets and dealers are currently regulated under ch. ATCP 12).
- An exhibition operated by an institution accredited by the American association of zoological parks and aquariums.
- A wild animal exhibition operated pursuant to a permit from the Wisconsin department of natural resources.

Under this rule, a person who exhibits an animal at a fair or exhibition must do all of the following:

- Comply with current applicable requirements related to the movement and exhibition of animals (disease testing, etc.). This rule does not change current requirements.
- Provide all of the following to the organizer of the fair or exhibition:
 - The exhibitor's name and address.
 - Identification of the animals exhibited, including number, type and description.
 - Documentation to show compliance with applicable animal health requirements related to animals shown at fairs or exhibitions (this rule does not change current requirements).

- The livestock premises code, if any, of the premises from which the animals originate.

Under this rule, the organizer of a fair or exhibition must do all of the following:

- Take reasonable steps to ensure that exhibitors comply with their disease control obligations (see above).
- Review and keep copies of exhibitor information (see above). The organizer must keep copies for at least 5 years, and must make them available to the department for inspection and copying upon request.
- Appoint a licensed veterinarian to do all of the following on behalf of the organizer, if the fair or exhibition lasts for more than 24 hours:
 - Conduct a daily inspection of the exhibited animals.
 - Review exhibitor information (see above).

Livestock Premises Codes

This rule coordinates animal health rules with Wisconsin's new livestock premises identification law. For example, certificates of veterinary inspection must include livestock premises codes, *if any*. This rule does *not* expand current premises registration requirements or sanctions.

Certificates of Veterinary Inspection

This rule updates and standardizes current requirements related to certificates of veterinary inspection. Under this rule:

- All certificates are valid for 30 days (90-day validity for animals imported to fairs or exhibitions is eliminated).
- Certificates must include livestock premises codes, *if any*.
- A certificate must include relevant herd certification numbers, if the certificate represents that an animal originates from a certified disease-free herd.

Fish Farms; Annual Health Certificate

Under current rules, fish farms in this state must file an annual health certificate with DATCP. A veterinarian or qualified inspector must issue the certificate, based on an inspection of the fish farm. This rule eliminates the annual health certificate requirement, which will save fish farm operators an average of \$200 per year.

Fish Imports

This rule modifies current requirements related to live fish imports to this state. Under current rules and this rule, a DATCP import permit is required (there are limited exceptions). DATCP must grant or deny an import permit within 30 days after DATCP receives a complete application.

Under current rules, an import permit expires on December 31 of the year in which it is issued. Under this rule, an import permit expires one year from the date on which it is issued, unless DATCP specifies an earlier expiration date in the import permit. Under current rules, there is no fee for a fish import permit. This rule sets a fee of \$50 per import permit.

Under current rules, a health certificate issued by a qualified fish health inspector must accompany every import shipment. Under this rule, the health certificate must also be included with the import permit application. DATCP may reject an import permit application if the health certificate fails to comply with this rule. DATCP may set an import permit expiration date that conforms to the expiration date of the health certificate.

A health certificate must comply with this rule (see below). The health certificate must be based on an inspection of the fish or fish eggs, or of the fish farm from which they originate. A person may not import fish or fish eggs pursuant to an expired health certificate.

Fish Introduced into Waters of the State

Current rules and this rule require a fish health certificate for fish or fish eggs introduced into waters of the state. This rule changes the current health certificate requirements for fish introduced into waters of the state. Under this rule:

- If a person proposes to introduce fish or fish eggs imported from another state, the health certificate must be included with the person's import permit application (see above).
- A health certificate may be based on an inspection of the fish or fish eggs, or of the fish farm from which they originate (see below).
- A person may not introduce fish or fish eggs into waters of the state based on an expired health certificate.

Fish Moved Between Fish Farms in this State

This rule prohibits a person from moving fish or fish eggs between fish farms in this state without a health certificate:

- The health certificate must comply with this rule (see below).

Honorable Alan J. Lasee
Honorable John Gard
June 6, 2006
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- A health certificate may be based on an inspection of the fish or fish eggs, or of the fish farm from which they originate (see below).
- A person may not move fish or fish eggs between fish farms based on an expired health certificate.

Fish Health Certificates

This rule revises current rules related to fish health certificates. Under this rule:

- Valid fish health certificates are required for fish imports, for fish movement between fish farms, and for introducing fish to waters of the state.
- A qualified fish health inspector (see below) must issue a fish health certificate. The fish health inspector must file the original certificate with DATCP within 7 days after issuing the certificate.
- Fish health certificates must be issued on forms provided by DATCP.
- An application for a fish import permit must include a fish health certificate.
- DATCP may invalidate or limit a fish health certificate, as necessary.
- A health certificate may be based on either of the following:
 - An inspection of the fish farm from which the fish or fish eggs originate. This type of health certificate expires one year after it is issued (unless DATCP changes the expiration date).
 - An inspection of the fish or fish eggs. This type of health certificate expires 30 days after it is issued (unless DATCP changes the expiration date).
- A health certificate is not valid after its expiration date.

Qualified Fish Health Inspectors

Under this rule, as under the current rule, fish health certificates must be issued by qualified fish health inspectors. This rule clarifies inspector qualification requirements. DATCP may disqualify a fish health inspector for cause.

Qualified Fish Health Laboratories

Fish health tests required under this rule must be performed by qualified laboratories. This rule clarifies that the following laboratories are considered qualified laboratories unless disqualified by DATCP:

- A laboratory approved by the federal bureau for purposes of disease testing related to interstate movement of fish or fish eggs.
- A laboratory approved by DATCP.
- A federal or state veterinary diagnostic laboratory.

Under this rule, DATCP may disqualify a fish health laboratory for cause, including violations of this rule or unreliable test results.

Farm-Raised Deer

This rule modifies current rules related to farm-raised deer. Among other things, this rule does the following:

- It requires persons collecting chronic wasting disease test samples to submit those samples for testing within 10 days after they are collected.
- It clarifies and updates standards and procedures that apply under the (renamed) chronic wasting disease herd status program, including standards and procedures related to the suspension, revocation and reinstatement of enrollment.
- It changes the deadline for reporting escaped farm-raised deer from 48 hours to 24 hours after the escape is discovered.
- It incorporates USDA-APHIS's modified tuberculosis accreditation requirements. New requirements for accreditation reduce the requirement to two whole herd negative tuberculosis tests for initial accreditation (previously three) and a negative whole herd tuberculosis test every 36 months to maintain tuberculosis accreditation (previously every 24 months)

Circus, Rodeo and Menagerie Animals

This rule clarifies that imports of circus, rodeo and menagerie animals must comply with import requirements that apply to other animals of the same species, as well as any special requirements that apply to circus, rodeo and menagerie animals.

Reportable Diseases

This rule deletes, from the current list of diseases that must be reported to DATCP within 10 days, the following diseases:

- Leptospirosis
- Atrophic rhinitis of swine
- Porcine reproductive and respiratory syndrome
- Transmissible gastroenteritis (swine)

Technical Changes

This rule makes a large number of technical and drafting changes. These changes have little or no substantive impact.

Public Hearings

DATCP held 5 public hearings on this rule. DATCP held the hearings on February 28, 2006 in Eau Claire, March 1, 2006 in Wausau and Appleton, and March 6, 2006 in Madison (2 hearings). Twenty-five people attended the hearings. Five people registered in support with modifications, and one person registered in support. No one registered in opposition.

Twelve people offered written hearing comments, and 2 of those people also testified orally. Most of the hearing comments focused on aquaculture, and on minor changes to the poultry rules. Other comments addressed the Johne's disease program and technical rule changes. DATCP made a number of changes in response to hearing comments. A summary of the comments received is attached.

Changes from Hearing Draft

DATCP made the following changes to this rule following public hearings:

- Required a fish health certificate for fish moved between fish farms in this state.
- Removed a requirement for DATCP approval of fish health certificates (however, DATCP may invalidate or limit a fish health certificate for cause).
- Required persons issuing fish health certificates to file those certificates with DATCP within 7 days.
- Clarified that fish health certificates for fish eggs may be based on brood stock testing.
- Required Viral Hemorrhagic Septicemia (VHS) testing of fish imported from states or provinces where VHS is known to occur.
- Removed additional hearing draft testing requirements for fish stocking (keeps current rule requirements).
- Made minor changes related to poultry programs, sheep and goat identification, bovine TB import standards, livestock exhibitions, and recordkeeping requirements for livestock markets, dealers and truckers.
- Made other technical changes and clarifications, including editorial changes suggested by the Legislative Council Rules Clearinghouse (see below).

Response to Rules Clearinghouse Comments

The Legislative Council Rules Clearinghouse made a number of technical comments on the hearing draft rule. DATCP modified the final draft rule to address all of the comments except the following:

- *Comment 2.a:* DATCP notes this comment for future rules.
- *Comment 2.e:* DATCP changed some, but not all of the cited provisions. In some cases, the suggested change was not appropriate.
- *Comment 5.a:* DATCP believes that the definition is accurate (it is taken directly from the statute). An animal market does not cease to be an animal market once a sale is completed.
- *Comment 5.b:* The final draft requires the 120 days be consecutive, but does not require that they occur immediately prior to the shipment to Wisconsin.
- *Comment 5.d:* The breed association registration number does not have to be placed on the animal (the breed paperwork accompanies the animal).
- *Comment 5.f:* DATCP does not believe that it is necessary to define the term "micro-pigs."
- *Comment 5.i:* The term "dead tag" is generally understood. "Dead tags" are, in any event, issued by the department so they have a definite identity.

Business Impact

This rule will have a generally positive impact on business. This rule will have few, if any, negative impacts on business. Negative impacts, if any, will be limited. A small business analysis is attached.

This rule affects the following businesses in the following ways (many of these businesses are "small businesses"):

- ***Poultry producers***

This rule will help small poultry operators, and will have little or no effect on large operators. *Current* rules prohibit the sale or distribution of poultry or eggs, for breeding, hatching or exhibition, unless they originate from flocks enrolled in the national poultry improvement plan and meet disease-free classification standards under that plan. However, the national poultry improvement plan is primarily designed for large poultry operators, and may not be cost-effective for small operators. This rule provides cost-effective disease monitoring

options that will provide greater market access for small operators. There is no charge to enroll.

- ***Dairy, cattle and goat producers***

This rule will help dairy, cattle and goat producers by expanding cost reimbursement for voluntary Johne's disease herd testing, herd risk assessment, herd management plans, and vaccination (current rules allow reimbursement of testing costs only). Participation in the Johne's disease program is voluntary.

This rule removes some existing barriers to participation in the Johne's program, and provides more testing and management options for producers. This will encourage voluntary efforts to control Johne's disease, a widespread disease that causes great harm to Wisconsin's dairy, beef and goat industries.

This rule also brings Wisconsin's Johne's disease program into conformity with the federal program. It changes reimbursement procedures, so that DATCP can provide more timely reimbursement to herd owners (currently, herd owners may wait over a year for reimbursements). This rule preserves the confidentiality of Johne's disease herd records, per current law.

- ***Fish farm operators***

This rule eliminates the current requirement for an annual health inspection of fish farms in this state. This will save fish farm operators an average of \$200 per year.

This rule streamlines fish import regulations, to make them more workable and effective. This rule establishes a modest \$50 fee for a fish import permit, to facilitate better review of import permit applications (the fee will affect only 2% of registered fish farms). In many cases, DATCP issues permits that cover multiple shipments from an inspected source. This rule clarifies current rules related to health certificates required for fish imports.

This rule requires fish health certificates for fish moved between fish farms in this state. It also requires fish health inspectors and laboratories to report all test results for certain diseases, not just positive test results. These requirements may impose slight costs on some fish farm operators, but will help prevent and control serious fish diseases that can harm all fish farm operators.

- ***Sheep and goat owners***

This rule requires official individual identification of sheep and goats that are sold or moved in commerce, consistent with standards under the federal scrapie control program. This may increase costs for some sheep and goat owners. However, it will facilitate interstate export of sheep and goats, and will provide better disease control and traceback. This rule allows for

various forms of official individual identification, some of which can be easily applied by sheep and goat owners themselves at little or no cost.

- ***Organizers and exhibitors at fairs and exhibitions***

This rule clarifies and strengthens current animal health rules related to fairs and exhibitions, including events such as organized swap meets and trail rides. This rule clarifies the obligations of event organizers and exhibitors.

Exhibitors must comply with current animal health rules related to fairs and exhibitions, and must document compliance to the event organizer. Youth coordinators may certify compliance on behalf of youth exhibitors.

Organizers must keep a record of exhibited animals, and must review and keep a record of relevant animal health documentation. Events lasting over 24 hours must have an attending veterinarian.

This rule will not have a significant impact on most fairs and exhibitions, except that it may affect certain events such as organized swap meets that may not be adhering to current rules related to fairs and exhibitions.

- ***Farm-raised deer keepers***

This rule makes minor technical changes to current rules related to farm-raised deer. The rule changes will have little if any impact on most farm-raised deer keepers.

- ***Wisconsin certified veterinarians and their clients.*** This rule may affect veterinarians in the following ways:

- It makes slight changes to current rules governing certificates of veterinary inspection (the changes should have little impact on veterinarians or their clients, but will improve animal health documentation).
- It expands reimbursement of veterinary costs related to Johne's disease testing, herd management and vaccination, but only if the services are provided by specially trained veterinarians. The reimbursement will be very beneficial for veterinarians and their clients, but veterinarians must complete training to qualify. Any veterinarian may take the brief (less than one day) required training course offered by DATCP. There is a \$200 cost for initial certification and \$100 for the renewal certification that is required every 3 years. Training is currently financed by federal grant funds, so there is no cost to veterinarians.



- It eliminates annual fish farm health certification requirements. This will save each fish farm operator an average of \$200 per year. This rule will require a fish health certificate to move fish between fish farms in this state (this requirement may affect about 25% of all fish farms). There will be a net savings to Wisconsin fish farmers, but some veterinarians may experience some loss of income.

- ***Persons who raise, ship and market animals***

This rule consolidates, reorganizes and clarifies current animal health rules, so that the rules will be easier to read and understand. This will benefit everyone involved in raising, shipping and marketing animals. It will improve disease control, facilitate commerce, and promote efficient administration of animal health programs.

Fiscal Impact

The rule changes will have no fiscal impact on local government, but it will have a slight fiscal impact on DATCP:

- This rule will have little net impact on DATCP revenues or workload, except that this rule will cause a slight increase in workload under the aquaculture and poultry disease control programs.
- This rule will expand reimbursement of producer costs for Johne's disease testing and herd management, but the increased reimbursement will be financed with federal funds.
- This rule creates a \$50 fee for a fish import permit. DATCP estimates that this fee will generate approximately \$5,000 in program revenue to fund review of import permit applications and related fish health certificates.
- This rule requires testing for Viral Hemorrhagic Septicemia (VHS) for fish imports originating from a state or province where VHS is known to occur. This may increase the cost to agencies, such as the Department of Natural Resources, that buy fish from those areas. However, the cost increase will not be significant, and there are other available sources.

A full fiscal estimate is attached.





State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection
Rod Nilsestuen, Secretary

PUBLIC NOTICE

FINAL DRAFT RULE TO LEGISLATURE

The Department of Agriculture, Trade and Consumer Protection announces that it is submitting the following rule for legislative committee review, pursuant to s. 227.19, Stats.:

CLEARINGHOUSE RULE #: **06-009**

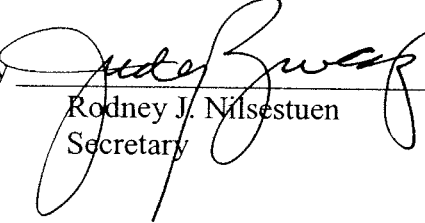
SUBJECT: **Animal Disease and Movement**

ADM. CODE REFERENCE: **ATCP 10 and 12**

DATCP DOCKET #: **04-R-10**

Dated this 6th day of June, 2006.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND
CONSUMER PROTECTION

By 
Rodney J. Nilsestuen
Secretary

Agriculture generates \$51.5 billion for Wisconsin



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

1
2 The state of Wisconsin department of agriculture, trade and consumer protection proposes the
3 following order to repeal ch. ATCP 11 and ATCP 12.02(8)(g)(note); to amend ATCP
4 1.03(1)(a)11. and 12., 12.01(1m), (1w), (3), (8x), (18), (19), (19)(note) and (27), 12.02(3)(note),
5 (4)(a)(intro.) and (c), (7)(a) and (10), 12.03(4)(note), (5)(a) and (c) and (8)(a), 12.04(2)(c)3.,
6 (3)(note), (4)(a) and (c) and (7)(a), 12.045(2)(note), (3)(c), (4) and (6)(note), 12.05(1)(a)(note),
7 (1)(b)(note), (2)(b)(note) and (4), 12.06(1)(intro.) and (h), 12.08(4), (10) and (19)(intro.), ch.
8 ATCP 17(introductory note), ATCP 17.01(19) and (20), and 17.02(2)(c)3. and 8.; to repeal and
9 recreate ch. ATCP 10, ATCP 12.01(3) and (2), and 12.08(2); and to create ATCP
10 12.01(18)(note), 12.06(1)(bc), and 12.08(25) and (26); relating to animal diseases and
11 movement.

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

This rule consolidates, reorganizes and clarifies Wisconsin's current animal health and disease control rules, so that the rules will be easier to read and understand. This rule does *not* significantly alter the substance of the current rules, except that this rule:

- Provides more cost-effective disease monitoring options for small poultry producers who cannot easily participate in the national poultry improvement plan.
- Adopts federal standards for voluntary Johne's disease testing and herd management, and expands producer eligibility for reimbursement of testing and herd management costs (based on the availability of federal funding).

- Requires official individual identification of sheep and goats sold or moved within this state, consistent with federal standards (neutered animals under 12 months old are exempt, as are animals under 12 months moving directly to slaughter). This change will facilitate exports of Wisconsin sheep and goats.
- Strengthens and clarifies disease control standards related to fairs and livestock exhibitions, including organized swap meets, which can spread serious disease if not properly managed. This rule clarifies the responsibilities of exhibition organizers and exhibitors.
- Coordinates animal health rules with Wisconsin's new livestock premises identification law. For example, certificates of veterinary inspection must include livestock premises identification numbers *if any*. This rule does *not* expand current premises registration requirements or sanctions.
- Modifies current regulations related to fish farms, fish imports and fish health. This rule eliminates the requirement of an annual health certification for fish farms. This rule streamlines and clarifies current fish import requirements, and creates a \$50 fee for a fish import permit. DATCP must approve a fish health certificate before a person imports fish, or introduces fish to waters of the state, based on that health certificate.
- Updates the current list of reportable diseases (deletes 4 diseases).
- Makes minor technical changes in current rules related to farm-raised deer.
- Makes minor updates and technical changes to other rules, as necessary.

Statutory Authority

Statutory Authority: ss. 93.07(1) and (10), 95.18, 95.19, 95.197, 95.20, 95.22, 95.23, 95.25, 95.26, 95.27, 95.30, 95.32, 95.33, 95.35, 95.36, 95.37, 95.38, 95.41, 95.42, 95.43, 95.45, 95.46, 95.48, 95.49, 95.50, 95.51, 95.55, 95.57, 95.60, 95.65, 95.68, 95.69, 95.71, 95.715 and 95.72, Stats.

Statute Interpreted: s. 93.07(10), 95.18, 95.19, 95.197, 95.20, 95.22, 95.23, 95.25, 95.26, 95.27, 95.30, 95.32, 95.33, 95.35, 95.36, 95.37, 95.38, 95.41, 95.42, 95.43, 95.45, 95.46, 95.48, 95.49, 95.50, 95.51, 95.55, 95.57, 95.60, 95.65, 95.68, 95.69, 95.71, 95.715 and 95.72, Stats.

DATCP has broad general authority to adopt rules interpreting statutes under its jurisdiction (*see* s.93.07(1), Stats.). DATCP is specifically authorized to adopt rules to protect the health of animals in this state, and to prevent, control and eradicate communicable diseases among animals.

Background

The Wisconsin department of agriculture, trade and consumer protection (“DATCP”) administers Wisconsin’s animal health and disease control programs, including programs to control diseases affecting domestic animals, humans and wild animals. DATCP does the following things, among others:

- Monitors for disease outbreaks.
- Regulates the import, sale and movement of animals to prevent the spread of serious diseases.
- Regulates animal identification and tracking, vaccination, disease testing, records and reporting.
- Regulates animal-related businesses, including animal markets, animal dealers, animal truckers, farm-raised deer herds and fish farms.
- Certifies the disease status of animal herds or flocks, to facilitate sale, movement and export of animals.
- Conducts disease investigations, issues quarantines, condemns animals affected with serious contagious diseases, and pays indemnities to owners of certain condemned animals (as provided by statute).
- Serves as the state clearinghouse for certificates of veterinary inspection and other health certificates issued in connection with the import or movement of animals.
- Responds to disease emergencies and bio-security threats.
- Coordinates animal health programs with the United States department of agriculture, animal and plant health inspection service (“federal bureau”).

DATCP has adopted extensive rules, under chs. ATCP 10 and 11, Wis. Adm. Code, related to animal disease and movement. These rules provide the foundation for Wisconsin animal disease control programs. This rule consolidates, reorganizes and clarifies the current rules, so that the rules will be easier to read and understand.

This rule does *not* significantly alter the substance of the current rules, except as noted below. This rule does *not* change current rules related to animal markets, dealers, or truckers (ch. ATCP 12, Wis. Adm. Code), except that this rule makes minor technical changes to those rules.

Key Rule Changes

Rule Reorganization

This rule consolidates current rules contained in chs. ATCP 10 (animal diseases) and ATCP 11 (animal movement) into a single new ch. ATCP 10 (animal diseases and movement). The new rule is organized by animal species. This will make it much easier for affected persons to find and understand the rules that apply to them. The redraft simplifies and clarifies current rules, eliminates redundant material, and improves internal consistency. This rule does *not* change the substance of the current rules, except as provided below.

New Options for Poultry Producers

This rule provides new, more cost-effective, disease monitoring options for small poultry producers. Current rules restrict the sale or movement of poultry or eggs for breeding, hatching or exhibition unless producers are enrolled in the national poultry improvement program. But the national program is designed mainly for large poultry operations, and may not be cost-effective for small operations. This rule provides more cost-effective alternatives for small producers. These voluntary alternatives may result in more disease monitoring and market access by small producers.

Under this rule, a flock owner who is not enrolled in the national poultry improvement program may nevertheless sell or move poultry for breeding, hatching or exhibition if the flock is enrolled as a *Wisconsin tested flock* or *Wisconsin associate flock*. A flock may be enrolled as a *Wisconsin tested flock* if the flock owner tests annually for pullorum, fowl typhoid and, in the case of turkeys, *Mycoplasma gallisepticum*. A flock may be enrolled as a *Wisconsin associate flock* if it consists entirely of birds obtained from a Wisconsin tested flock. There is no charge to enroll in either program. DATCP will issue certificates that flock owners can use to document enrollment.

State-Federal Consistency

This rule coordinates state disease testing and certification programs with federal programs, to ensure consistent state and federal standards where possible. These technical changes will eliminate conflicting regulatory requirements, and will have no adverse impact on Wisconsin producers. The technical changes will facilitate disease control and animal movement, and will have no adverse impact on disease control.

Johne's Disease; Voluntary Testing and Herd Management

Johne's disease is a serious and widespread disease that affects Wisconsin's dairy and cattle industries. The disease also affects goats. Wisconsin has a voluntary program for Johne's disease herd testing, herd classification and herd management. This rule changes the Wisconsin program, so that it will be consistent with federal program standards. This will help ensure the continued availability of federal funds.

Based on the availability of federal funds, this rule expands producer eligibility for reimbursement of costs related to voluntary Johne's disease testing and herd management. Under current state rules, a producer may claim reimbursement of testing costs *only*, and then *only* if the producer participates in the Johne's disease herd classification program. Under this rule, producers may *also* claim reimbursement of costs for herd risk assessments, herd management plans and herd vaccination.

A producer is eligible for cost reimbursement under this rule, *regardless* of whether the producer participates in Wisconsin's herd classification program for Johne's disease. Participation in the herd classification program is voluntary, but may facilitate sales of cattle under current state law. Under this rule, a producer who chooses to participate in the herd classification program must have a herd risk assessment and management plan (per federal standards).

This rule simplifies current standards for Johne's disease sample collection and testing (per federal standards), and gives participating producers more testing and management options. These changes may encourage more voluntary testing and herd management. This rule preserves the confidentiality of Johne's disease herd records, per current law.

Johne's Disease Reactors

Under current rules, an animal that tests positive for Johne's disease must be permanently identified as Johne's positive. This rule removes that requirement. The federal program does not require reactor identification, nor do a majority of other states.

Johne's Disease; Certified Veterinarians

Under this rule, DATCP may reimburse producers for Johne's disease herd risk assessments, herd management plans and vaccinations, but only if the work is done by veterinarians who complete training provided by DATCP.

Sheep and Goats; Identification

This rule requires official individual identification of sheep and goats sold or moved within this state, consistent with federal standards (there are exemptions for slaughter animals under 12 months old, and neutered animals under 12 months old). This change will facilitate exports of Wisconsin sheep and goats.

Fairs and Exhibitions; Disease Control

This rule strengthens and clarifies disease control standards related to fairs and exhibitions, including organized swap meets, which can spread serious diseases. This rule clarifies the responsibilities of exhibition organizers and exhibitors.

Under this rule, a "fair" means a state, county or district fair. An "exhibition" means an organized fair, swap meet, rodeo, trail ride, show or other organized event at which animals owned by different persons are brought together from different premises and exhibited on the same premises. An "exhibition" does not include any of the following:

- An animal market or animal dealer premises (animal markets and dealers are currently regulated under ch. ATCP 12).
- An exhibition operated by an institution accredited by the American association of zoological parks and aquariums.

- A wild animal exhibition operated pursuant to a permit from the Wisconsin department of natural resources.

Under this rule, a person who exhibits an animal at a fair or exhibition must do all of the following:

- Comply with current applicable requirements related to the movement and exhibition of animals (disease testing, etc.). This rule does not change current requirements.
- Provide all of the following to the organizer of the fair or exhibition:
 - The exhibitor's name and address.
 - Identification of the animals exhibited, including number, type and description.
 - Documentation to show compliance with applicable animal health requirements related to animals shown at fairs or exhibitions (this rule does not change current requirements).
 - The livestock premises code, if any, of the premises from which the animals originate.

Under this rule, the organizer of a fair or exhibition must do all of the following:

- Take reasonable steps to ensure that exhibitors comply with their disease control obligations (see above).
- Review and keep copies of exhibitor information (see above). The organizer must keep copies for at least 5 years, and must make them available to the department for inspection and copying upon request.
- Appoint a licensed veterinarian to do all of the following on behalf of the organizer, if the fair or exhibition lasts for more than 24 hours:
 - Conduct a daily inspection of the exhibited animals.
 - Review exhibitor information (see above).

Livestock Premises Codes

This rule coordinates animal health rules with Wisconsin's new livestock premises identification law. For example, certificates of veterinary inspection must include livestock premises codes, *if any*. This rule does *not* expand current premises registration requirements or sanctions.

Certificates of Veterinary Inspection

This rule updates and standardizes current requirements related to certificates of veterinary inspection. Under this rule:

- All certificates are valid for 30 days (90-day validity for animals imported to fairs or exhibitions is eliminated).
- Certificates must include livestock premises codes, *if any*.

- A certificate must include relevant herd certification numbers, if the certificate represents an animal originates from a certified disease-free herd.

Fish Farms; Annual Health Certificate

Under current rules, fish farms in this state must file an annual health certificate with DATCP. A veterinarian or qualified inspector must issue the certificate, based on an inspection of the fish farm. This rule eliminates the annual health certificate requirement, which will save an average of \$200 per year for each fish farm operator.

Fish Imports

This rule modifies current requirements related to live fish imports to this state. Under current rules and this rule, a DATCP import permit is required (there are limited exceptions). DATCP must grant or deny an import permit within 30 days after DATCP receives a complete application.

Under current rules, an import permit expires on December 31 of the year in which it is issued. Under this rule, an import permit expires one year from the date on which it is issued, unless DATCP specifies an earlier expiration date in the import permit. Under current rules, there is no fee for a fish import permit. This rule sets a fee of \$50 per import permit.

Under current rules, a health certificate issued by a qualified fish health inspector must accompany every import shipment. Under this rule, the health certificate must also be included with the import permit application. DATCP may reject an import permit application if the health certificate fails to comply with this rule. DATCP may set an import permit expiration date that conforms to the expiration date of the health certificate.

A health certificate must comply with this rule (see below). The health certificate must be based on an inspection of the fish or fish eggs, or of the fish farm from which they originate. A person may not import fish or fish eggs pursuant to an expired health certificate.

Fish Introduced into Waters of the State

Current rules and this rule require a fish health certificate for fish or fish eggs introduced into waters of the state. This rule changes the current health certificate requirements for fish introduced into waters of the state. Under this rule:

- If a person proposes to introduce fish or fish eggs imported from another state, the health certificate must be included with the person's import permit application (see above).
- A health certificate may be based on an inspection of the fish or fish eggs, or of the fish farm from which they originate (see below).
- A person may not introduce fish or fish eggs into waters of the state based on an expired health certificate.

Fish Moved Between Fish Farms in this State

This rule prohibits a person from moving fish or fish eggs between fish farms in this state without a health certificate:

- The health certificate must comply with this rule (see below).
- A health certificate may be based on an inspection of the fish or fish eggs, or of the fish farm from which they originate (see below).
- A person may not move fish or fish eggs between fish farms based on an expired health certificate.

Fish Health Certificates

This rule revises current rules related to fish health certificates. Under this rule:

- Valid fish health certificates are required for fish imports, for fish movement between fish farms, and for introducing fish to waters of the state.
- A qualified fish health inspector (see below) must issue a fish health certificate. The fish health inspector must file the original certificate with DATCP within 7 days after issuing the certificate.
- Fish health certificates must be issued on forms provided by DATCP. The forms may specify information to be included, and may require lab test results to support certain health claims. These content requirements are reviewable in contested case proceedings under ch. 227, Stats., unless they are adopted by rule.
- A person applying for a fish import permit must include a health certificate with the import permit application. DATCP may deny an import permit request that is based on an invalid health certificate.
- DATCP may, for cause, invalidate a fish health certificate, change the expiration date of the fish health certificate, or impose other conditions on the health certificate. DATCP may do so by giving written notice to the person issuing the health certificate (DATCP will also try to notify other persons named in the health certificate).
- A health certificate (whether used for import, intrastate movement, or introduction to waters of the state) may be based on either of the following:
 - An inspection of the fish farm from which the fish or fish eggs originate. This type of health certificate expires one year after it is issued (unless DATCP changes the expiration date). The health certificate must include the name and address of the fish farm operator, the name and address of the fish farm, and the fish farm's livestock premises code *if any*.

- An inspection of the fish or fish eggs. This type of health certificate expires 30 days after it is issued (unless DATCP changes the expiration date). The health certificate must describe the inspected fish or fish eggs, and must identify the source from which they originate.
- A health certificate is not valid after its expiration date.

Qualified Fish Health Inspectors

Under this rule, as under the current rule, fish health certificates must be issued by qualified fish health inspectors. This rule clarifies that the following individuals are considered qualified fish health inspectors unless disqualified by DATCP:

- An individual who is currently certified by the American fisheries society as a fish health inspector or fish pathologist, and who has completed fish health inspection training approved by DATCP.
- An individual who is currently authorized by a state to conduct official fish health inspections in that state, and who has completed a fish health inspection training program approved by DATCP.
- A Wisconsin certified veterinarian who has completed a fish health inspection training program approved by DATCP.
- For purposes of an action taken outside this state, any accredited veterinarian.

Under this rule, DATCP may disqualify a fish health inspector for cause, including violations of this rule or the issuance of unreliable health certificates. The state veterinarian may issue a disqualification notice on behalf of DATCP. The notice must specify the reason for disqualification.

Qualified Fish Health Laboratories

Fish health tests required under this rule must be performed by qualified laboratories. This rule clarifies that the following laboratories are considered qualified laboratories unless disqualified by DATCP:

- A laboratory approved by the federal bureau for purposes of disease testing related to interstate movement of fish or fish eggs.
- A laboratory approved by DATCP.
- A federal or state veterinary diagnostic laboratory.

Under this rule, DATCP may disqualify a fish health laboratory for cause, including violations of this rule or unreliable test results. The state veterinarian may issue a disqualification notice on behalf of DATCP. The notice must specify the reason for disqualification.

Farm-Raised Deer

This rule modifies current rules related to farm-raised deer. Among other things, this rule does the following:

- It requires persons collecting chronic wasting disease test samples to submit those samples for testing within 10 days after they are collected.
- It clarifies and updates standards and procedures that apply under the (renamed) chronic wasting disease herd status program, including standards and procedures related to the suspension, revocation and reinstatement of enrollment.
- It changes the deadline for reporting escaped farm-raised deer from 48 hours to 24 hours after the escape is discovered.

Circus, Rodeo and Menagerie Animals

This rule clarifies that imports of circus, rodeo and menagerie animals must comply with import requirements that apply to other animals of the same species, as well as any special requirements that apply to circus, rodeo and menagerie animals.

Reportable Diseases

This rule deletes, from the current list of diseases that must be reported to DATCP within 10 days, the following diseases:

- Leptospirosis
- Atrophic rhinitis of swine
- Porcine reproductive and respiratory syndrome
- Transmissible gastroenteritis (swine)

Technical Changes

This rule makes a large number of technical and drafting changes. These changes have little or no substantive impact.

Fiscal Impact

The rule changes will have no fiscal impact on local government, but it will have a slight fiscal impact on DATCP. A complete fiscal estimate is attached.

- This rule will have little net impact on DATCP revenues or workload, except that this rule will cause a slight increase in workload under the aquaculture and poultry disease control programs.

- This rule will expand reimbursement of producer costs for Johne's disease testing and herd management, but the increased reimbursement will be financed with federal funds.
- This rule creates a \$50 fee for a fish import permit. DATCP estimates that this fee will generate approximately \$5,000 in program revenue to help support program activities related to fish farms, fish imports and fish health certification.
- DATCP will incur added staff and administrative costs to administer the new voluntary poultry flock certification program created by this rule. DATCP expects to absorb this additional workload with existing staff and appropriations. There is no fee for flock owners to enroll in the program.

Business Impact

This rule generally benefits small businesses. This rule affects the following businesses, many of which are "small businesses:"

- ***Poultry producers.*** This rule will help small poultry operators, and will have little or no effect on large operators. Current rules prohibit the sale or distribution of poultry or eggs, for breeding, hatching or exhibition, unless they originate from flocks enrolled in the national poultry improvement plan and meet disease-free classification standards under that plan. However, the national poultry improvement plan is primarily designed for large poultry operators, and may not be cost-effective for small operators. This rule provides cost-effective disease monitoring options that will provide greater market access for small operators.
- ***Dairy, cattle and goat producers.*** This rule will assist dairy, cattle and goat producers by expanding reimbursement of producers costs for voluntary Johne's disease herd testing, herd risk assessment, herd management plans, and vaccination (current rules provide for reimbursement of testing costs only). Participation in the Johne's disease program is voluntary. This rule removes some existing barriers to participation, and provides more testing and management options for producers. This may encourage participation, and may help to control a very serious disease threat to the Wisconsin dairy and livestock industry.
- ***Fish farm operators.*** This rule will streamline fish import regulations, to make them more workable and effective. This rule will create a modest \$50 fee for a fish import permit, to facilitate better review of fish health certificates related to fish imports and fish stocking to waters of the state (the fee will affect only 2% of registered fish farms). This rule eliminates the current requirement for an annual health inspection of fish farms in this state, which will save every fish farm operator an average of \$200 per year.
- ***Sheep and goat owners.*** This rule requires official individual identification of sheep and goats that are sold or moved in commerce, consistent with standards under the federal scrapie control program. This may increase costs for some sheep and goat owners. However, it will facilitate interstate export of sheep and goats, and will provide better disease control and

traceback. This rule allows for various forms of official individual identification, some of which can be easily applied by sheep and goat owners themselves at little or no cost.

- ***Organizers and exhibitors at fairs and exhibitions.*** This rule clarifies and strengthens current animal health rules related to fairs and exhibitions, including events such as organized swap meets and trail rides. This rule clarifies the obligations of event organizers and exhibitors. Exhibitors must comply with current animal health rules related to fairs and exhibitions, and must document compliance to the event organizer. Organizers must keep a record of exhibited animals, and must review and keep a record of relevant animal health documentation. Events lasting over 24 hours must have an attending veterinarian. This rule will not have a significant impact on most fairs and exhibitions, except that it may affect certain events such as organized swap meets that may not be adhering to current rules related to fairs and exhibitions.
- ***Farm-raised deer keepers.*** This rule makes minor technical changes to current rules related to farm-raised deer. The rule changes will have little if any impact on most farm-raised deer keepers.
- ***Wisconsin certified veterinarians and their clients.*** This rule may affect veterinarians in the following ways:
 - It makes slight changes to current rules governing certificates of veterinary inspection (the changes should have little impact on veterinarians or their clients, but will improve animal health documentation).
 - It expands reimbursement of veterinary costs related to Johne's disease testing, herd management and vaccination, but only if the services are provided by specially trained veterinarians. The reimbursement will be very beneficial for veterinarians and their clients, but veterinarians must complete training to qualify. Any veterinarian may take the brief (less than one day) required training course offered by DATCP.
 - It eliminates annual fish farm health certification requirements. This will save each fish farm operator an average of \$200 per year. Veterinarians who perform certification inspections may experience some loss of income.
- ***Persons who raise, ship and market animals.*** This rule consolidates, reorganizes and clarifies current animal health rules, so that the rules will be easier to read and understand. This will benefit everyone involved in raising, shipping and marketing animals. It will improve disease control, facilitate commerce, and promote efficient administration of animal health programs.

This rule will not have any significant adverse impact on small business, and is not subject to the delayed effective date under s. 227.22(2)(e), Stats. Under 2003 Wis. Act 145, DATCP and other agencies must adopt rules spelling out their rule enforcement policy for small businesses. DATCP has not incorporated a small business enforcement policy in this rule, but will propose a separate rule on that subject. DATCP will, to the maximum extent feasible, seek voluntary compliance with this rule.

Federal and Surrounding State Programs

Federal Programs

DATCP administers animal disease control programs in cooperation with the United States Department of Agriculture, Animal and Plant Health Inspection Service (“the federal bureau”). The federal bureau has well-established control programs for historically important diseases such as tuberculosis and brucellosis. Federal rules for these programs spell out standards for disease testing, disease control, international and interstate movement of animals, certifying the disease status of states, and certifying the disease status of individual herds.

The federal bureau operates national veterinary diagnostic laboratories, and coordinates multi-state responses to major disease epidemics. The federal bureau exercises disease control authority, including quarantine and condemnation authority, and provides funding for indemnity payments to certain owners of condemned animals. The federal bureau operates state and regional offices, and coordinates field operations with states.

The federal bureau has less well-developed programs for new or localized diseases, or emerging animal-based industries. States often take a lead role in developing programs to address new animal health issues and disease threats (farm-raised deer and fish diseases, for example), particularly if those issues or threats have a more local or regional focus. Wisconsin’s program related to farm-raised deer is perhaps the leading program in the nation, and has provided the model for a proposed federal program.

The federal bureau may provide grant funding, regulatory incentives, or other assistance in support of state programs and regulation. For example, the federal bureau provides funding for voluntary Johne’s disease testing and herd management, based on federal program standards. Under the federal scrapie program, the federal bureau permits easier interstate movement of sheep and goats from states that require official individual identification for intrastate movement.

States have independent authority to regulate animal health and movement, including imports from other states. However, states strive for reasonable consistency, based on standards spelled out in federal regulations. Where well-established federal standards and procedures exist, state disease control programs typically incorporate those federal standards. However, states may independently address new and emerging disease issues, especially if those issues have a state or regional focus and are not a priority for the federal bureau.

Surrounding State Programs

General

Surrounding state animal health programs are broadly comparable to those in Wisconsin, but vary in a variety of ways. Differences in disease regulations and control programs may reflect differences in animal populations, animal-based industries, and disease threats in the different states. Programs for historically important diseases, such as tuberculosis and brucellosis, tend to be fairly similar between states and are based on well-established federal standards. Programs

for newer forms of agriculture, such as farm-raised deer and aquaculture, tend to be more variable.

Aquaculture

All of the surrounding states regulate aquaculture, to some degree:

- Minnesota requires fish import permits, and licenses fish farms and fish dealers (annual license fees range from \$70 to \$210). Health certification is required for fish imports, but not for fish farms. Bait imports are prohibited.
- Iowa requires fish import permits, and licenses fish farms (annual license fees range from \$26 to \$57). Health certification is required for fish imports, but not for fish farms.
- Illinois licenses fish farms (\$50 annual license) and fish dealers (annual license fee range from \$10 to \$100). An import permit and health certification is required for certain fish imports (salmonids). There is limited regulation of fish transport vehicles.
- Michigan licenses fish farms (annual license fees range from \$75 to \$100). Health certification is required for fish imports.

Johne's Disease

All of the surrounding states (Illinois, Michigan, Iowa and Minnesota) have adopted a voluntary Johne's disease testing and herd management program, based on the federal program. Wisconsin is proposing a similar program under this rule.

Sheep and Goat Identification

All of the surrounding states (Illinois, Michigan, Iowa and Minnesota) require official individual identification of sheep and goats moved in intrastate commerce, consistent with standards specified in the federal scrapie program. Wisconsin is proposing equivalent identification requirements in this rule. This will permit freer export of Wisconsin sheep and goats.

Standards Incorporated by Reference

Pursuant to s. 227.21, Stats., DATCP will request permission from the attorney general and revisor of statutes to incorporate the following standards by reference in this rule, without reproducing the standards in full in this rule:

- "Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program," federal bureau publication 91-45-016 (November 2005).
- "Brucellosis Eradication: Uniform Methods and Rules," federal bureau publication 91-45-013 (October 1, 2003).

- “Brucellosis in Cervidae: Uniform Methods and Rules,” federal bureau publication 91-45-16 (September 30, 2003).
- “Bovine Tuberculosis Eradication: Uniform Methods and Rules,” federal bureau publication 91-45-011 (January 1, 2005).
- “Bovine Tuberculosis Eradication: Uniform Methods and Rules,” federal bureau publication 91-45-011 (January 22, 1999).
- “Swine Brucellosis Control and Eradication: State-Federal-Industry Uniform Methods and Rules,” federal bureau publication 91-55-042 (April, 1998).
- “Pseudorabies Eradication: State-Federal-Industry Program Standards,” federal bureau publication 91-55-071 (November 1, 2003).

Copies of these standards will be on file with the department, the secretary of state and the revisor of statutes. Rule *notes* explain how readers may obtain copies of the standards.

DATCP Contact

Questions and comments related to this rule may be directed to:

Department of Agriculture, trade and Consumer Protection
P.O. Box 8911, Madison, WI 53708-8911
Attn: Melissa Mace
Telephone (608) 224-4883
E-Mail: hearingcommentsAH@datcp.state.wi.us

1 **SECTION 1.** ATCP 1.03(1)(a)11. and 12. are amended to read:
2 ATCP 1.03 (1)(a)11. Animal health import requirements that the state veterinarian
3 imposes on an import permit holder under s. ATCP ~~11.03(1)(b)~~ 10.07(1)(b), unless the
4 department has adopted those import requirements by rule.

5 (a)12. A temporary animal hold order issued under s. ATCP 10.90 ~~or 11.705~~.

6 **SECTION 2.** Chapter ATCP 10 is repealed and recreated to read:

Chapter ATCP 10
ANIMAL DISEASES AND MOVEMENT

7
8
9

1 Subchapter I
2 DEFINITIONS AND GENERAL PROVISIONS

- 3
4 ATCP 10.01 Definitions
5 ATCP 10.02 Domestic animals
6 ATCP 10.03 Disease reporting
7 ATCP 10.04 Disease tests
8 ATCP 10.05 Wisconsin certified veterinarians
9 ATCP 10.06 Certificate of veterinary inspection
10 ATCP 10.07 Animal imports
11 ATCP 10.08 Moving diseased animals

12
13 Subchapter III
14 BOVINE ANIMALS

- 15
16 ATCP 10.10 Brucellosis; official vaccinates
17 ATCP 10.11 Brucellosis testing and control
18 ATCP 10.12 Brucellosis-free herd; certification
19 ATCP 10.13 Tuberculosis testing and control
20 ATCP 10.14 Tuberculosis-free herd; certification
21 ATCP 10.15 Johne's disease testing
22 ATCP 10.16 Johne's disease; sales of cattle
23 ATCP 10.17 Johne's disease herd vaccination
24 ATCP 10.18 Johne's disease herd classification
25 ATCP 10.19 Johne's disease testing and management costs; reimbursement
26 ATCP 10.20 Johne's disease; certified veterinarians
27 ATCP 10.21 Bovine animals; identification
28 ATCP 10.22 Bovine animals; imports

29
30 Subchapter IV
31 SWINE

- 32
33 ATCP 10.25 Swine pseudorabies; vaccination
34 ATCP 10.26 Swine pseudorabies; testing and control
35 ATCP 10.27 Swine pseudorabies; herd certification
36 ATCP 10.28 Swine brucellosis; testing and control
37 ATCP 10.29 Swine brucellosis-free herd; certification
38 ATCP 10.30 Swine imports
39 ATCP 10.31 Slaughter swine identification
40 ATCP 10.32 Moving swine in Wisconsin

41
42 Subchapter V
43 EQUINE ANIMALS

- 44
45 ATCP 10.35 Equine infectious anemia
46 ATCP 10.36 Equine animals; imports
47 ATCP 10.37 Foreign equine imports; quarantine station

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Subchapter VI
POULTRY AND FARM-RAISED GAME BIRDS

- ATCP 10.40 Poultry and farm-raised game birds; disease control
- ATCP 10.41 National poultry improvement plan
- ATCP 10.42 Poultry imports

Subchapter VII
FARM-RAISED DEER

- ATCP 10.45 Farm-raised deer; disease testing
- ATCP 10.46 Farm-raised deer; keepers registered
- ATCP 10.47 Farm-raised deer; hunting preserves
- ATCP 10.48 Tuberculosis in farm-raised deer
- ATCP 10.49 Farm-raised deer; tuberculosis herd certification
- ATCP 10.50 Brucellosis in farm-raised deer
- ATCP 10.51 Farm-raised deer; brucellosis herd certification
- ATCP 10.52 Chronic wasting disease in farm-raised deer
- ATCP 10.53 Farm-raised deer; chronic wasting disease herd status program
- ATCP 10.54 Farm-raised deer; identification
- ATCP 10.55 Farm-raised deer; imports
- ATCP 10.56 Moving farm-raised deer in Wisconsin

Subchapter VIII
FISH

- ATCP 10.60 Definitions
- ATCP 10.61 Fish farms
- ATCP 10.62 Fish imports
- ATCP 10.63 Fish introduced into waters of the state
- ATCP 10.64 Fish moved within this state
- ATCP 10.65 Fish health certificates
- ATCP 10.66 Fish diseases; reporting
- ATCP 10.67 Fish health inspectors and laboratories

Subchapter IX
SHEEP

- ATCP 10.68 Sheep; brucella ovis-free flock
- ATCP 10.69 Sheep imports
- ATCP 10.70 Moving sheep in Wisconsin

Subchapter X
GOATS

- ATCP 10.73 Goats; brucellosis-free herd certification
- ATCP 10.74 Goats; tuberculosis-free herd

- 1 ATCP 10.75 Goats; Johne's disease
- 2 ATCP 10.76 Goat imports
- 3 ATCP 10.77 Moving goats in Wisconsin

4
5 Subchapter XI
6 OTHER ANIMALS

- 7
- 8 ATCP 10.80 Dogs and domestic cats; imports
- 9 ATCP 10.81 Circus, rodeo, racing and menagerie animals; imports
- 10 ATCP 10.82 Exotic ruminants; imports
- 11 ATCP 10.83 Ratites; imports
- 12 ATCP 10.84 Wild animal imports

13
14 Subchapter XII
15 FAIRS AND EXHIBITIONS

- 16
- 17 ATCP 10.87 Fairs and exhibitions

18 Subchapter XIII
19 ENFORCEMENT

- 20
- 21 ATCP 10.89 Quarantines
- 22 ATCP 10.90 Temporary animal hold order
- 23 ATCP 10.91 Destruction or removal of animals illegally imported
- 24 ATCP 10.92 Prohibited conduct

- 25
- 26 APPENDIX A: Diseases reported within one day
- 27 APPENDIX B: Diseases reported within 10 days

28
29 **NOTE:** The Wisconsin department of agriculture, trade and consumer protection has
30 adopted this chapter to interpret portions of ch. 95, Stats. Violations of this
31 chapter may, among other things, subject the violator to penalties and remedies
32 provided in s. 95.99, Stats. Nothing in this chapter constitutes a warranty, by the
33 state of Wisconsin or the department, related to the health status of any animal.

34
35 Forms requests and communications related to this chapter may be
36 directed to any of the following addresses, except where this
37 chapter specifies a different address:

38
39 Wisconsin Department of Agriculture,
40 Trade and Consumer Protection
41 Division of Animal Health
42 P.O. Box 8911
43 Madison, WI 53708-8911
44 Phone: (608) 224-4872
45 Fax: (608) 224-4871

2
3
4 **Subchapter I**

5 **DEFINITIONS AND GENERAL PROVISIONS**

6 **ATCP 10.01 Definitions.** In this chapter:

7 (1) “Accredited tuberculosis-free herd” means a herd of bovine animals, farm-raised deer
8 or goats that is certified as tuberculosis-free by one of the following:

9 (a) The department under s. ATCP 10.14, 10.49 or 10.74.

10 (b) The authorized animal health agency in the state where the herd is located, under
11 standards equivalent to those in s. ATCP 10.14, 10.49 or 10.74.

12 (2) “Accredited veterinarian” means a veterinarian who is both of the following:

13 (a) Licensed to practice veterinary medicine.

14 (b) Specifically authorized by the federal bureau and responsible state agency, pursuant
15 to 9 CFR 160 to 162, to perform animal disease eradication and control functions under state and
16 federal animal health laws.

17 **NOTE:** Under s. ATCP 10.05, a veterinarian who performs animal
18 disease control and eradication functions in Wisconsin must be
19 accredited by the federal bureau and certified by the department.

20 (3) “Animal dealer” means a person who is required to be licensed under s. ATCP
21 12.03(1).

22 (4) “Animal dealer premises” means any real property, owned or controlled by an animal
23 dealer, at which the animal dealer keeps, exhibits or receives livestock or wild animals, or from
24 which the animal dealer ships livestock or wild animals.

1 (5) “Animal market” means any premises that are open to the public for the purpose of
2 buying or selling livestock or wild animals, and that have facilities to keep, feed and water
3 livestock or wild animals prior to sale.

4 (6) “Animal trucker” means a person who is required to be licensed under s. ATCP
5 12.04(1).

6 (7) “Approved equine quarantine station” means an equine quarantine station for which
7 the department has issued a current annual permit under s. ATCP 10.37(3).

8 (8) “Approved import feedlot” means a feedlot for which the department has issued a
9 permit under s. ATCP 10.22(9).

10 (9) “Axillary tuberculosis test” means a test under s. ATCP 10.885(3) that is used to
11 detect tuberculosis in South American camelids.

12 (10) “Bison” means American bison of any age or sex, commonly known as buffalo.

13 (11) “Boar” means an uncastrated male swine that is sexually mature.

14 (12) “Bovine animal” means domestic cattle (*Bos sp.*) and American bison of any age or
15 sex.

16 (13) “Breeder swine” means all the following:

17 (a) Sexually intact swine 4 months of age or older.

18 (b) Swine intended for breeding, regardless of the age of the swine.

19 (14) “Brucellosis” means the contagious, infectious and communicable disease caused
20 by bacteria of the genus *Brucella*.

21 **NOTE:** Brucellosis is also known as Bang’s disease, undulant fever, and
22 contagious abortion. Brucellosis is transmissible to a variety of
23 species including bovine animals, swine, cervids and humans.

24

1 (15) "Brucellosis monitored herd" means a herd of farm-raised deer that is certified as a
2 brucellosis monitored herd by one of the following:

3 (a) The department under s. ATCP 10.51.

4 (b) The authorized animal health agency in the state where the herd is located, under
5 standards equivalent to s. ATCP 10.51.

6 (16) "Brucellosis test" means a test, approved by the federal bureau and the department,
7 which is used to determine whether an animal is infected with brucellosis.

8 (17) "Brucellosis uniform methods and rules" means:

9 (a) Except as provided in par. (b) or (c), the uniform methods and rules for the national
10 brucellosis eradication program, as published in federal bureau publication 91-45-013 (October
11 1, 2003).

12 (b) In the case of swine, the uniform methods and rules for the national swine brucellosis
13 control and eradication program, as published in federal bureau publication 91-55-042 (April,
14 1998).

15 (c) In the case of farm-raised deer, the uniform methods and rules for the national
16 brucellosis in cervids program, as published in federal bureau publication 91-45-16 (September
17 30, 2003).

18 **NOTE:** The brucellosis uniform methods and rules are on file with the
19 department, the secretary of state, and the revisor of statutes. Copies
20 may be obtained from the USDA website at:
21 www.aphis.usda.gov/vs/index.html. Copies may also be obtained by
22 writing to the following address:

23
24 Wisconsin Department of Agriculture,
25 Trade and Consumer Protection
26 Division of Animal Health
27 P. O. Box 8911

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

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

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

(21) "Certificate of veterinary inspection" means a written certificate that complies with s. ATCP 10.06.

(22) "Certified brucellosa ovis-free flock" means a flock of sheep that is certified by one of the following:

(a) The department under s. ATCP 10.68.

(b) The authorized animal health agency in the state where the flock is located, under standards equivalent to those in s. ATCP 10.68.

(23) "Certified brucellosis-free herd" means a herd of cattle, farm-raised deer or goats that is certified as brucellosis-free by one of the following:

(a) The department under s. ATCP 10.12, 10.51 or 10.73.

(b) The authorized animal health agency in the state where the herd is located, under standards equivalent to those in s. ATCP 10.12, 10.51 or 10.73.

(24) "Cervid" means a member of the family of animals that includes deer, elk, moose, caribou, reindeer and the subfamily musk deer. "Cervid" includes all farm-raised deer.

(25) "Chronic wasting disease" means the transmissible, contagious, infectious and communicable disease in cervids caused by infectious proteins known as abnormal prions.

(26) "Chronic wasting disease test" means the immunohistochemistry (IHC) test, or another chronic wasting disease diagnostic test approved by the federal bureau and the

1 department, used to determine whether an animal is infected with chronic wasting disease, and
2 performed at a laboratory approved by the department or the federal bureau.

3 (27) "Chronic wasting disease registration tag" means an eartag, used to identify a farm-
4 raised deer, which includes all the following:

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

6 (b) A number that uniquely identifies the farm-raised deer.

7 (28) "Commingle" means to cause or permit any of the following:

8 (a) Direct contact with other animals.

9 (b) Unprotected contact with the same facilities, equipment, individuals or environment
10 contacted by other animals, under circumstances where that unprotected contact may spread
11 disease.

12 (c) In the case of fish or fish eggs, contact with other fish or fish eggs or with the same
13 water in which those other fish or fish eggs have been kept.

14 (29) "Communicable" means transmissible either directly or indirectly.

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

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

17 (32) "Department" means the state of Wisconsin department of agriculture, trade and
18 consumer protection. "Department" may include an authorized agent of the department.

19 (32m) "Direct supervision of a veterinarian" means supervision in which the veterinarian
20 is immediately available to continually coordinate, direct and personally inspect the practice of
21 the person being supervised.

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

1 **(34)** “Equine infectious anemia” means the contagious and infectious disease of equine
2 animals caused by a non-oncogenic retrovirus.

3 **NOTE:** Equine infectious anemia is also known as EIA or swamp fever.

4 **(35)** “Equine infectious anemia test” means a test approved by the department, and
5 conducted at a laboratory approved by the department or the federal bureau, to determine
6 whether an animal is infected with equine infectious anemia.

7 **(36)** “Equine market” means an animal market that is open to the public solely for the
8 purpose of trading in equine animals.

9 **(37)** “Exhibition” means an organized fair, swap meet, rodeo, trail ride, show or other
10 organized event at which animals owned by different persons are brought together from different
11 premises and exhibited on the same premises. “Exhibition” does not include any of the
12 following:

13 (a) An animal market.

14 (b) An exhibition operated by an institution accredited by the American association of
15 zoological parks and aquariums.

16 (c) A wild animal exhibition operated pursuant to a permit from the Wisconsin
17 department of natural resources.

18 **(38)** “Exotic disease” means any communicable, contagious or infectious disease not
19 known to exist in livestock, fish or poultry in Wisconsin.

20 **(39)** “Exotic ruminant” means a ruminant not indigenous to Wisconsin. “Exotic
21 ruminant” does not include bovine animals, cervids, alpacas or llamas.

22 **(40)** “Exposed” means subjected to a causative agent that may cause the exposed animal
23 to contract a contagious, infectious or communicable disease.

1 (41) "Fair" means a state, county or district fair.

2 (42) "Farm-raised deer" means a captive cervid, but includes a non-captive cervid that
3 has an ear tag or other mark identifying it as being raised on a farm. "Farm-raised deer" does not
4 include a cervid kept by an institution accredited by the American association of zoological parks
5 and aquariums.

6 (43) "Farm-raised game bird" means a captive bird of a wild nature that is not native.
7 "Farm-raised game bird" does not include poultry or ratites, or birds kept pursuant to a license
8 issued under s. 169.15, 169.19, 169.20 or 169.21, Stats.

9 **NOTE:** The Wisconsin department of natural resources issues licenses under s. 169.15
10 (captive wild animal farm), 169.19 (bird hunting preserve), 169.20 (dog training
11 licenses) and 169.21 (dog trial licenses).
12

13 (44) "Federal bureau" means the animal and plant health inspection service of USDA, or
14 any other unit of USDA that is vested with authority to administer federal laws and regulations
15 relating to animal disease control.

16 (45) "Federally approved livestock import market" means an animal market that
17 complies with s. ATCP 10.07(4).

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

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

22 (b) Spayed heifer.

23 (c) Steer.

24 (47) "Feeder swine" means swine that weigh 80 pounds or less and are kept for the sole
25 purpose of feeding for slaughter.

1 **(48)** “Feeder swine pseudorabies monitored herd” means a herd of swine that is certified
2 as a feeder swine pseudorabies monitored herd by one of the following:

3 (a) The department under s. ATCP 10.27(3).

4 (b) The authorized animal health agency in the state where the herd is located, under
5 standards equivalent to s. ATCP 10.27(3).

6 **(49)** “Flock” as applied to poultry means any of the following:

7 (a) All poultry on a farm.

8 (b) A subset of poultry, on a farm, which has not commingled with other poultry on that
9 farm for at least 21 days and which is designated as a separate flock by the department.

10 **(50)** “Flock” as applied to sheep means one of the following:

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

13 (b) Two or more commonly owned or controlled groups of sheep that are maintained at
14 geographically separate locations, if animals or people move between the locations without
15 taking effective bio-security measures to prevent the spread of disease.

16 **(51)** “Fomite” means an inanimate object or substance that transfers infectious organisms
17 from one animal to another.

18 **(52)** “Foreign animal disease” means any communicable, contagious or infectious
19 disease not known to exist in animals in the United States.

20 **(53)** “Hatchery” means premises used to hatch poultry or ratites. “Hatchery” includes
21 incubators and setters.

22 **(54)** “Heifer” means a female bovine animal up to first calving.

1 (55) "Herd" means any of the following:

2 (a) A commonly owned or controlled group of animals that are maintained on common
3 ground.

4 (b) Two or more commonly owned or controlled groups of animals that are maintained
5 at geographically separate locations, if people, animals or equipment move between the locations
6 without taking effective bio-security measures to prevent the spread of disease.

7 (56) "Individual" means a human being.

8 (57) "Infectious" means caused by a pathogenic agent.

9 (58) "Johne's disease" means paratuberculosis, the infectious and communicable disease
10 of domestic ruminants that is caused by *Mycobacterium avium*, subsp. *paratuberculosis*.

11 (59) "Johne's disease national program standards" means the program standards for the
12 national voluntary Johne's disease control program, as published in federal bureau publication
13 91-45-016 (November 2005).

14 **NOTE:** The Johne's disease national program standards are on file with the
15 department, the secretary of state, and the revisor of statutes. Copies
16 may be obtained from the USDA website at:
17 www.aphis.usda.gov/vs/index.html. Copies may be obtained by
18 writing to the following address:

19
20 Wisconsin Department of Agriculture,
21 Trade and Consumer Protection
22 Division of Animal Health
23 P. O. Box 8911
24 Madison, WI 53708-8911
25

26 (60) "Keep farm-raised deer" means to own, rent, lease or serve as the custodian of farm-
27 raised deer.

28 (61) "Keeper of farm-raised deer" means a person who keeps farm-raised deer.

1 (62) "Livestock" means bovine animals, equine animals, goats, poultry, sheep, swine
2 other than wild hogs, farm-raised deer, farm-raised game birds, camelids, ratites and fish.

3 **NOTE:** This definition of "livestock" applies only for purposes of this chapter. This
4 definition is consistent with the definition in ch. ATCP 17 (livestock premises
5 registration). More limited definitions apply for purposes of ch. ATCP 12 (animal
6 markets, dealers and truckers), ch. ATCP 51 (livestock facility siting), and disease
7 indemnity programs. Disease indemnities for condemned "livestock," under s.
8 95.31, Stats., apply to animals of species raised primarily to produce food for
9 human consumption (including farm-raised deer)

10 (63) "Livestock premises code" means the code assigned under s. ATCP 17.02(7) or, for
11 livestock premises located in another state, an equivalent code assigned by that other state.

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

13 (65) "Menagerie animal" means a domestic or non-domestic animal kept individually or
14 as part of a collection primarily for purposes of exhibition or competition.

15 (66) "Mycoplasmosis" means a disease of poultry caused by bacteria of the genus
16 *Mycoplasma*.

17 (67) "National poultry improvement plan" means the national poultry improvement plan
18 and auxiliary provisions dated February, 2004, 9 CFR 145 and 147, printed in USDA-APHIS
19 publication 91-55-063.

20 **NOTE:** The national poultry improvement plan is on file with the
21 department, the secretary of state and the revisor of statutes. Copies
22 may be obtained from the USDA website at:
23 <http://www.aphis.usda.gov/vs/index.html>. The department will
24 provide free copies to Wisconsin flock owners upon request. A flock
25 owner may request a copy by calling (608) 224-4877, by visiting the
26 department website at www.datcp.state.wi.us, or by writing to the
27 following address:
28

29
30 Wisconsin Department of Agriculture,
31 Trade and Consumer Protection
32 Division of Animal Health

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

3 (68) "Negative" means an official diagnostic test result that discloses no evidence of
4 disease.

5 (69) "Official backtag" means an identification backtag issued or approved by the
6 federal bureau or the department.

7 **NOTE:** Examples of official backtags include the official Wisconsin
8 bovine backtag and the official Wisconsin swine backtag.

9 (70) "Official eartag" means an identification eartag issued or approved by the federal
10 bureau or the department.

11 **NOTE:** An official eartag, inserted in the right ear of the animal, uniquely identifies
12 each individual animal with no duplication of the alpha-numeric identification,
13 regardless of the materials or colors used. Examples of official eartags include the
14 official Wisconsin identification tag, the official USDA Wisconsin vaccination
15 tag, and the official Wisconsin swine eartag.

16 (71) "Official individual identification" means a set of identifying characters that is
17 uniquely associated with an individual animal, and that consists of one of the following:

- 18 (a) The animal's official eartag number.
- 19 (b) The animal's breed association tattoo.
- 20 (c) The animal's breed association registration number.
- 21 (d) A registration freeze brand number that uniquely identifies the animal.
- 22 (e) The official breed registration lip tattoo number of an equine animal that uniquely
23 identifies the equine animal.

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

4 1. A complete and accurate description of the equine animal's breed, coloration and
5 distinguishing markings.
6 2. The equine animal's sexual status.

7 (g) A microchip number if all the following apply:

8 1. The microchip number uniquely identifies the animal.
9 2. The microchip is implanted in the animal.
10 3. The person having custody of the animal has a microchip reader that can read the
11 microchip number.

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

13 (i) A poultry leg band or wing band bearing a number that uniquely identifies a bird.

14 (j) For a swine weighing 80 pounds or less, the premises identification of the premises of
15 origin.

16 (k) A chronic wasting disease status program registration tag, provided that the farm-
17 raised deer also has a unique individual identification number.

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

20 (m) A tattoo number issued by the department.

21 (n) A unique premises identification issued by the department, provided that the animal
22 also bears a unique individual identification number.

23 (o) Other identification approved by the department.

1 **(72)** “Official spayed heifer” means a female bovine animal that has had its ovaries
2 removed and is identified by an open spade brand or spay certificate.

3 **(73)** “Official vaccinate” means a female bovine animal that is vaccinated against
4 brucellosis, and identified and reported as a vaccinate, in compliance with s. ATCP 10.10 or
5 equivalent laws of another state.

6 **(74)** “Open spade brand” means a branding mark consisting of the outline of an inverted
7 heart with a short stalk at the bottom, used for the identification of spayed heifers.

8 **(75)** “Originates from a herd” or “originating from a herd” means coming from a herd,
9 other than a group of animals temporarily assembled for sale or shipment, in which the animal
10 was born or kept since birth, or in which the animal was kept for at least 120 days.

11 **(76)** “Originates from a state” or “originating from a state” means coming directly from
12 one of the following:

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

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

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

17 **(77)** “Person” means an individual, corporation, partnership, cooperative, limited
18 liability company, trust, governmental entity, academic institution or other legal entity.

19 **(78)** “Pet bird” means a psittacine or soft bill that is not native, is not identified on the
20 federal list of endangered and threatened species, and is not a migratory bird.

21 **(79)** “Poultry” means domesticated fowl, including chickens, turkeys and waterfowl,
22 which are bred for the primary purpose of exhibition or producing eggs or meat. “Poultry” does
23 not include ratites.

1 **(80)** “Pseudorabies” means the contagious, infectious, and communicable disease of
2 livestock and other animals that is caused by the pseudorabies herpes virus.

3 **NOTE:** Pseudorabies is also known as Aujeszky’s disease, mad itch, and infectious
4 bulbo-paralysis.

5
6 **(81)** “Pseudorabies national eradication standards” means the program standards for the
7 national joint program on pseudorabies eradication, as published in federal publication 91-55-
8 071 (November 1, 2003).

9 **NOTE:** The pseudorabies national eradication standards are on file with
10 the department, the secretary of state, and the revisor of statutes.
11 Copies may be obtained from the usda website:
12 www.aphis.usda.gov/vs/index.html. Copies may be obtained
13 from:

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

20
21 **(82)** “Pseudorabies test” means the negative serum neutralization (SN) test or another
22 pseudorabies diagnostic test that is approved by the department and conducted at a laboratory
23 approved by the department or the federal bureau.

24 **(83)** “Pullorum” means a disease of poultry caused by *Salmonella pullorum*.

25 **(84)** “Qualified pseudorabies negative grow-out herd” means a grow-out herd of swine
26 that is certified by one of the following:

27 (a) The department under s. ATCP 10.27(2).

28 (b) The authorized animal health agency in the state where the herd is located, under
29 standards equivalent to those in s. ATCP 10.27(2).

1 **(85)** “Qualified pseudorabies negative herd” means a herd of swine that is certified by
2 one of the following:

3 (a) The department under s. ATCP 10.27(1).

4 (b) The authorized animal health agency in the state where the herd is located, under
5 standards equivalent to those in s. ATCP 10.27(1).

6 **(86)** “Racing animal” means an equine animal, or a greyhound or other racing canine,
7 that participates or is raised to participate in races, including races at county, district, or state
8 fairs, for money or other prizes.

9 **(87)** “Ratite” means a member of the group of flightless birds that includes the ostrich,
10 emu, cassowary, kiwi and rhea.

11 **(88)** “Reactor” means an animal that tests positive, in a conclusive diagnostic test, for an
12 infectious, contagious or communicable disease.

13 **(89)** “Shipped directly to a slaughtering establishment” means delivered to a slaughtering
14 establishment without being unloaded at any other location in this state.

15 **(90)** “Slaughtering establishment” means a slaughtering establishment that is licensed by
16 the department, or that is subject to inspection by USDA. “Slaughtering establishment” includes
17 all premises used in connection with the slaughter operation.

18 **(91)** “South American camelid” means a llama, alpaca, vicuna or guanaco.

19 **(92)** “Sow” means a sexually mature female swine.

20 **(93)** “Stallion” means a male equine animal over 731 days of age, but does not include a
21 gelding.

1 (94) “State veterinarian” means the administrator of the animal health division of the
2 department, or a veterinarian whom the administrator specifically authorizes to act on the
3 administrator’s behalf.

4 (95) “Steer” means a castrated male bovine animal.

5 (96) “Suspect” means an animal that is suspected of having a disease, based on test
6 results or other reliable information, but that is not yet confirmed to have the disease.

7 (97) “Swine” means a domestic hog or any variety of wild hog.

8 (98) “Swine growth performance test station” means premises where swine are
9 assembled for purposes of determining feeding efficiency.

10 (99) “Test mare” means a mare that is used to determine the disease status of stallions
11 with respect to contagious equine metritis.

12 (100) “Tuberculosis” means the contagious, infectious and communicable disease caused
13 by *Mycobacterium bovis*.

14 **NOTE:** Tuberculosis caused by *Mycobacterium bovis* is also known as bovine
15 tuberculosis. It is transmissible not only to cattle and other bovine animals, such
16 as bison, but also to certain non-bovine species including cervids and humans.

17
18 (101) “Tuberculosis modified accredited state” means a state that USDA has classified
19 as a tuberculosis modified accredited state, or a state with a tuberculosis prevalence in bovine
20 herds greater than 0.1%.

21 (102) “Tuberculosis monitored herd” means, in the case of farm-raised deer, a herd that
22 is certified as a tuberculosis monitored herd by one of the following:

23 (a) The department under s. ATCP 10.49.

24 (b) The authorized animal health agency of the state in which the herd is located, using
25 standards equivalent to those in s. ATCP 10.49.