

 **05hr_CRule_06-009_AC-Ag_pt01e**



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**

1 (a) Every animal shall be accompanied by a valid certificate of veterinary inspection.
2 The certificate shall include the number of the written import permit issued by the department
3 under sub. (1).

4 (b) All animals shall meet applicable import requirements under this chapter.

5 (c) All animals shall be isolated from non-circus, non-rodeo, and non-menagerie
6 animals, and from native wildlife in the state. Facilities and vehicles used for the animals shall
7 be cleaned and disinfected before being used for other animals.

8 **ATCP 10.82 Exotic ruminants; imports. (1) CERTIFICATE OF VETERINARY**
9 **INSPECTION.** No person may import an exotic ruminant into this state unless a valid certificate of
10 veterinary inspection accompanies the animal. The certificate shall include the following
11 information:

12 (a) The import permit number under sub. (2).

13 (b) A report of a negative tuberculosis test under sub. (3).

14 (c) A report of a negative brucellosis test under sub. (4).

15 (2) **IMPORT PERMIT.** No person may import an exotic ruminant into this state without a
16 written import permit under s. ATCP 10.07(2).

17 (3) **TUBERCULOSIS TEST REQUIRED.** (a) Except as provided under par. (b), no person
18 may import an exotic ruminant into this state unless the exotic ruminant tests negative on a
19 tuberculosis test that is approved by the department for that species of exotic ruminant. The test
20 shall be conducted not more than 60 days prior to the import date.

21 **NOTE:** To obtain a list of tuberculosis tests approved for various species
22 of exotic ruminants, contact the department at the following
23 address:

24 Wisconsin Department of Agriculture,
25

1 Trade and Consumer Protection
2 Division of Animal Health
3 P.O. Box 8911
4 Madison, WI 53708-8911
5 Phone: (608)224-4872

6 (b) Paragraph (a) does not apply to an exotic ruminant imported directly to an institution
7 accredited by the American association of zoological parks and aquariums. An animal imported
8 to an accredited institution under this paragraph may not be moved to any place that is not an
9 accredited institution unless the animal tests negative on a tuberculosis test approved for that
10 species by the department. The test shall be conducted not more than 60 days before the animal
11 is moved.

12 (c) The veterinarian performing a tuberculosis test under par. (a) or (b) shall be one of
13 the following:

14 1. An accredited veterinarian, except that a test performed in this state shall be
15 performed by a Wisconsin certified veterinarian.

16 2. An employee of the department or the federal bureau.

17 (4) BRUCELLOSIS TEST REQUIRED. (a) Except as provided in par. (b), no person may
18 import an exotic ruminant into this state unless the animal tests negative on a brucellosis test
19 conducted not more than 30 days prior to the import date.

20 (b) Paragraph (a) does not apply to an exotic ruminant imported directly to an institution
21 accredited by the american association of zoological parks and aquariums. An exotic ruminant
22 imported to an accredited institution under this paragraph may not be moved to any place which
23 is not an accredited institution under this paragraph unless the exotic ruminant tests negative on a
24 brucellosis test conducted not more than 30 days before the exotic ruminant is moved.

1 **ATCP 10.83 Ratites; imports.** No person may import a ratite into this state unless both
2 the following apply:

3 (1) The person holds an import permit under s. ATCP 10.07(2).

4 (2) The ratite is accompanied by a valid certificate of veterinary inspection. A certificate
5 of veterinary inspection is not required if the ratite is imported directly from a federal quarantine
6 facility.

7 **NOTE:** The department recommends, but does not require, that every
8 ratite imported into Wisconsin be isolated on the recipient's
9 premises for at least 14 days, and that the bird be tested for avian
10 influenza before being allowed to commingle with other ratites or
11 poultry.
12

13 **ATCP 10.84 Wild animal imports. (1) IMPORT REQUIREMENTS; GENERAL.** (a) Except
14 as provided in par. (b), no person may import a wild animal to this state unless all of the
15 following apply:

16 1. The person holds an import permit under s. ATCP 10.07(2) for that import.

17 2. The animal is accompanied by a valid certificate of veterinary inspection.

18 (b) Paragraph (a) does not apply to any of the following:

19 1. An invertebrate imported in compliance with ss. 94.01 and 94.03, Stats., and ch.

20 ATCP 21.

21 2. A domestic animal identified in s. ATCP 10.02.

22 **NOTE:** Domestic animals are subject to other import regulations under
23 this chapter.

24 (2) **HARMFUL WILD ANIMALS.** The department may not issue a permit under s. ATCP
25 10.07(2) for a wild animal import requiring department of natural resources authorization under
26 s. 169.11(1)(c), Stats., unless the department of natural resources has given that authorization.
27

1 (3) IMPORTS PROHIBITED. Except as provided in sub. (4), no person may import any of
2 the following animals to this state:

3 (a) Prairie dogs.

4 (b) Any of the following rodents from Africa:

5 1. Tree squirrels.

6 2. Rope squirrels.

7 3. Dormice.

8 4. Gambian giant pouched rat.

9 5. Brush-tailed porcupine.

10 6. Striped mice.

11 (4) EXEMPTIONS. The department may issue an import permit under s. ATCP 10.07(2)
12 for an animal identified in sub. (3) if all of the following apply:

13 (a) The department complies with sub. (2).

14 (b) One of the following applies:

15 1. The animal is imported directly to an institution accredited by the American
16 association of zoological parks and aquariums, or to a wildlife exhibition licensed by USDA.

17 2. The animal is imported directly to a research facility that, in the department's
18 judgment, is a bona fide research facility.

19 3. The animal is imported directly to a veterinary facility for treatment, provided that the
20 animal is returned to its place of origin immediately after treatment and there is no change of
21 ownership while the animal is in this state.

22 4. The animal is returning directly to this state following veterinary treatment in another
23 state, provided there was no change of ownership while the animal was outside this state.

1 **Subchapter XII**

2 **FAIRS AND EXHIBITIONS**

3 **ATCP 10.87 Fairs and exhibitions. (1) ORGANIZER RESPONSIBILITIES.** The organizer
4 of a fair or exhibition shall do all of the following:

5 (a) Comply with this section, and take reasonable steps to ensure that all exhibitors
6 comply.

7 (b) Obtain, review, and keep in writing all of the information required under sub. (2)(b).
8 The organizer may keep the written information in electronic form if it is received in that form.
9 The organizer shall keep the information for at least 5 years, and shall make it available to the
10 department for inspection and copying upon request.

11 (c) Appoint a licensed veterinarian to do all of the following on behalf of the organizer,
12 if the fair or exhibition lasts for more than 24 hours:

- 13 1. Conduct a daily inspection of the exhibited animals.
14 2. Review information under sub. (2)(b) on behalf of the organizer.

15 **NOTE:** A “fair,” as defined in s. ATCP 10.01(41), means a state, county or district fair.
16 An “exhibition,” as defined in s. ATCP 10.01(36), means an organized fair, swap
17 meet, rodeo, trail ride, show or other organized event at which animals owned by
18 different persons are brought together and exhibited on the same premises. An
19 “exhibition” does not include any of the following:

- 20
21 • An animal market.
22 • An exhibition operated by an institution accredited by the American
23 association of zoological parks and aquariums.
24 • A wild animal exhibition operated pursuant to a permit from the Wisconsin
25 department of natural resources.

26
27 **(2) EXHIBITOR RESPONSIBILITIES.** A person who exhibits an animal at a fair or exhibition
28 shall do all of the following:

1 (a) Comply with applicable requirements under this chapter related to the movement and
2 exhibition of animals.

3 (b) Provide all of the following to the organizer of the fair or exhibition:

4 1. The exhibitor's name and address.

5 2. Identification of animals exhibited, including number, type and description.

6 3. Appropriate and reliable documentation to show compliance with disease testing and
7 other health requirements under this section.

8 **NOTE:** Documentation may include certificates of veterinary inspection or other
9 appropriate and reliable documentation.

10
11 4. The livestock premises code, if any, of the premises from which the animals originate.

12 5. Appropriate and reliable documentation, if requested by the organizer of the fair or
13 exhibition, to show that the animals were lawfully imported or moved to the fair or exhibition.

14 (3) SWINE. (a) No person may exhibit swine at a fair or exhibition unless the swine are
15 accompanied by a certificate of veterinary inspection. The certificate shall certify that the
16 veterinarian has inspected the herd of origin and that no apparent disease has been present in the
17 herd for the past 30 days. The certificate shall also include a report of test results, herd
18 classification, or other health information that the exhibitor relies upon to document compliance
19 with this subsection.

20 (b) No person may exhibit any breeding swine at a fair or exhibition unless the exhibitor
21 documents one of the following:

22 1. The swine tested negative for pseudorabies in a pseudorabies test performed not more
23 than 30 days before the person exhibits the swine.

24 2. The swine originate from a qualified pseudorabies negative herd or a qualified
25 pseudorabies negative grow-out herd in this state.

1 3. The swine originate from a state or area that the federal bureau has currently
2 designated as a pseudorabies stage IV or V state or area.

3 (c) No person may exhibit non-breeding swine at a fair or exhibition unless one of the
4 following applies:

5 1. All breeding swine have been removed from the premises of the fair or exhibition
6 before the non-breeding swine arrive, and the non-breeding swine are shipped directly from the
7 fair or exhibition to a slaughtering establishment for slaughter.

8 2. The exhibitor documents that the swine tested negative for pseudorabies in a test
9 performed within 30 days before the swine are exhibited.

10 3. The exhibitor documents that non-breeding swine originate from a qualified
11 pseudorabies negative herd or qualified negative pseudorabies grow-out herd in this state.

12 4. The exhibitor documents that the swine originate from a state or area that the federal
13 bureau has currently designated as a pseudorabies stage IV or V state or area.

14 **(4) BOVINE ANIMALS.** (a) Bovine animals infected with mange, scab, ringworm or warts
15 may not be exhibited at any fair or exhibition. Animals showing evidence of infection shall be
16 isolated from other susceptible animals and shall be removed from the premises.

17 (b) Paragraph (a) does not apply to animals with ringworm or wart lesions if, in the
18 opinion of the veterinarian in charge of the fair or exhibition, the lesions are inactive and not
19 capable of transmitting the disease.

20 **(5) POULTRY AND FARM-RAISED GAME BIRDS.** No person may exhibit poultry or farm-
21 raised game birds at a fair or exhibition unless the exhibitor documents compliance with s. ATCP
22 10.40.

1 (b) A quarantine order under par. (a) may prohibit the commingling of animals, the
2 movement of quarantined animals, the movement of animals from quarantined premises, or the
3 movement of animals onto quarantined premises without department approval.

4 (c) No person may move any animal in violation of a quarantine order under par. (a), or
5 fail to comply with the terms and conditions of a quarantine order.

6 (2) SERVICE OF QUARANTINE ORDER. A quarantine order under sub. (1) shall be served
7 upon a person having custody or control of the quarantined animals, or shall be posted on the
8 premises affected by the quarantine order. A quarantine order may be served by any of the
9 following methods:

10 (a) Personal service.

11 (b) Certified mail.

12 (c) Posting a copy of the order at 2 conspicuous places on the premises affected by the
13 quarantine.

14 (3) PROOF OF SERVICE. Service under sub. (2) may be proved by affidavit or by certified
15 mail return receipt.

16 (4) CONTENTS OF QUARANTINE ORDER. A quarantine order under sub. (1) shall contain
17 the following information:

18 (a) The name and address of a person having custody or control of the quarantined
19 animals, if known.

20 (b) A description of the animals affected by the quarantine.

21 (c) A description of the premises affected by the quarantine.

22 (d) The reason or justification for the quarantine.

1 (e) All terms and conditions applicable to the quarantine.

2 (f) Notice that persons adversely affected by the quarantine may request a hearing to
3 review the quarantine order.

4 (5) DURATION OF QUARANTINE ORDER. A quarantine order under sub. (1) remains in
5 effect until the department releases or modifies the order in writing.

6 (6) REVIEW OF QUARANTINE. A person adversely affected by a quarantine order under
7 sub. (1) may, within 30 days after the quarantine order is served, request a hearing before the
8 department to review the quarantine. The department shall conduct an informal hearing as soon
9 as reasonably possible, and not later than 10 days after receiving a request for hearing. If the
10 matter is not resolved after informal hearing, the person requesting the hearing may seek a
11 formal hearing under ch. 227, Stats., and ch. ATCP 1. A request for hearing does not stay a
12 quarantine order.

13 **ATCP 10.90 Temporary animal hold order. (1) DEPARTMENT MAY ISSUE ORDER.**

14 The department may issue a temporary animal hold order whenever the department has reason to
15 believe that animals may have been illegally imported, or may have been exposed to an
16 infectious, contagious or communicable disease. A temporary animal hold order may prohibit
17 the movement of animals for up to 90 days while the department investigates the suspected
18 illegal import or disease exposure. The department may issue the order without prior notice or
19 hearing. The department may, for good cause, extend the order for up to 90 days.

20 (2) CONTENTS OF ORDER. A temporary animal hold order under sub. (1) shall contain the
21 following information:

22 (a) The name and address of the person having custody or control of the animals covered
23 by the order, if known.

- 1 (b) A description of the animals covered by the order.
- 2 (c) A description of the premises where the animals are to be held.
- 3 (d) The reason or justification for the order.
- 4 (e) The duration of the order, and all terms and conditions applicable to the order.
- 5 (f) Notice that a person adversely affected by the order may request a hearing under sub.
- 6 (5).

7 (3) SERVICE OF ORDER. The department shall serve a temporary animal hold order under
8 sub. (1) in one of the following ways:

- 9 (a) Delivering the order, in person or by certified mail, to a person having custody or
10 control of the animals covered by the order.
- 11 (b) Posting the order at 2 conspicuous places on the premises where the animals are kept.
- 12 (4) PROOF OF SERVICE. The department may prove service under sub. (3) by means of an
13 affidavit or certified mail return receipt.

14 (5) REVIEW OF ORDER. A person adversely affected by a temporary animal hold order
15 under sub. (1) may request a hearing before the department to review the order. The department
16 shall conduct an informal hearing as soon as reasonably possible, and not later than 10 days after
17 receiving a request for hearing. If the matter is not resolved after informal hearing, the person
18 requesting the hearing may seek a formal hearing under ch. 227, Stats., and ch.

19 ATCP 1. A request for hearing does not automatically stay a temporary animal hold order.

20 **ATCP 10.91 Destruction or removal of animals illegally imported. (1) SUMMARY**
21 **ORDER.** The department may, without prior notice or hearing, order the destruction or removal
22 from this state of animals imported into this state if any of the following apply:

1 (a) The owner or custodian of the animals fails to produce a valid certificate of
2 veterinary inspection, if a certificate is required under this chapter or ch. ATCP 12.

3 (b) The animals are imported in violation of this chapter or ch. ATCP 12, or in violation
4 of any condition specified in an import permit under this chapter.

5 (2) SERVICE OF ORDER. An order under sub. (1) shall be served upon a person having
6 custody or control of the animals affected by the order. The order may be served in person or by
7 certified mail. Service may be proved by affidavit or by certified mail return receipt.

8 (3) CONTENTS OF ORDER. An order under sub. (1) shall contain all of the following
9 information:

10 (a) The name and address of the person having custody or control of the animals, if
11 known.

12 (b) A description of the animals affected by the order.

13 (c) The reason or justification for the order.

14 (d) A reasonable deadline for compliance with the order.

15 (e) Notice that persons adversely affected by the order may request a hearing to review
16 the order.

17 (4) REVIEW OF ORDER. A person adversely affected by an order under sub. (1) may,
18 within 30 days after receiving the order, request a hearing before the department to review the
19 order. If a hearing is requested, the department shall conduct an informal hearing as soon as
20 reasonably possible, and not later than 10 days after receiving the request for hearing. If the
21 matter is not resolved after informal hearing, the person requesting the hearing may seek a
22 formal hearing before the department under ch. 227, Stats. A request for hearing under this

1 subsection does not postpone the deadline for compliance with the order unless the deadline is
2 postponed by further order of the department.

3 **ATCP 10.92 Prohibited conduct. (1)** No person may do any of the following:

4 (a) Violate this chapter or ch. ATCP 12, or any order issued under this chapter or ch.
5 ATCP 12.

6 (b) Falsify any information filed with the department under this chapter, including any
7 information contained in an application for a license, permit or registration.

8 (c) Misrepresent to any person the identity, origin or disease status of any animal, or of
9 the herd from which an animal originates.

10 (d) Falsify, remove, alter, or tamper with any official identification or official back tag
11 required under this chapter or ch. ATCP 12.

12 (e) Fail or refuse to permit reasonable department inspection of any of the following:

13 1. Animals, including animals in transit.

14 2. Relevant records related to the health and movement of animals, including health or
15 shipping documents related to animals in transit.

16 (f) Obstruct, interfere with, or assault a department employee or agent engaged in the
17 performance of his or her official duties.

18 (g) Knowingly make any false or misleading statements to the department related to the
19 ownership, identification, age, vaccination, disease testing, origin, health status, sale or
20 movement of animals, or related to other matters relevant to the administration of this chapter or
21 ch. ATCP 12.

1 (h) Misrepresent the identity or interest of any person engaged in the purchase, sale,
2 lease, exchange or transportation of animals.

3 (i) Misrepresent the origin, destination or contents of any shipment of animals.

4 (j) Cause or permit a susceptible healthy animal to commingle with a diseased animal
5 while in transit, unless the entire load of animals is shipped directly to slaughter or the
6 commingling is authorized by the department.

7 (k) Cause or permit the commingling of different livestock species, other than different
8 species of fish, poultry, camelids or ratites, during transit.

9 (L) Misrepresent that a person holds a license, permit or registration certificate from the
10 department, or has met applicable requirements under this chapter or ch. ATCP 12.

11 (m) Falsify, or fail to submit to the department upon request, any record required under
12 this chapter or ch. ATCP 12.

13 (n) Falsify or misappropriate any brand or tattoo, or misappropriate any branding or
14 tattooing device.

15 (o) Park or store a vehicle containing animal remains or animal waste in any place where
16 it creates a health hazard or a public nuisance.

17 (p) Deposit animal remains or animal waste in any place where the deposit creates a
18 health hazard or a public nuisance.

19 (q) Import manure from any slaughter plant or stock yard without a permit from the
20 department, unless the manure has been fully composted or treated to destroy pathogens. The
21 department shall grant or deny a permit request within 5 days after the department receives a
22 complete permit application.

23

Chapter ATCP 10

APPENDIX A

Diseases Reported Within One Day

Foot and mouth disease	Bluetongue
Vesicular conditions including vesicular stomatitis	Equine encephalomyelitis (Eastern and Western)
Swine vesicular disease	African horse sickness
Rinderpest	African swine fever
Peste des petits ruminants	Classical swine fever
Contagious bovine pleuropneumonia	Avian influenza
Lumpy skin disease	Viscerotropic velogenic Newcastle disease
Rift Valley fever	Sheep pox and goat pox
Pseudorabies (Aujeszky's disease)	Brucellosis
Rabies	Tuberculosis
Pullorum disease	Mycoplasma meleagridis
Chronic wasting disease	Any disease that is a foreign or exotic disease to Wisconsin

Chapter ATCP 10
APPENDIX B

Diseases Reported Within 10 Days

Multiple species diseases

Anthrax
Echinococcosis/hydatidosis
Heartwater
New world screwworm (*Cochliomyia hominivorax*)
Old world screwworm (*Chrysomya bezziana*)
Johne's disease
Q Fever

Equine diseases

Contagious equine metritis
Dourine
Epizootic lymphangitis
Equine infectious anemia
Equine influenza
Equine piroplasmosis
Equine rhinopneumonitis
Equine viral arteritis
Glanders
Horse mange
Horse pox
Japanese encephalitis
Surra (*Trypanosoma evansi*)
Venezuelan equine encephalomyelitis

Sheep and goat diseases

Caprine and ovine brucellosis (excluding *B. ovis*)
Caprine arthritis/encephalitis
Contagious agalactia
Contagious caprine pleuropneumonia
Enzootic abortion of ewes (ovine chlamydiosis)
Maedi-visna
Nairobi sheep disease
Ovine epididymitis (*Brucella ovis*)
Ovine pulmonary adenomatosis
Salmonellosis (*S. abortusovis*)
Scrapie

Cattle diseases

Bovine anaplasmosis
Bovine babesiosis
Bovine spongiform encephalopathy
Bovine cysticercosis
Bovine genital campylobacteriosis
Dermatophilosis
Haemorrhagic septicaemia
Malignant catarrhal fever
Theileriosis
Trichomonosis
Trypanosomosis (tsetse-borne)

Fish diseases

Epizootic haematopoietic necrosis
Infectious haematopoietic necrosis
Oncorhynchus masou virus disease
Spring viraemia of carp
Viral haemorrhagic septicaemia

Avian diseases

Avian chlamydiosis
Avian infectious bronchitis
Avian infectious encephalomyelitis
Avian infectious laryngotracheitis
Avian mycoplasmosis (*M. gallisepticum*)
Avian tuberculosis
Duck virus enteritis
Duck virus hepatitis
Fowl cholera
Orinthosis (psittacosis)
Mycoplasma gallisepticum infection
Paramylovirus infections of poultry other than Newcastle disease
Salmonellosis
Infectious laryngotracheitis
Fowl pox
Fowl typhoid
Infectious bursal disease (Gumboro disease)

Mollusc diseases

Haplosporidiosis (H. nelsoni or H. costale)
Bonamiosis
Marteiliosis
Mikrocytosis (Mikrocytos mackini)
Marek's disease
Perkinsosis

Lagomorph diseases

Myxomatosis
Rabbit haemorrhagic disease

Swine diseases

Enterovirus encephalomyelitis
Porcine cysticercosis
Trichinellosis

Bee diseases

Acariosis of bees
American foulbrood
European foulbrood
Nosemosis of bees
Varroosis

Diseases of other animal species

Leishmaniosis

1 **SECTION 3.** Chapter ATCP 11 is repealed.

2 **SECTION 4.** ATCP 12.01(1m) and (1w) are amended to read:

3 ATCP 12.01(1m) "Animal transport vehicle" means a vehicle used to transport livestock
4 or wild animals. "Animal transport vehicle" includes a trailer, truck or other conveyance in
5 which animals are transported on public highways, whether or not the conveyance is motorized.
6 "Animal transport vehicle" does not include a vehicle that merely pulls a separate animal
7 transport vehicle, and is not itself used to contain animals.

8 (1w) "Bovine animal" means domestic cattle (~~Bos Taurus~~ *Bos sp.*) or American bison of
9 any age or sex.

10 **SECTION 5.** ATCP 12.01(3) is repealed and recreated to read:

11 ATCP 12.01(3) "Commingle" means to cause or permit any of the following:

12 (a) Direct contact with other animals.

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

1 SECTION 6. ATCP 12.01(8x) and (18) are amended to read:

2 ATCP 12.01(8x) “Federally approved livestock import market” means a an animal
3 market that complies with s. ATCP ~~11.04~~ 10.07(4).

4 (18) “Official backtag” means an identification backtag, issued or approved by the
5 federal bureau or the department, ~~that conforms to the national uniform backtagging system.~~

6 SECTION 7. ATCP 12.01(18)(note) is created to read:

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

9
10 SECTION 8. ATCP 12.01(19) and (note) are amended to read:

11 ATCP 12.01(19) “Official eartag” means an identification eartag, issued or approved by
12 the federal bureau or the department, ~~that conforms to the national uniform eartagging system.~~

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

19
20 SECTION 9. ATCP 12.01(20) is repealed and recreated to read:

21 ATCP 12.01(20) “Official individual identification” means a set of identifying characters
22 that is uniquely associated with an individual animal, and that consists of one of the following:

23 (a) The animal’s official eartag number.

24 (b) The animal’s breed association tattoo.

25 (c) The animal’s breed association registration number.

26 (d) A registration freeze brand number that uniquely identifies the animal.

27 (e) The official breed registration lip tattoo number of an equine animal that uniquely
28 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 **SECTION 10.** ATCP 12.01(27) is amended to read:

2 ATCP 12.01(27) “Wild animal” has the meaning given in s. 95.68(1)(g), Stats. “Wild
3 animal” does not include a domestic animal identified in s. ATCP ~~10.07~~10.02.

4 **SECTION 11.** ATCP 12.02(3)(note) is amended to read:

5 **NOTE:** A person may obtain an application form under sub. (3) by
6 calling (608) 224-4889, by visiting the ~~Wisconsin state department~~
7 website ~~www.wisconsin.gov~~ at www.datcp.state.wi.us, or by
8 writing to the following address:

9
10 Wisconsin Department of Agriculture,
11 Trade and Consumer Protection
12 Division of Animal Health
13 P.O. Box 8911
14 Madison, WI 53708-8911
15

16 **SECTION 12.** ATCP 12.02(4)(a)(intro.) and (c) are amended to read:

17 (4)(a)(intro.) A person shall pay the following nonrefundable annual fee for a license
18 under sub. (1):

19 (c) If a person is required to pay a surcharge under par. (b), the person shall also pay any
20 license fees that are due for the license year in which the animal market operator violated sub.
21 (1), (2)(c) or (2)(d).

22 **SECTION 13.** ATCP 12.02(7)(a) is amended to read:

23 ATCP 12.02(7)(a) Violation of ch. 95, Stats., ch. ATCP 10, ~~ch. ATCP 14~~ or this chapter.

24 **SECTION 14.** ATCP 12.02(8)(g)(note) is repealed.

25 **SECTION 15.** ATCP 12.02(10) is amended to read:

26 ATCP 12.02(10) DISEASE TESTING PRIOR TO MOVEMENT FROM THE MARKET. If ch. ATCP
27 ~~10 or 14~~ requires disease testing of an animal before the animal is moved from an animal market,
28 the market operator shall keep that animal at the market premises until the results of the test are
29 known.

1 **SECTION 16.** ATCP 12.03(4)(note) is amended to read:

2 **NOTE:** A person may obtain an application form under sub. (4) by
3 calling (608) 224-4889, by visiting the ~~Wisconsin state department~~
4 website ~~www.wisconsin.gov~~ at www.datcp.state.wi.us, or by
5 writing to the following address:
6

7 Wisconsin Department of Agriculture,
8 Trade and Consumer Protection
9 Division of Animal Health
10 P.O. Box 8911
11 Madison, WI 53708-8911
12

13 **SECTION 17.** ATCP 12.03(5)(a) and (c) are amended to read:

14 ATCP 12.03(5)(a) A person shall pay a basic nonrefundable annual fee of \$115 for an
15 animal dealer license under sub. (1).

16 (c) A person who is required to pay a license fee surcharge under par. (b) shall also pay
17 any license fees that are due under this subsection for the license year in which the person
18 violated sub. (1).

19 **SECTION 18.** ATCP 12.03(8)(a) is amended to read:

20 ATCP 12.03 (8)(a) Violation of ch. 95, Stats., ch. ATCP 10, ~~ch. ATCP 11~~ or this
21 chapter.

22 **SECTION 19.** ATCP 12.04(2)(c)3. is amended to read:

23 ATCP 12.04(2)(c)3. Hauling animals for other persons fewer than 6 times per license
24 year.

25 **SECTION 20.** ATCP 12.04(3)(note) is amended to read:

26 **NOTE:** A person may obtain an application form under sub. (3) by
27 calling (608) 224-4889, by visiting the ~~Wisconsin state department~~
28 website ~~www.wisconsin.gov~~ at www.datcp.state.wi.us, or by
29 writing to the following address:
30

31 Wisconsin Department of Agriculture,
32 Trade and Consumer Protection

1 Division of Animal Health
2 P.O. Box 8911
3 Madison, WI 53708-8911
4

5 **SECTION 21.** ATCP 12.04(4)(a) and (c) are amended to read:

6 ATCP 12.04(4)(a) A person shall pay a basic nonrefundable annual license fee of \$30 for
7 a license under sub. (1).

8 (c) A person who is required to pay a license fee surcharge under par. (b) shall also pay
9 any license fee that is due under this subsection for the license year in which the person violated
10 sub. (1).

11 **SECTION 22.** ATCP 12.04(7)(a) is amended to read:

12 ATCP 12.04(7)(a) Violation of ch. 95, Stats., ch. ATCP 10, ~~ch. ATCP 11~~ or this chapter.

13 **SECTION 23.** ATCP 12.045(2)(note) is amended to read:

14 **NOTE:** A person may obtain an application form under sub. (2) by
15 calling (608) 224-4889, by visiting the ~~Wisconsin state department~~
16 website ~~www.wisconsin.gov~~ at www.datcp.state.wi.us, or by
17 writing to the following address:
18

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

25 **SECTION 24.** ATCP 12.045(3)(c) and (4) are amended to read:

26 ATCP 12.04(3)(c) A person who is required to pay a surcharge under par. (b) shall also
27 pay any registration fee that is due under par. (a) for the license year in which the person violated
28 sub. (1).

29 (4) ACTION ON REGISTRATION APPLICATION. The department shall grant or deny an
30 application under sub. (2) within 30 business days after the department receives a complete
31 application or, if a person submits the application with a license application under s. ATCP

1 12.02, 12.03 or 12.04, by the license action deadline. The department shall issue a registration
2 sticker for each registered vehicle. The department shall issue a registration sticker in 2 parts,
3 each of which shall contain the same unique registration number and the year of issuance.

4 **SECTION 25.** ATCP 12.045(6)(note) is amended to read:

5 **NOTE:** A person may obtain an application form under sub. (2) by
6 calling (608) 224-4889, by visiting the ~~Wisconsin state department~~
7 website ~~www.wisconsin.gov~~ at www.datcp.state.wi.us, or by
8 writing to the following address:

9
10 Wisconsin Department of Agriculture,
11 Trade and Consumer Protection
12 Division of Animal Health
13 P.O. Box 8911
14 Madison, WI 53708-8911
15

16 **SECTION 26.** ATCP 12.05(1)(a)(note) is amended to read:

17 **NOTE:** See also s. ATCP ~~11.10(1)~~-10.21(1).

18 **SECTION 27.** ATCP 12.05(1)(b)(note) is amended to read:

19 **NOTE:** See also s. ATCP ~~11.10(4)~~-10.21(4).

20 **SECTION 28.** ATCP 12.05(2)(b)(note) is amended to read:

21 **NOTE:** See also s. ATCP ~~11.22~~-10.31.

22 **SECTION 29.** ATCP 12.05(4) is amended to read:

23 ATCP 12.05(4) IDENTIFICATION OF SHEEP. Whenever an animal dealer or animal market
24 operator receives any sheep, the animal dealer or market operator shall immediately record the
25 official individual identification of that sheep. If a sheep has no official individual identification
26 when received by an animal dealer or animal market operator, the animal dealer or animal
27 market operator shall immediately identify that sheep with an official individual identification.
28 ~~This subsection does not apply to sheep under 6 months old.~~

29 **SECTION 29m.** ATCP 12.06(1)(intro.) is amended to read:

1 ATCP 12.06(1) RECORDS REQUIRED. A person operating as an animal market operator,
2 animal dealer or animal trucker shall keep an accurate record of every animal that the person
3 receives from or delivers to another person. The record shall include the following correlated
4 information related to each animal.

5 **SECTION 30.** ATCP 12.06(1)(bc) is created to read:

6 ATCP 12.06(1)(bc) The livestock premises code of the premises from which the animal
7 was received.

8 **SECTION 31.** ATCP 12.06(1)(h) is amended to read:

9 ATCP 12.06(1)(h) Equine infectious anemia test results, if required under s. ATCP
10 ~~11.30(2)~~10.36(3) for an equine animal.

11 **SECTION 32.** ATCP 12.08(2) is repealed and recreated to read:

12 ATCP 12.08(2) Sell or move any animal in violation ch. ATCP 10 or this chapter, or any
13 order issued under ch. ATCP 10 or this chapter.

14 **SECTION 33.** ATCP 12.08(4), (10) and (19)(intro.) are amended to read:

15 ATCP 12.08(4) Transport any animal without certificates of veterinary inspection,
16 permits or other documents required by this chapter, ch. ATCP 10, ~~or 11~~, or ch. 169, Stats.

17 (10) Receive interstate shipments of bovine animals or swine as a federally approved
18 import market unless the market is ~~specifically approved~~ qualifies as a federally approved import
19 market under s. ATCP ~~11.04~~10.07(4).

20 (19)(intro.) Knowingly deliver, for use as food or feed, any ~~animal~~ animals which:

21 **SECTION 34.** ATCP 12.08(25) and (26) are created to read:

22 ATCP 12.08(25) Transport dead livestock except in compliance with s. 95.72(7)(a),
23 Stats.

1 (26) Falsify, remove, alter, or tamper with any official identification or official back tag
2 required under this chapter or ch. ATCP 10.

3 **SECTION 35.** Chapter ATCP 17, second introductory note, par. (f) is amended to read:

4 **NOTE:** To an equine quarantine station operator who is required to hold a
5 permit under s. ATCP ~~11.32(3)~~ 10.37(3), July 1, 2006.

6
7 **SECTION 36.** ATCP 17.01(19) and (20) are amended to read:

8 ATCP 17.01(19) "Captive game birds" means birds of a normally wild type, such as
9 pheasants, quail, wild turkeys, migratory wildfowl, pigeons, and exotic birds raised for hunting,
10 that are raised in captivity. "Captive game birds" does not include poultry or ratites, but does
11 include or birds kept pursuant to a license issued under s. 169.15, 169.19, 169.20 or 169.21,
12 Stats.

13 (20) "Fish farm" means a facility, at which a person hatches fish eggs or keeps live fish,
14 which is required to be registered under s. ATCP ~~10.73(2)~~ 10.60(2).

15 **SECTION 37.** ATCP 17.02(2)(c)3. and 8. are amended to read:

16 ATCP 17.02 (2)(c)3. A fish farm that is required to be registered under s. ATCP
17 ~~10.73(2)~~10.60(2). The operator may register the fish farm premises as part of the operator's
18 annual registration application under s. ATCP ~~10.73(7)~~10.60(7).

19 (c)8. An equine quarantine station for which a permit is required under s. ATCP ~~11.32(3)~~
20 10.37(3). The operator may register the equine quarantine station premises as part of the
21 operator's annual permit application under s. ATCP ~~11.32(3)~~10.37(3). An equine quarantine
22 station premises registration expires on June 30 of each year.

1 **EFFECTIVE DATE AND INITIAL APPPLICABILITY.** This rule takes effect on the first day of
2 the month following publication in the Wisconsin administrative register, as provided under s.
3 227.22 (2) (intro.).

Dated this _____ day of _____, _____.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By: _____
Rodney J. Nilsestuen, Secretary



Wisconsin Department of Agriculture, Trade and Consumer Protection

Business Impact Analysis¹

Rule Subject: Animal Diseases and Movement
Adm. Code Reference: ATCP 10-12
Rules Clearinghouse #: 06-009
DATCP Docket #: 04-R-10

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 (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.
- 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. This rule requires the original health certificate to be filed with the department within 7 days after it has been issued.
- Updates the current list of reportable diseases (deletes 4 diseases).

¹ This analysis includes, but is not limited to, a small business analysis ("regulatory flexibility analysis") under s. 227.114, Stats.

- Makes minor technical changes in current rules related to farm-raised deer.
- Makes minor updates and technical changes to other rules, as necessary.

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. 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.

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 the flock 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.

- ***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 allow 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.

In order to be eligible for cost reimbursement, herd owners must have a herd risk assessment and management plan that meet federal standards. However, this will not be a significant burden because:

- Over half of the herds currently enrolled in the Johne’s disease program already have approved herd risk assessments and management plans.

- This rule provides for reimbursement of costs to prepare herd risk assessments and management plans.
- Herd risk assessments and management plans, if followed, will improve herd health and productivity.

This rule expands reimbursement for other activities including herd risk assessment, herd management plans and vaccination. This will be a net plus for participating herd owners.

This rule changes reimbursement procedures, so that DATCP can reimburse herd owner costs in a timelier manner. Currently, herd owners may wait over a year for reimbursements.

This rule removes the requirement for Johne's disease reactors to be permanently identified. This requirement is difficult to enforce and it devalues animals at slaughter. Other states have been removing this requirement as well.

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, which 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 fish health certificates related to fish imports (the fee will affect only 2% of registered fish farms). In many cases, DATCP issues permits that cover multiple shipments from an inspected source.

Under this rule, permits expire one year from the date of issuance, rather than on a calendar year basis. DATCP may shorten permit expiration dates, and may set those dates to correspond to health certificate expiration dates. This will avoid confusion, but may require additional permits in some cases. The change will have a limited effect on importers.

Under current rules, qualified veterinarians or fish health inspectors must issue fish health certificates for fish imports and stocking to waters of the state. Under this rule, the fish health certificates will be required for instate movement of live fish or fish eggs. This rule requires that health certificates issued for any purpose must be filed with department within seven days of issuance.

Under current rules, import shipments that include salmonids require testing for Viral Hemorrhagic Septicemia (VHS). VHS is now known to infect other types of fish.

DATCP has been requiring testing of all fish being imported from areas where the disease is known to occur. This rule formally incorporates VHS testing for all fish from areas where the disease is known to occur. This may increase cost for importers that buy fish from the affected areas. However, the cost increase will not be significant and there are other available sources.

This rule requires fish health inspectors and laboratories to report all test results for certain diseases, not just positive test results. This will not impose a significant burden, and will provide better statewide information on disease testing and test findings.

- ***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 trace back. 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. 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 fish farm operators an average of \$200 per year. Veterinarians who perform annual fish farm health 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.

Steps to Assist Small Business

Many of the businesses affected by this rule are “small businesses.” For the most part, this rule does not make special exceptions for “small businesses,” because disease is no respecter of business size. However, this rule does include provisions that are specifically designed to benefit small poultry producers (see above).

This rule includes many provisions that will benefit large and small businesses alike. For example, this rule:

- Expands current reimbursement of Johne’s disease testing and herd management costs (dairy, beef and goat herds), and makes program participation more attractive.
- Eliminates current annual fish farm health inspection requirement (this will save fish farms approximately \$200 per year).
- Makes fish import permits more workable and flexible.
- Provides cost-effective disease monitoring options for poultry producers, so that more producers (especially small producers) can get more market access.
- Reorganizes and redrafts current rules, to make them easier to read and understand. The changes also make the rules more consistent and transparent.

Conclusion

This rule will help protect Wisconsin’s major livestock industry from devastating disease threats. This rule will make it easier for livestock operators to read and understand the rules that apply to them.

This rule will generally benefit affected businesses, including "small businesses." Negative effects, if any, will be few and limited. This rule will not have a significant adverse effect on "small business," and is not subject to the delayed "small business" effective date provided in 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.

Dated this 25th day of April, 2006

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By 
Robert G. Erlenfeldt, DVM, Administrator,
Division of Animal Health

FISCAL ESTIMATE		LRB or Bill No. / Adm. Rule No. ATCP 10 and 12
DOA-2048 (R 10/94)	<input type="checkbox"/> ORIGINAL <input checked="" type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL	Amendment No. (If Applicable)
Subject: Animal Diseases and Movement		
Fiscal Effect State: <input type="checkbox"/> No State Fiscal Effect Check below only if bill makes a direct appropriation or affects a sum sufficient appropriation. <input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation		<input checked="" type="checkbox"/> Increase Costs – May be possible to absorb within agency's budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
Local : <input checked="" type="checkbox"/> No local government costs 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		5. Types of Local Gov. Unit Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Counties <input type="checkbox"/> Cities <input type="checkbox"/> Other: <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
Fund Source Affected: <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		Affected Ch. 20 Appropriations: 20.115(2)(ha)
Assumptions Used in Arriving at Fiscal Estimate <u>Content</u> This rule consolidates s. ATCP 10 (Animal Disease) and ATCP 11 (Animal Movement) into a single chapter s. ATCP 10 (Animal Disease, Animal Identification and Movement). Additionally, it makes technical changes to s. ATCP 10 and 12, modifies the John's program, the aquaculture program, requires official identification of sheep and goats for intrastate movements, and provides more cost-effective disease monitoring options for small poultry producers. <u>Fiscal Effect</u> This rule creates a \$50 fee for a fish import permit. DATCP estimates that this fee will generate approximately \$5,000 in program revenue. This revenue will be used to help support program activities related to fish farms, fish imports and fish health certification. This rule will allow poultry flocks to obtain a testing status other than participation in the national poultry improvement plan. Flock owners will submit proof of adequate testing and other information to the department for review and approval to receive their status. DATCP will incur costs for staff and administrative expenses. However, DATCP will absorb these costs with existing staff and appropriations. 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.		
Long - Range Fiscal Implications		
Agency/prepared by: (Name & Phone No.) DATCP Melissa Mace ph. 608-224-4883	Authorized Signature/Telephone No.  Barbara Knapp, ph. 608-224-4746	Date April 17, 2006

FISCAL ESTIMATE WORKSHEET

2000 SESSION

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No/Adm. Rule No.
ATCP 10 and 12

Amendment No.

SUBJECT

Animal Diseases and Movement

I. One-time Cost or Impacts for State and/or Local Government (do not include in annualized fiscal effect):

Costs are recurring; see below.

II. Annualized Cost:	Annualized Fiscal Impact on State funds from:	
A. State Costs by Category	Increased Costs	Decreased Costs
1. State Operations - Salaries and Fringes	\$0	\$ - 0
2. (FTE Position Changes)	(0.00 FTE)	(-0 FTE)
3. State Operations - Other Costs	\$0	- 0
4. Local Assistance		- 0
5. Aids to Individuals or Organizations	0	- 0
TOTAL State Costs by Category	\$ 0	\$ - 0
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
1. GPR	\$0	\$ - 0
2. FED	0	- 0
3. PRO/PRS	0	- 0
4. SEG/SEG-S	0	- 0
III. State Revenues -	Increased Revenue	Decreased Revenue
<small>Complete this section only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fees)</small>		
• GPR Taxes	\$ 0	\$ - 0
• GPR Earned	0	- 0
• FED	0	- 0
• PRO/PRS	5,000	- 0
• SEG/SEG-S	0	- 0
TOTAL State Revenues	\$ 5,000	\$ - 0

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 5,000	\$

Agency Prepared by: (Name & Phone No.) DATCP Melissa Mace, ph. 608-224-4883	Authorized Signature/Telephone No. <i>Barbara Knapp</i> Barbara Knapp (608) 224-4746	Date April 17, 2006
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<u>Name/Org</u>	<u>Summary</u>	<u>Registered</u>	<u>Dept. Action</u>	<u>Reason</u>
Summary of Written Testimony				
W1. Marshfield Clinic	Overall in support of the proposed changes concerned with the vagueness of "working under the direct supervision of a veterinarian" Would like the state to supply its official interpretation of this statement by adding specific language or at minimum providing an example of what 'direct supervision' means.	Support	Change	Add definition of 'direct supervision' from the Veterinary Practice Act
W2. Barb Medford	Many more testers need to be certified soon if you plan to carry these new rules out.		None	Testers are certified regularly, an additional certification course is being considered. The rule itself does not increase the level of testing required.
W3. James Cocchiola	Please reconsider the requirements against commingling turkeys with the rest of the flock. Free range birds, unable to comply with rule requirements		None	Not a change that is being made in this rule. Breeding turkey's are currently not allowed to be commingled with other poultry if they are being used for breeding or hatching because of disease concerns.
W4. Dale Wheelock/Poultry Key Leader Walworth County	Supports the program, concerned with the enrollments expiring June 30th, a better date would be Dec. 31st to coincide with the start of the breeding year, this would be less confusing. And be consistent with the January 1st date to classify poultry as young or old.			The June 30 date was picked because it is consistent with the NPIP renewal dates and works better with workload constraints. We will clarify the whole flock testing test results will be valid for the calendar year in which it is done, and corresponding status based on the testing will be valid until the following calendar year.
W5. Keystone Hatcheries	If the goal or purpose of WI DATCP is indeed to monitor for disease and regulate the import, sales and movement of fish, we believe all actual fish farms should be treated the same, regardless of what side of a State line they fall on. If no health certificate is required for sale and transport in state, how do we know those fish are any better or worse than fish from out of state. We propose that DATCP remove the health certificate for Type 1 Fish Farms, but require it for Type 2 In-State Fish Farms.	Support	Change	WI and all other states, specify different requirements for animals imported from different states. The department agrees that all surveillance is beneficial and will require shipments of live fish and fish eggs moving in-state between fish farms to be covered by a health certificate issued to the farm and the fish on the farm, or issued for the individual shipment.
				The department will modify the rule to require that health certificates be submitted to the department within seven days of issuance. Health certificates will be valid for movement upon issuance be a certified fish health inspector.
			Change	This rule makes no attempt to modify the permit to be required per load, it is per premises being imported from. With adequate planning it will not be prohibitive.
			None	Confidentiality of public records would need to be accomplished via a statutory change.
			None	The departments rules are what is deemed necessary to protect the health of fish in our state and compare with what surrounding states have in rule for fish health requirements for fish farming.
W6. DNR	When you take into consideration the WI DNR and WI DATCP, WI has the most burdensome fish regs. In the nation. Removing the annual fish health certificate, support for removing the requirement on Type 1 fish farms, would like to see an intrastate movement requirement.		None	
			Change	See comment W5 A.

Name/Org	Summary	Registered	Dept. Action	Reason
B.	Agree that import permits should have a maximum duration of one year from the date issued. Suggest that objective standards set that would be used to set an early expiration date		None	The department has to date not set an early expiration date for an import permit. This is not a change to current rule and is consistent with other import permits. We may deny them for cause. This is very necessary in the case of aquaculture because there are no national standards that make citing import requirements based on a national surveillance level clear and easily applicable. We need the flexibility to be able to make calls based on the most recent information available for animal health issues in that state or on that farm.
C.	Fish Health Certificates for importation and stocking, new disease testing requirements for stocking? This will add a significant cost to business that needs to be added to the impact statement and fiscal note.		Change	Testing for movement between type 2 fish farms and for stocking will remain at the current requirements
D.	Against requiring the approval of a health certificate. VHA's signed by a qualified fish health inspector should be considered valid on the day they are signed.		Change	See comment W5 B The department feels this wording is adequate, unreliable is a commonly used term that is not being used in a unique manner in this rule. Additionally, violations of the subchapter is transparent. The department supplies the criteria and a training course for individuals to become certified. Individuals who are certified do testing for regulatory purposes, therefore it is appropriate for the department to have the power to decertify these individuals
E.	We believe that existing professional organizations are best suited to address decertifying veterinarians or fish health inspectors. Proposed wording is vague and does not define what is considered to be a "unreliable health certificate" or list potential violations of the subchapter.		None	At this time all laboratories are considered approved, the department can request specific documentation if it becomes necessary. Causes for decertified are included in rule.
F.	Disapproving laboratories, rules pertaining to a fish health laboratory certification program have not been promulgated by DATCP or any other recognized State authority. In their absence, the proposed rule is impractical because their is a lack of criteria for evaluating.		None	Current approved testing methods are not adequate for a required test. A physical examination is widely excepted as the best method to diagnosis these diseases and a Health certificates requires inspection for visible signs of contagious or infectious disease.
H.	Suggest adding Heterosporis and LMBV test to health certificate requirement or VHA's.		None	Clarified in rule that brood stock maybe tested rather than the eggs themselves. No change was made to allow tests from the previous year to be acceptable it would introduce unnecessary risk. The commercial industry has indicated no issues with complying with the health testing requirements. In these situation adequate pre-planning has allowed for brood stock to be tested enough in advance to facilitate compliance with requirements.
I.	We ask for clarification that in cases of importation of fish eggs, that the test results are obtained from the brood stock. Also, brood stock test results may not be available before the need for egg transfer. We had asked that is the case of importing fish eggs, test results from the previous year be acceptable, and that new test results be forwarded to DATCP as soon as they are available but before hatched fish are stocked or transferred.		Change	The definitions that are in s. ATCP 10.68 and 11.58 Wis. Adm. Code are still in this rule. Some of them have been moved to 10.01 with all other definitions as their use is not specific to fish. "self-contained fish rearing facility," has been clarified to be as defined by in s. 29.001(76), Stats. The remaining terms "individual shipment," "unreliable health certificates," and "laboratory operator." are not used in a manner that is inconsistent with common meaning of the words and do not warrant a definition.
J.	Several important definitions are missing from ATCP 10.60 that were previously in ss. ATCP 10.68 and 11.58, Wis. Adm. Code. We suggest the following definition be added: "person," "waters of the state," "self contained fish rearing facility," "individual shipment," "unreliable health certificates," and "laboratory operator."		Change	

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	We recommend restoring the fish farm registration exemption for bait dealers licensed by WDNR to proposed s. ATCP 10.61 it is our understanding that proposed s. ATCP 10.65 pertains to reporting the diagnosis of the listed pathogens from fish farms, and that proposed s. ATCP 10.03 (2) pertains to reporting the diagnosis of fish pathogens listed in Appendix B from any location within the state of Wisconsin. If this is not correct, the rule should clarify why those pathogens listed in proposed s. ATCP 10.65 are not the same as those listed in Appendix B.		Change	Exemption restored for bait dealers licensed by the WDNR, that do not engage in rearing fish or fish eggs for purposes other than the retail sale of bait.
	The definition of commingle in ATCP 12 is redundant and should be deleted.		None	The diseases listed as reportable under 10.65 require the report of a test being done. Not just a positive result. Neither list is specific only to tests done on fish farms, but tests and positives for fish from any source in the state.
	We suggest the definition of 'livestock in Ch.. ATCP 12 be clarified to expressly exclude fish		Change	The definition of commingle for ATCP 12 has been modified to not include any reference to fish because ATCP 12 does not apply to fish.
	Proposed import permit fee to low, Up to \$250 would not be unreasonable.		None	The definition of livestock for ATCP does not currently include farm-raised fish.
	Support a definition of wild fish the was submitted by WFBDA		none	At this time the import permit fee seems reasonable. See comment W5 C.
	Need enforcement		none	Definition of wild fish is adequate in current rule.
	Exemption from import requirements for fish imported, not commingled, then exported should be for only 48 hours.		none	Not a rule issue.
	Permit application process in unclear, not timely enough for fish, suggest online application.		none	The exemption for fish brought into the state, off loaded and held pending export was removed and is not in the proposed draft. This provides a regulation issue and a health risk when the fish are off loaded.
	Follow-up, when renew permit require a report of last year's activities.		none	We are moving towards an online application, it is not a rule requirement issue, rather a manpower technology issue.
	Import requirements from TB MAA states should be included in rule.		Change	This could be examined for future rule changes, at this time it is unclear what advantage a report of annual activity would be to ensuring fish health.
	12.06(1)(c) change to, if required		none	Add veal calf exemption, this will make our rule consistent with federal requirements for interstate movement from a modified accredited state.
	12.06(1)(d) in any to if required.		none	Is more limiting of what is recorded in record, we need all the information possible.
	Correlate all types of official identification in records, back tag and id.		Change	Is more limiting of what is recorded in record, we need all the information possible. Added clear language that all identification on an animal, when brought to a market or dealer, be clearly recorded and correlated with any identification placed on the animal at the market or dealer.
	Individual P-T testing good for one change of ownership.		Change	Clarify that individually tested birds can move within the 90 days of testing to different fairs and exhibitions, but the test is only valid for a single change of ownership. This is because if it is test negative in the home flock there is very low risk it will contract a disease, at shows all poultry present should be test negative. Once it goes to a different premises the risk level goes up.
	A copy of the WFT certification letter must accompany the bird		Change	Add that a proof of the birds test status must accompany the bird.

Name/Org	Summary	Registered	Dept. Action	Reason
C.	Records of poultry sales must be reported to DAH with in 10 days of sale.		Change	Allows for rapid follow-up in the event of a disease.
D.	Non-tested bird cannot be co-mingle with tested birds.		change	Good bio security measure.
W10. DATCP	Add a definition of certified flock. "Certified Flock" means a flock		none	More transparent if listed in relevant areas.
A.	Individual purchasing from NPIP flocks or other WAF can apply for WAF status. Change 10.40(3)(b)4.		Change	
B.	Add to 10.40 (6) No person may allow birds that originate from a certified flock (NPIP, NPIP affiliate, WTF, or WAF) or birds individually test negative to commingle with non-certified or non-tested birds, except birds from the same flock.		change	
C.	Poultry going directly to slaughter, do not have to be tested. They do have to be tested to be at a fair, show, exhibition, market, etc. but to		none	This does not require a rule change. Current rule doesn't require testing of birds going directly to slaughter or slaughtered by the bird owner. Testing is required for the change of ownership of a live birds.
D.	Create exemption for Youth Agricultural Organizations exhibiting at County Fair(s).		Change	
E.	Poultry cannot be tested for S-P on the grounds of the fair, exhibition, or show. This provides for unnecessary risk of exposure from infected birds to non infected birds.		Change	Poultry must be tested prior attending a fair or exhibition.
F.	10.40 (3) Change to read Wisconsin Associate flock, currently say		Change	
G.	affiliate.			
H.	Sheep and Goat exemption to official Id should be clarified to read, (a) neutered sheep and goat under 12 months are exempt from ID requirements (b) sheep and goats under 12 months old going directly to slaughter.		Change	
I.	ATCP 10.87 There is two (2)'s. 10.87 is confusing needs some clean up. Veterinarian review records and test results required by this section. 10.87(1)2. should reference (2)(c)3., not 2b, there is no 2b		Change	
K.	The cervid requirements are not incorporated into the 2005 Bovine TB UMR		Change	
W11. WAA	A agrees with removing the annual health certificate requirement		none	none requested
A.	We (WAA) agree DATCP should have flexibility in determining when or even if a health certificate is needed. We also caution that in certain instances 12 months may be too long. If no live fish are transferred off the farm a health certificate may not be required. The rule must be workable and we request a limited grace period for annual compliance not to exceed 30 days.			The rule gives DATCP the needed flexibility to determine different durations for health certificates for cause. The rule does not require a health certificate on farms that are not moving live fish or fish eggs. A health certificate is no longer an annual requirement. Health certificates are required for fish farms before they can move live fish or fish eggs in the state. This means that we would not be able to provide grace periods, individuals could move on an expired health certificate and never renew. This provides distinct enforcement issues.
B.	We question the need for a pre-approved health certification as a standard practice. We strongly disagree with this requirement. We agree to this requirement as a condition of probation only. We feel there must be a system of rewards and penalties to encourage compliance. We also disagree with the 10 day and 30 day prior to import requirements. Again, suggesting these requirements be implemented as a condition of probation.		None	
C.			Change	See W5 B.

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D.	WAA also agrees the fish import permit needs to be modified. The import permit must be held by a Wisconsin resident. We believe the import fee should be \$50 - \$100 for a Wisconsin resident and either reciprocal or double for a non-resident. We also request a fee of a at least \$350 for direct import into public waters. This fee should be paid for by both the permit holder and the importer, \$700 total. The risk of introduction of disease and non-natives into public water justify this requirement.		None	There would need to be more studies on the actual risk relationship of introduction to public waters and fish farms that discharge into public water, at this time we cannot justify the increased fee.
E.	We disagree with the fish and Bait Dealers definition of "wild" and with DATCP's definition of "farm". We believe a different approach is needed. The approach WAA is requesting is to create a set of conditions or requirements to become eligible to possess a type II fish farm. In other words, everyone should not receive a type II fish farm simply by requesting it. Criteria must be established.... We are against treating the type II the same for each species if the species is not actually raised at the farm, i.e., imported, dipped into the water onsite for a couple of days (perhaps less) then sold or moved offsite as if it were raised onsite. This practice is big trouble. The species not actually raised should be eligible for another type of license, but should not get credit for raising the fish. This practice perpetuates the loophole in the rules which allows registered fish farms to move fish onsite, carry them for a couple of days as if they were health tested, then pass them off as health certified fish.		None	This warrants it's own discussion and hearings. Modifications will be considered for another rule
F.	We request no health exemption of requirements for any live fish imported. All exemptions must be eliminated including transfers from truck to truck. All live fish entering this state must meet health requirements.		None	The proposed rule removes the exemption for fish off loaded in WI. No risk reason to remove other exemptions where neither fish or fish eggs, or their water are discharged into waters of the state or commingled with other fish.
G.	All testing results confidential except for reportable diseases. We are concerned with providing too much information on our health certifications. We do agree with worksheets that remain in the farmers possession and are not part of public records.		None	Testing results are needed for health management, statutory change for confidentiality.
H.	We disagree with DATCP current policy of allowing separate entities to share or piggyback on a single type two registration as is the case with DNR CO-OP ponds or groups.		None	Take into consideration with DNR. Stress that that all farms registered under one registration are considered one farm for disease and compliance issues.
I.	Suggest specific criteria be established for type to licenses, support a trucker, dealer license		none	There are criteria for type 2 fish farms, it is not as extensive as requested however changes of this type will be discussed with industry and potentially reintroduced in another rule. DATCP does not have the authority to regulate fish truckers and dealers.
A.	Agree with removing annual health certificate for a type 1		None	none requested
B.	The \$50 import permit fee will add up quickly, especially if it became a per load requirement, it would become a burden.		None	see W5 C

WT12. WFBDA

<u>Name/Org</u>	<u>Summary</u>	<u>Registered</u>	<u>Dept. Action</u>	<u>Reason</u>
C.	Agree that fish exempt from the import permit requirement should not be commingled with fish that require a permit.		none	none requested
D.	Would like to see an online import permit		none	not a rule issue
E.	Disagree that length of health certificate should be left to DATCP officials. Fish farmers need to know before they pay for certified fish inspections, so it is not money poorly spent		none	The duration of a health certificate would only be limited in instance of fish moved from high risk areas or fish farms with a history of health problems. A fish farmer would be aware of these issues and should consult DATCP before spending the money if that would be the determining factor on getting the HC and moving the fish.
F.	Submitting a health certificates within 10 days of issuance may not be enough time, 30 days should be sufficient		none	A health certificate is not issued until lab results are complete, fish cannot be move prior to lab results being return. Mailing mishaps may happen and can be dealt with at the time.
G.	30 days to approve Health certificate is unrealistic		Change	See W5 B
H.	What is the consequences of adding LMBV and /or Sac to the reportable tests. Should monitor the progress of the NAAHTF before making changes		none	These are diseases that endanger the health and viability of all fish in Wisconsin, it would be irresponsible of DATCP to not require reporting of the disease because it may have a negative impact on markets.
I.	Suggest not defining farm raised fish, in stead define wild source: A fish that inhabits a public aquatic environment as a result of reproduction from a naturally occurring strain of like fish, and not as a result of human manipulation and/or aquaculture-like efforts, and derives its food from naturally occurring food source.		none	The existing definition is adequate at this time
J.	The primary vector of SVC is carp, why is the main emphasis in testing on our native species when a fish like Koi and other ornamentals go untested and largely unregulated under Ornamental Fish exemptions		none	DATCP does not have the resources available to them to pursue this industry. If this is felt necessary the legislature should be work with to allocate the funding source and positions.