

 **07hr\_CRule\_07-107\_AC-Ag\_pt01c**



Details:

(FORM UPDATED: 07/12/2010)

**WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS**

**2007-08**

(session year)

**Assembly**

(Assembly, Senate or Joint)

**Committee on ... Agriculture (AC-Ag)**

**COMMITTEE NOTICES ...**

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**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt**
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- 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           **SECTION 64.** ATCP 10.61(5m) is created to read:

2           ATCP 10.61(5m) REGISTERING 2 OR MORE FISH FARMS AT A SINGLE LOCATION. (a) A  
3 person may obtain separate registration certificates for 2 or more fish farms located on the same  
4 or contiguous land parcels if the fish farms are medically separated. Fish farms are medically  
5 separated if all of the following apply:

6           1. Fish and fish eggs in each fish farm are effectively separated from fish and fish  
7 eggs in every other fish farm.

8           2. Bio-security procedures, including procedures to prevent the commingling of  
9 fish, fish eggs, or water that may bear disease organisms, effectively prevent disease  
10 transmission between the fish farms.

11           3. The department finds that the fish farms comply with subds. 1. and 2., based  
12 on an inspection under par. (c).

13           (b) Each registered fish farm under par. (a) is considered a separate fish farm for  
14 purposes of disease control and movement. Fish and fish eggs moved between any of the  
15 registered fish farms shall be accompanied by a valid health certificate under s. ATCP  
16 10.65(4)(c). The fish farm operator shall keep a record, under sub. (10)(a), related to each  
17 movement of fish or fish eggs between any of the registered fish farms.

18           (c) Before the department issues separate registration certificates under par. (a) for fish  
19 farms located on the same land parcel or contiguous land parcels, the department shall inspect  
20 the fish farms for compliance with par. (b). The fish farm operator shall pay a nonrefundable fee  
21 of \$400 for each day, or portion of a day, needed to complete the inspection. A single fee covers  
22 all of the inspected fish farms. No inspection is required for the renewal of an existing fish farm  
23 registration if the department has previously inspected the fish farm under this paragraph.

1           **SECTION 65.** ATCP 10.61(6) and (7) are repealed and recreated to read:

2           ATCP 10.61(6) APPLYING FOR A REGISTRATION CERTIFICATE. To obtain an annual fish  
3 farm registration certificate under sub. (1), a fish farm operator shall submit an application to the  
4 department on a form provided by the department. The application shall include all of the  
5 following:

6           (a) The operator's name, address and telephone number.

7           (b) The following information for each fish farm that the operator wishes to register:

8           1. The fish farm location, including county, town, section, fire number, and geographic  
9 coordinates if known.

10           2. The livestock premises code assigned to the fish farm under s. ATCP 17.02(7).

11           3. A statement indicating whether the operator wishes to register the fish farm as a type  
12 1, type 2 or type 3 fish farm.

13           4. Applicable fees required under sub. (7).

14           5. The name, address and telephone number of the individual responsible for  
15 administering the fish farm.

16           6. The species of fish or fish eggs hatched or kept at the fish farm.

17           7. A description of the fish farm facilities.

18           8. A description of the fish farming activities conducted at the fish farm.

19           9. A statement indicating whether wild source fish or fish eggs are received at or shipped  
20 from the fish farm facility.

21           10. A statement indicating whether the operator is registering any other fish farms  
22 located on the same land parcel or a contiguous land parcel.

1 (c) A statement indicating whether the fish farm operator engages in any of the following  
2 activities:

3 1. Buying, trading or importing fish or fish eggs for resale, processing or exchange  
4 within this state, other than solely for breeding, bait or human consumption.

5 2. Distributing fish or fish eggs, other than fish or fish eggs produced on the operator's  
6 fish farm, from any place in this state to any place outside this state.

7 (d) Other relevant information required by the department.

8 (7) REGISTRATION FEES. (a) Except as provided in par. (c), a fish farm operator shall  
9 pay the following annual fish farm registration fees, as applicable:

10 1. A nonrefundable fee of \$37.50 for a type 1 fish farm, or a total nonrefundable fee of  
11 \$50 for 2 or more type 1 fish farms.

12 2. A total nonrefundable fee of \$125 for up to 5 type 2 or type 3 fish farms, \$150 for  
13 more than 5 but not more than 10 type 2 or type 3 fish farms, \$200 for more than 10 but not more  
14 than 20 type 2 or type 3 fish farms, and \$300 for more than 20 type 2 or type 3 fish farms.

15 (b) A fish farm operator who proposes to register 2 or more fish farms located on the  
16 same land parcel or contiguous land parcels shall pay the inspection fee required under sub.  
17 (5m)(c) after the department conducts the inspection and bills the fee to the operator.

18 (c) Primary and secondary school districts are exempt from registration fees under par.  
19 (a).

20 (d) A fish farm operator shall pay the full annual registration fee under par. (a) for a fish  
21 farm that is registered for any portion of a registration year.

22 (e) A fish farm operator shall pay, in addition to the annual registration fee under par.  
23 (a), a surcharge equal to the amount of that fee if the department determines that, within 365

1 days prior to submitting a registration application under sub. (6), the operator operated the fish  
2 farm without a registration certificate required under sub. (1) or (3). Payment of the surcharge  
3 does not relieve the operator of any other penalty or liability that may result from the violation,  
4 nor does it constitute evidence of a violation.

5 **SECTION 66.** ATCP 10.61(12) and (note) are created to read:

6 ATCP 10.61(12) REGISTRANT RESPONSIBILITY. A person who registers a fish  
7 farm under sub. (1) shall ensure that fish farm operations comply with relevant provisions  
8 of this chapter. This subsection does not relieve other persons of liability for violations  
9 of this chapter.

10 **NOTE:** If the Wisconsin Department of Natural Resources (DNR) registers as  
11 the operator of a privately-owned “cooperator” fish farm under sub. (1),  
12 DNR is responsible for ensuring that all operations of that fish farm  
13 comply with this chapter (the private operator may also be held  
14 responsible if that operator violates this chapter).  
15

16 **SECTION 67.** ATCP 10.62(2)(b)3. and (c)3. are created to read:

17 ATCP 10.62(2)(b)3. All of the dead fish and offal from the buildings are  
18 disposed of by means of rendering, composting, municipal solid waste disposal, or other  
19 means approved by the department.

20 (c)3. All of the dead fish and offal from the receiving facility are disposed of by  
21 means of rendering, composting, municipal solid waste disposal, or other means  
22 approved by the department.

23 **SECTION 68.** ATCP 10.62(3)(c) is amended to read:

24 ATCP 10.62(3)(c) A description of the fish or fish eggs that the permit holder  
25 may import from the source identified under par. (b). The description shall include the

1 species of fish or fish eggs, ~~the quantity of each species,~~ and the size of fish of each  
2 species.

3 **SECTION 69.** ATCP 10.63(2) is amended to read:

4 ATCP 10.63(2) DISEASED FISH. No person may introduce live fish or fish eggs  
5 into waters of the state or distribute live fish or fish eggs for sale as bait if that person  
6 knows, or has reason to know, that those fish or fish eggs are infected with or show  
7 clinical signs of any reportable disease under s. ATCP 10.66.

8 **SECTION 70.** ATCP 10.64(1) and (2) are amended to read:

9 ATCP 10.64(1) VALID HEALTH CERTIFICATE REQUIRED. ~~No~~ Except as provided in sub.  
10 (3), no person may move any live fish or fish eggs between fish farms in this state or from a fish  
11 farm to any other location in this state, unless those fish or fish eggs are covered by a valid health  
12 certificate under s. ATCP 10.65. A qualified fish health inspector shall issue the health  
13 certificate based on an inspection of the fish or fish eggs, or of the farm from which they  
14 originate. A health certificate does not cover a movement that occurs after the health certificate  
15 expires.

16 (2) DISEASED FISH. No person may move any live fish or fish eggs between fish farms in  
17 this state, or from a fish farm to any other location in this state, if that person knows, or has  
18 reason to know, that those fish or fish eggs are infected with or show clinical signs of any  
19 reportable disease under s. ATCP 10.66.

20 **SECTION 71.** ATCP 10.64(3) is created to read:

21 ATCP 10.64(3) EXEMPTIONS. Subsection (1) does not apply to any of the following:

1 (a) Fish or fish eggs moved between fish farms registered under s. ATCP 10.61 by the  
2 same fish farm operator, if the operator keeps a complete record of the movement under s. ATCP  
3 10.61(10). This exemption does not apply to any of the following:

4 1. The movement of fish or fish eggs from a type 3 fish farm to a type 1 or type 2 fish  
5 farm.

6 2. The movement of fish or fish eggs between fish farms that are required under s. ATCP  
7 10.61(5m) to be medically separated.

8 (b) Fish or fish eggs moved to a food processing plant, retail food establishment or  
9 restaurant for processing or direct sale consumers, provided that the receiving entity does not do  
10 any of the following:

11 1. Hold any of the fish or fish eggs for more than 30 days prior to slaughter or direct sale  
12 to consumers.

13 2. Commingle the fish or fish eggs with fish or fish eggs that may be used for any other  
14 purpose.

15 3. Sell or distribute unprocessed fish or fish eggs to consumers at any place other  
16 than the food processing plant, retail food establishment or restaurant at which the entity  
17 first receives them.

18 4. Discharge to waters of the state any untreated water used to hold or process any of the  
19 fish or fish eggs.

20 5. Dispose of any dead fish, dead fish eggs or fish offal except by rendering, composting,  
21 municipal solid waste disposal, or other means approved by the department.

1           **ATCP 10.645 Bait fish from wild sources.** No bait dealer who is required to  
2 hold a license under s. 29.509, Stats., may distribute for use as bait any of the following  
3 fish or fish eggs of a species that the federal bureau has found to be susceptible to viral  
4 hemorrhagic septicemia (VHS) unless the fish or fish eggs are covered by a valid fish  
5 health certificate that complies with s. ATCP 10.65:

6           (1) Fish or fish eggs collected from a wild source within the 12 month period  
7 immediately preceding the distribution date.

8           (2) Fish or fish eggs from a type 3 fish farm.

9           **NOTE:** A “wild source” under s. ATCP 10.645 includes a wild source in this  
10 state or outside this state. Fish and fish eggs imported from other states  
11 (including bait fish and fish eggs) must also comply with import  
12 requirements under s. ATCP 10.62. Species that the federal bureau has  
13 found to be susceptible to viral hemorrhagic septicemia are listed at  
14 [www.aphis.usda.gov/vs/aqua/](http://www.aphis.usda.gov/vs/aqua/). Section ATCP 10.645 applies to additional  
15 species if and when the federal bureau finds that those species are  
16 susceptible. DATCP will identify susceptible species (per USDA  
17 findings) in the fish health certificate form under s. ATCP 10.65.

18           **SECTION 73.** ATCP 10.65(1) is amended to read:

19           ATCP 10.65(1) GENERAL. A fish health certificate under s. ATCP 10.61(3)(g)2.,  
20 10.62(3)(f), 10.63(1), or 10.64(1) or 10.645 shall comply with this section.

21           **SECTION 74.** ATCP 10.65(4) and (4m) are repealed and recreated to read:

22           ATCP 10.65(4) CERTIFICATE CONTENTS. (a) A fish health certificate under s.  
23 ATCP 10.62(3)(f) shall certify that the fish and fish eggs in the inspected shipment, or at  
24 the inspected fish farm, are free of all of the following:

25           1. Visible signs of contagious or infectious disease.

1           2. Infectious hematopoietic necrosis, viral hemorrhagic septicemia (VHS) and  
2 whirling disease (*Myxobolus cerebralis*) if an import shipment covered by the health  
3 certificate includes salmonids.

4           3. White sturgeon iridovirus if an import shipment covered by the health  
5 certificate includes sturgeon.

6           4. Viral hemorrhagic septicemia (VHS) if an import shipment covered by the  
7 health certificate includes fish or fish eggs from a state or province where that disease is  
8 known to occur.

9           5. Other diseases, if any, specified on the certificate form. The certificate form  
10 shall identify the species for which, and circumstances under which, the disease-free  
11 certification is required.

12           (b) Except as provided in s. ATCP 10.655, a fish health certificate issued under s.  
13 ATCP 10.61(3)(g)2. or 10.63(1) shall certify that the fish and fish eggs in the inspected  
14 shipment, or at the inspected fish farm, are free of all of the following:

15           1. Visible signs of contagious or infectious disease.

16           2. Whirling disease (*Myxobolus cerebralis*) if a fish farm or shipment covered by  
17 the health certificate includes salmonids.

18           3. Viral hemorrhagic septicemia (VHS) if the health certificate covers fish or fish  
19 eggs of a species that the federal bureau has found to be susceptible to viral hemorrhagic  
20 septicemia (VHS), and the fish or fish eggs are from a wild source or a type 3 fish farm.

21           **NOTE:** A “wild source” under subd. 3. includes a wild source in this state or  
22           outside this state. Fish and fish eggs imported from other states (including

24           s. ATCP 10.62. Species that the federal bureau has found to be  
25           susceptible to viral hemorrhagic septicemia are listed at  
26           [www.aphis.usda.gov/vs/aqua/](http://www.aphis.usda.gov/vs/aqua/). Subdivision 3. applies to additional species

1 if and when the federal bureau finds that those species are susceptible.  
2 DATCP will identify susceptible species (per USDA findings) in the fish  
3 health certificate form under s. ATCP 10.65.  
4

5 4. Other diseases, if any, specified on the certificate form. The certificate form  
6 shall identify the species for which, and circumstances under which, the disease-free  
7 certification is required.

8 (c) A fish health certificate issued under s. ATCP 10.64(1) shall certify that the  
9 fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all  
10 of the following:

- 11 1. Visible signs of contagious or infectious disease.
- 12 2. Viral hemorrhagic septicemia (VHS) if the health certificate covers fish or fish  
13 eggs of species that the federal bureau has found to be susceptible to viral hemorrhagic  
14 septicemia (VHS), and the fish or fish eggs are from a wild source or type 3 fish farm.

15 **NOTE:** A “wild source” under subd. 2. includes a wild source in this state or  
16 outside this state. Fish and fish eggs imported from other states (including  
17 bait fish and fish eggs) must also comply with import requirements under  
18 s. ATCP 10.62. Species that the federal bureau has found to be  
19 susceptible to viral hemorrhagic septicemia are listed at  
20 [www.aphis.usda.gov/vs/aqua/](http://www.aphis.usda.gov/vs/aqua/). Subdivision 2. applies to additional species  
21 if and when the federal bureau finds that those species are susceptible.  
22 DATCP will identify susceptible species (per USDA findings) in the fish  
23 health certificate form under s. ATCP 10.65.

24 3. Other diseases, if any, specified on the certificate form. The certificate form  
25 shall identify the species for which, and circumstances under which, the disease-free  
26 certification is required.

27 (d) A fish health certificate issued under s. ATCP 10.645 shall certify that the  
28 fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all  
29 of the following

- 1 1. Visible signs of contagious or infectious disease.
- 2 2. Viral hemorrhagic septicemia (VHS).
- 3 3. Other diseases, if any, specified on the certificate form. The certificate form
- 4 shall identify the species for which, and circumstances under which, the disease-free
- 5 certification is required.

6 **NOTE:** A fish health certificate is required under s. ATCP 10.645 whenever a  
7 bait dealer distributes as bait any of the following fish or fish eggs of a  
8 species that the federal bureau has found to be susceptible to VHS:  
9

- 10 • Fish or fish eggs collected from a wild source (in Wisconsin or
- 11 elsewhere) within the 12 month period immediately preceding the
- 12 distribution date.
- 13
- 14 • Fish or fish eggs from a type 3 fish farm.

15 (e) A fish health certificate shall include test results from a qualified laboratory to  
16 confirm the statements under pars. (a) to (d) if those test results are required by the  
17 certificate form.

18 (f) Fish egg inspection under this subsection may be based on brood stock  
19 inspection and, if testing is required by the certificate form, testing of the brood stock.

20 **NOTE:** A certificate form that includes requirements under par. (a)5., (b)4.,  
21 (c)3., (d)3., (e) or (f) constitutes an order under s. 93.07(10), Stats., which  
22 is subject to review in a contested case hearing under ch. 227, Stats., and  
23 ch. ATCP 1 unless the department adopts those requirements by rule. If a  
24 health certificate does not comply with instructions on the certificate form,  
25 the health certificate is invalid.

26 (4m) EXPIRATION DATE. (a) Except as provided in par. (b):

- 27 1. A health certificate based on an inspection under sub. (3)(a) expires 30 days
- 28 after it is issued unless the department by written notice specifies a different expiration

1           2. A health certificate based on an inspection under sub. (3)(b) expires one year  
2 after it is issued unless the department by written notice specifies a different expiration  
3 date.

4           (b) A health certificate covering a fish farm, or covering a shipment of fish or  
5 fish eggs, is automatically voided if any fish or fish eggs not covered by a valid health  
6 certificate are added to that fish farm or shipment.

7           **SECTION 75.** ATCP 10.65(4m)(note) is created to read:

8           **NOTE:** A shipment of fish or fish eggs that is covered by more than one fish  
9 health certificate must be delivered prior to the expiration of ANY of the  
10 fish health certificates covering fish or fish eggs in that shipment.

11  
12           **SECTION 76.** ATCP 10.65(5)(b)4. is repealed and recreated to read:

13           ATCP 10.65(5)(b)4. Special disease concerns that are not adequately addressed  
14 by the health certificate. These may include special disease concerns related to the  
15 species of fish or fish eggs, or the source from which the fish or fish eggs originate.

16           **SECTION 77.** ATCP 10.655 is created to read:

17           **ATCP 10.655 Fish reintroduced into their original wild source. (1) HEALTH**  
18 **CERTIFICATE CONTENTS; EXEMPTION.** Sections ATCP 10.65(4)(b)2. and 3. do not apply to  
19 the reintroduction of fish or fish eggs to the same lake from which they or the eggs from  
20 which they were hatched were collected, or to the same point or a downstream point in  
21 the same river system from which they or the eggs from which they were hatched were  
22 collected, if all of the following apply:

23           (a) The state veterinarian or designee issues a permit under sub. (2) authorizing  
24 the reintroduction.

1 (b) The collection and reintroduction are approved, in writing, by the Wisconsin  
2 department of natural resources.

3 (c) The reintroduction is designed to increase or rehabilitate a population of  
4 desirable sport fish species.

5 (d) The fish or fish eggs are reintroduced within 30 days after they are collected,  
6 or within 30 days after the fish are hatched, whichever is later.

7 (e) The fish or fish eggs are not commingled with fish or fish eggs from any other  
8 source.

9 (2) PERMIT. A permit under sub. (1)(a) may authorize one or more  
10 reintroductions under sub. (1), subject to conditions specified in the permit. A permit  
11 shall be based on a complete application under sub. (3). The state veterinarian, or the  
12 state veterinarian's designee, shall grant or deny an application under sub. (3) within 30  
13 days after the department receives a complete application.

14 (3) PERMIT APPLICATION. A person applying for a permit under sub. (2) shall  
15 submit the application in writing. The application shall include all of the following:

16 (a) The correct legal name and address of the applicant.

17 (b) The location from which the fish or fish eggs will be collected.

18 (c) The location at which the fish or fish eggs will be reintroduced.

19 (d) The purpose for the reintroduction.

20 (e) Documentation showing that the Wisconsin department of natural resources  
21 has approved the collection and reintroduction under sub. (1)(b).

22 (f) Documentation indicating that the reintroduction will comply with other  
23 requirements under sub. (1)(c) to (e).

1 (g) Other relevant information required by the department.

2 (4) PERMIT RECORD. The department shall keep, for at least 5 years, a record of  
3 each permit issued under sub. (2).

4 **SECTION 78.** ATCP 10.66(1)(b) is repealed and recreated to read:

5 ATCP 10.66(1)(b) Any fish disease identified in *Appendix B*.

6 **SECTION 79.** ATCP 10.66(1)(c) to (L) are repealed.

7 **SECTION 80.** ATCP 10.75 is amended to read:

8 **ATCP 10.75 Goats; Johne's disease.** The state program for Johne's disease in  
9 goats is equivalent to the program for bovine animals in ss. ATCP 10.15 to ~~10.19~~, 10.16,  
10 and 10.18 to 10.20, except that test eligible animals in the goat program shall be 18  
11 months of age or older.

12 **SECTION 81.** ATCP 10.85 is created to read:

13 **ATCP 10.85 Llama and alpaca imports.** No person may import a llama or  
14 alpaca into this state unless the llama or alpaca is accompanied by a valid certificate of  
15 veterinary inspection. The certificate shall include the official individual identification of  
16 the llama or alpaca.

17 **SECTION 82.** ATCP 10.90(1) is amended to read:

18 ATCP 10.90(1) DEPARTMENT MAY ISSUE ORDER. The department may issue a  
19 temporary animal hold order whenever the department has reason to believe that animals  
20 may have been illegally ~~imported~~ moved, or may have been exposed to an infectious,  
21 contagious or communicable disease. A temporary animal hold order may prohibit the  
22 movement of animals for up to 90 days while the department investigates the suspected  
23 illegal ~~import~~ movement or disease exposure. The department may issue the order

1 without prior notice or hearing. The department may, for good cause, extend the order  
2 for up to 90 days.

3 **SECTION 83.** ATCP 10.91(title) and (1)(intro.) are amended to read:

4 **ATCP 10.91 Destruction or removal of animals illegally ~~imported~~ moved.**

5 (1) SUMMARY ORDER. The department may, without prior notice or hearing, order the  
6 destruction or removal from this state of animals ~~imported~~ moved into or within this state  
7 if any of the following apply:

8 **SECTION 84.** ATCP 10.92(1)(r) is created to read:

9 ATCP 10.92(1)(r) Sell, move or dispose of any live animal that has been tested  
10 for a disease identified in *Appendix A or B* before the result of that test is known.

11 **SECTION 85.** Chapter ATCP 10 *Appendix B* is repealed and recreated in the  
12 following form:

## Chapter ATCP 10

### APPENDIX B

#### Diseases Reported Within 10 Days

##### Multiple species diseases

Anthrax  
Echinococcosis/hydatidosis  
Heartwater  
Leptospirosis  
New world screwworm (*Cochliomyia hominivorax*)  
Old world screwworm (*Chrysomya bezziana*)  
Paratuberculosis also known as Johne's Disease  
Q Fever

##### Fish diseases

Channel catfish virus  
Enteric septicemia of catfish  
Epizootic haematopoietic necrosis  
Infectious haematopoietic necrosis  
Largemouth bass virus  
Mycobacteriosis infection  
Oncorhynchus masou virus disease  
Proliferative kidney disease  
Spring viraemia of carp  
Streptococcus iniae  
Viral haemorrhagic septicaemia  
Whirling disease (*Myxobolus cerebralis*)  
White sturgeon iridovirus

##### 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

##### Swine diseases

Atrophic rhinitis of swine  
Enterovirus encephalomyelitis  
Porcine cysticercosis  
Porcine reproductive and respiratory syndrome  
Transmissible gastroenteritis  
Trichinellosis

**Bee diseases**

Acariosis of bees  
American foulbrood  
European foulbrood  
Nosemosis of bees  
Varroosis

**Lagomorph diseases**

Myxomatosis  
Rabbit hemorrhagic disease

**Cattle diseases**

Bovine anaplasmosis  
Bovine babesiosis  
Bovine spongiform encephalopathy  
Bovine cysticercosis  
Bovine genital campylobacteriosis  
Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis  
Dermatophilosis  
Enzootic bovine leukosis  
Haemorrhagic septicaemia  
Malignant catarrhal fever  
Theileriosis  
Trichomonosis  
Trypanosomosis (tsetse-borne)

**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

**Avian diseases**

Avian chlamydiosis  
Avian infectious bronchitis  
Avian infectious encephalomyelitis  
Avian infectious laryngotracheitis  
Avian mycoplasmosis (*M. gallisepticum*)

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  
Marek's disease  
Infectious bursal disease (Gumboro disease)

**Mollusc diseases**

Haplosporidiosis (H. nelsoni or H. costale)  
Bonamiosis  
Marteiliosis  
Mikrocytosis (Mikrocytos mackini)  
Perkinsosis

**Diseases of other animal species**

Leishmaniosis

1           **SECTION 86.** ATCP 12.02(1) is amended to read:

2           ATCP 12.02(1) **LICENSE REQUIRED.** No person may operate an animal market  
3 without an annual license from the department. A separate license is required for each  
4 animal market. The license shall bear a the livestock premises code issued ~~to the license~~  
5 ~~holder~~ under s. ATCP 17.02(7) for the animal market. An annual license expires on June  
6 30. A license is not transferable between persons or animal markets.

7           **SECTION 87.** ATCP 12.02(5) is repealed.

8           **SECTION 88.** ATCP 12.02(8)(j) is created to read:

9           ATCP 12.02(8)(j) Transport and handle animals in a safe and humane manner.

10          **SECTION 89.** ATCP 12.03(6) is repealed.

11          **SECTION 90.** ATCP 12.03(9)(i) is created to read:

12          ATCP 12.03(9)(i) Transport and handle animals in a safe and humane manner.

13          **SECTION 91.** ATCP 12.04(2)(c)3. and (5) are repealed.

14          **SECTION 92.** ATCP 12.045(1) and (note) are repealed and recreated to read:

15          ATCP 12.045(1) **ANNUAL REGISTRATION STICKER REQUIRED.** (a) No animal  
16 market operator, animal dealer or animal trucker may operate an animal transport vehicle  
17 unless each side of the vehicle bears one part of a 2-part annual vehicle registration  
18 sticker issued by the department. An annual vehicle registration sticker expires on June  
19 30.

20          (b) The department may issue an annual vehicle registration sticker under par. (a)  
21 to a licensed animal market operator, animal dealer or animal trucker who owns or  
22 operates the vehicle. If a license holder owns a vehicle operated by another license

1 holder, the license holder that owns the vehicle shall obtain the vehicle registration  
2 sticker under par. (a).

3 (c) If a registrant under par. (b) controls the operation of the animal transport  
4 vehicle for less than the full registration year, the registrant shall record the name and  
5 address of each person who controlled the operation of the vehicle at any time during the  
6 year, and the time period during which that person controlled that operation. The  
7 registrant shall retain the record for at least 5 years, and shall make it available to the  
8 department for inspection and copying upon request.

9 **NOTE:** Subsection (1) applies to animal transport vehicles operated by animal  
10 market operators, animal dealers and animal truckers, regardless of who  
11 owns the animals transported in those vehicles.  
12

13 Under sub. (1)(c), if a registrant leases an animal transport vehicle to or  
14 from another person for part of the registration year, the registrant must  
15 record the name and address of the other party to the lease, and the time  
16 period of the lease.

17 **SECTION 93.** ATCP 12.045(3)(a) and (4) are amended to read:

18 ATCP 12.045(3)(a) A person shall pay ~~an~~ a non-refundable annual fee of \$10 for  
19 each vehicle registration sticker under this section.

20 (4) ACTION ON REGISTRATION APPLICATION. The department shall grant or deny  
21 an application under sub. (2) within 30 business days after the department receives a  
22 complete application or, if a person submits the application with a license application  
23 under s. ATCP 12.02, 12.03 or 12.04, by the license action deadline. The department  
24 shall issue a 2-part registration sticker for each registered vehicle. ~~The department shall~~  
25 ~~issue a registration sticker in 2 parts, each of which shall contain the same unique~~  
26 ~~registration number and the year of issuance. Each part of the 2-part registration sticker~~  
27 shall identify the registration year for which the 2-part registration sticker is issued.

1           **SECTION 93m.** ATCP 12.045(3)(a), as affected by CR 07-061 effective July 1,  
2 2009, is amended to read:

3           ATCP 12.045(3)(a) A person shall pay ~~an~~ a non-refundable annual fee of \$20 for  
4 each vehicle registration sticker under this section.

5           **SECTION 94.** ATCP 12.05(4) is amended to read:

6           ATCP 12.05(4) IDENTIFICATION OF SHEEP. Whenever an animal dealer or animal  
7 market operator receives any sheep, the animal dealer or ~~{animal}~~ animal market operator  
8 shall immediately record the official individual identification of that sheep, if any. If a  
9 sheep has no official individual identification when received by an animal dealer or  
10 animal market operator, the animal dealer or animal market operator shall immediately  
11 identify that sheep with an official individual identification if that identification is  
12 required under s. ATCP 10.70.

13           **SECTION 95.** ATCP 12.05(6) is created to read:

14           ATCP 12.05(6) IDENTIFICATION OF GOATS. Whenever an animal dealer or animal  
15 market operator receives any goats, the animal dealer or market operator shall  
16 immediately record the official individual identification of that goat, if any. If a goat has  
17 no official individual identification when received by an animal dealer or market  
18 operator, the animal dealer or market operator shall immediately identify that goat with  
19 an official individual identification if that identification is required under s. ATCP 10.77.

20           **SECTION 96.** ATCP 12.06(1)(bc) is amended to read:

21           ATCP 12.06(1)(bc) The livestock premises code, if any, of the premises from  
22 which the animal was received and the livestock premises code, if any, of the premises to  
23 which the animal is shipped or delivered.

1           **SECTION 97.** ATCP 12.08(6) is amended to read:

2           ATCP 12.08(6) Fail to provide, within 10 days following the receipt of a written  
3 request from the department, any relevant report or document relating to the  
4 transportation of animals or any official individual identification of an animal purchased,  
5 sold or transported. The department may extend the compliance deadline under this  
6 subsection for good cause shown.

7           **SECTION 98.** ATCP 17.01(8) and (28) are amended to read:

8           ATCP 17.01(8) “Bovine animal” means beef cattle, dairy cattle, or American  
9 bison of any age or sex.

10           (28) “Poultry” means domesticated fowl commonly used for human food,  
11 including domesticated chickens, turkeys, geese, ducks, guinea fowl ~~and, squab, ratites~~  
12 and captive game birds. ~~“Poultry” does not include ratites or captive game birds.~~

13           **SECTION 99.** ATCP 17.02(1) and (note) are amended to read:

14           ATCP 17.02(1) GENERAL. A person may not keep livestock at a location in this  
15 state unless that location is registered under this section. There is no fee to register. A  
16 registration expires on the third December 31 ~~of each year, except as otherwise provided~~  
17 ~~in sub (2)(e) after it is issued.~~

18           **NOTE:** Once a person completes an initial registration, subsequent ~~annual~~  
19 registrations will be relatively simple. The department will send the  
20 registrant a renewal application form (or directions on how to renew on-  
21 line) ~~each year prior to the renewal deadline.~~ The renewal transaction may  
22 be conducted by mail, online or by e-mail if an e-mail address has been  
23 provided. The renewal application form will include pre-printed  
24 information obtained from the last previous year<sup>2</sup>s registration. The  
25 registrant may renew the registration by returning the pre-printed form  
26 with corrections, if any. There is no fee for an initial or renewal  
27 registration.

28  
29           **SECTION 100.** ATCP 17.02(2)(a)(note) is amended to read:

1           **NOTE:** For example, if *Person A* feeds and cares for livestock owned by *Person*  
2           *B*, on premises owned by *Person C*, any one of those persons may register  
3           the premises (the others need not). ~~But operators identified in par. (e)~~  
4           ~~must register the premises that they operate, and may not delegate their~~  
5           ~~registration responsibilities to others.~~  
6

7           **SECTION 101.** ATCP 17.02(2)(b) is amended to read:

8           ATCP 17.02(2)(b) A person may not register a premises that is currently  
9           registered by another person. The department may transfer a current registration from the  
10          current registrant to another person if the department finds that the other person is  
11          ~~required to register the premises under par. (e)~~ licensed to operate the premises under  
12          other applicable law, is more directly engaged in operating the premises, or can provide  
13          more definitive knowledge of livestock movements to and from the premises. The  
14          department shall notify the current registrant and give the current registrant a chance to  
15          comment before transferring a registration to another person.

16          **SECTION 102.** ATCP 17.02(2)(c) is repealed and recreated to read:

17          ATCP 17.02(2)(c) If a person keeps livestock at any location as part of an  
18          operation for which that person is required to hold another license, registration or permit  
19          from the department, that person may register that location as part of the person's initial  
20          application for that other license, registration or permit.

21          **SECTION 103.** ATCP 17.02(2)(c)(note) is created to read:

22          **NOTE:** For example, if a person holds or is required to hold a dairy farm license  
23          under s. ATCP 60.02(2), a deer farm registration under s. ATCP 10.46(1),  
24          a fish farm registration under s. ATCP 10.61(1), an animal market license  
25          under s. ATCP 12.02, an animal dealer license under s. ATCP 12.03, an  
26          animal trucker license under s. ATCP 12.04, a meat establishment license  
27          under s. ATCP 55.03(1), an equine quarantine station permit under s.  
28          ATCP 10.37(3) or a rendering establishment or other license under s.  
29          ATCP 10.37(3), that person may register that location as part of the person's initial application for that other license,  
30          registration or permit. Subsequent license renewal applications must  
31

1 include the livestock premises registration number assigned under this  
2 chapter.

3  
4 **SECTION 104.** ATCP 17.02(4)(bm) is created to read:

5 ATCP17.02(4)(bm) The registrant's county.

6 **SECTION 105.** ATCP 17.02(4)(d) is amended to read:

7 ATCP 17.02 (4)(d) The address of the primary premises location, including  
8 county.

9 **SECTION 106.** ATCP 17.02(4)(h)1. and 8. to 10. are repealed and recreated to  
10 read:

11 ATCP 17.02(4)(h)1. Bovine animals. The registrant shall indicate whether the  
12 bovine animals are beef cattle, dairy cattle or bison.

13 8. Llamas, alpacas or other camelids.

14 9. Fish.

15 10. Other. The registrant shall specify the type or types of livestock.

16 **SECTION 107.** ATCP 17.02(4)(h)11. and 12. are repealed.

17 **SECTION 108.** ATCP 17.02(5)(d) is amended to read:

18 ATCP 17.02(5)(d) If a person submits a registration application under sub. (2)(c)  
19 as part of that person's application for another license, permit or registration ~~identified in~~  
20 ~~sub. (2)(e)~~, the department shall grant or deny the registration application within the time  
21 period prescribed for department action on the other license, permit or registration  
22 application. The denial, suspension or revocation of another license, permit or  
23 registration does not affect a premises registration under this section.

24 **SECTION 109.** ATCP 17.02(6)(a) is amended to read:

1           ATCP 17.02(6)(a) Whenever the department grants a registration application  
2 under sub. (3), the department shall immediately issue ~~an annual~~ a registration certificate  
3 to the registrant. The registration certificate shall bear an expiration date that complies  
4 with sub. (1). The department shall issue the registration certificate in hard-copy or  
5 printable electronic form, depending on the method of registration.

6           **SECTION 110. EFFECTIVE DATES.**

7           (1) Except as provided in subs. (2) to (4), this rule takes effect on the first day of  
8 the month following publication in the Wisconsin administrative register, as provided  
9 under s. 227.22(2)(intro.).

10          (2) The treatment of s. ATCP 10.22(9)(b) by SECTION 17m of this rule takes effect on  
11 July 1, 2009.

12          (3) The treatment of s. ATCP 10.46(7)(b) and (c) by SECTION 28m of this rule takes  
13 effect on July 1, 2009.

14          (4) The treatment of s. ATCP 12.045(3)(a) by SECTION 93m of this rule takes effect on  
15 July 1, 2009.

16           **SECTION 111. INITIAL APPLICABILITY.** The treatment of s. ATCP 10.46(3) by  
17 this rule first applies to registration certificates issued for the first registration year  
18 beginning on or after the effective date of this rule.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By \_\_\_\_\_

## Wisconsin Department of Agriculture, Trade and Consumer Protection

### Business Impact Analysis<sup>1</sup>

***Rule Subject:*** Animal Diseases and Movement  
***Adm. Code Reference:*** ATCP 10, 12 and 17  
***Rules Clearinghouse #:*** 07-107  
***DATCP Docket #:*** 07-R-01

#### *Rule Summary*

This rule modifies Wisconsin animal health and disease control rules. Among other things, this rule:

- Establishes new rules related to viral hemorrhagic septicemia (VHS) in fish, and simplifies registration of fish farms. DATCP has adopted temporary emergency VHS rules, which this rule would make “permanent.”
- Modifies current rules related to farm-raised deer, including rules related to herd registration, disease control, imports, movement and condemnation. Changes are consistent with proposed federal rules.
- Modifies current rules related to cattle, including rules related to voluntary Johne’s disease testing and classification, tuberculosis import testing, and imports of cattle originating from Mexico.
- Modifies current rules related to poultry imports, shows and enrollment in the national poultry improvement program.
- Modifies current rules related to animal markets, dealers and truckers. Among other things, this rule:
  - Eliminates current requirements for animal market operators, animal dealers and animal truckers to pass a test in order to obtain a license.
  - Clarifies animal transport vehicle registration requirements.
  - Requires animal market operators, animal dealers and animal truckers to record the livestock premises identification code, if any, of each premises from which the market operator, dealer or trucker receives livestock, or to which the market operator, dealer or trucker delivers livestock.

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<sup>1</sup> This analysis includes, but is not limited to, a small business analysis (“regulatory flexibility analysis”) under s. 227.114, Stats.

- Modifies current rules related to Wisconsin’s livestock premises registration program. This rule makes it easier to register, and extends the current annual registration period to 3 years.
- Clarifies current disease indemnity appraisal procedures.
- Regulates imports of llamas and alpacas.
- Makes other minor changes to update, clarify and correct current animal health and disease control rules.

### *Business Impact*

#### **Aquaculture Industry**

This rule creates new regulations to control viral hemorrhagic septicemia (VHS) in fish, and simplifies registration of fish farms. This rule will affect fish farm operators and bait dealers. This rule will also affect the Wisconsin Department of Natural Resources (DNR). The effect on DNR is described in the fiscal estimate for this rule.

This rule will benefit the aquaculture industry by helping to control the spread of VHS, a very serious disease of fish. This rule will also benefit fish farm operators, by simplifying current fish farm registration requirements (operators will be able to register multiple fish farms on a single registration form). However, this rule may add costs or limit operations for some fish farmers and bait dealers, as described below.

#### *Fish Farm Operators*

DATCP estimates that this rule will affect 30-40 private fish farms, not counting DNR “cooperator” fish farms registered by DNR. Many of the affected fish farms are “small businesses,” and many of them will be substantially affected by this rule. VHS testing requirements may force some fish farm operators to curtail all or part of their operations. However, some fish farms already conduct VHS tests in order to meet federal requirements for interstate movement of fish.

Fish farm operators may incur added testing requirements under this rule if they keep VHS-susceptible fish or fish eggs that were either (1) collected from any wild source within the preceding 12 months, or (2) kept on a *type 3* fish farm in this state. Operators must test those VHS-susceptible fish or fish eggs before they distribute them for bait, for stocking to Wisconsin public waters, or for delivery to other fish farms (other than those registered as a *type 3* fish farm by the same operator).

A veterinarian or other qualified fish health inspector must certify that the fish or fish eggs are VHS-free, based on tests using approved methods. VHS tests must be conducted on a statistically representative sample of fish drawn from the tested species or farm. The average cost to test and certify a single lot of fish is approximately \$500 (actual costs vary depending on test method, number of fish in the lot, number of fish species in the lot, etc.). A single fish farm might need to test from 1-30 lots per year, depending on the source and species of the fish, the number of separate fish lots kept on the fish farm, and purposes for which the fish are kept and distributed.

DATCP estimates that approximately 30-40 private fish farm operators will need to conduct VHS tests, and that they will conduct those tests on a combined total of approximately 40 lots of fish per year. Assuming an average cost of \$500 per test per lot, the *combined total cost to all affected private fish farm operators* will be approximately \$20,000 per year.

However, some of those affected fish farmers are already performing VHS tests in order to meet federal requirements for shipping fish in interstate commerce, so the net impact of this rule may be less than \$20,000. Fish farm costs may increase if USDA finds that additional fish species are susceptible to VHS (the amount of the increase will depend on which fish species are found to be susceptible).

#### *Bait Dealers*

Wisconsin bait dealers are currently licensed by DNR. This rule will affect licensed bait dealers in 2 ways:

- If bait dealers buy VHS-susceptible bait species that originate from wild sources, their purchase costs may reflect the seller's added cost of VHS testing under this rule.
- If bait dealers collect VHS-susceptible bait species from wild sources, they will need to conduct VHS tests before reselling or distributing the bait. They will also need to withhold the bait from distribution for at least 4 weeks pending the completion of VHS tests. That will add costs, and may not be practically feasible for affected bait dealers.

This rule applies only to bait species that are known to be susceptible to VHS. Of the major bait species in Wisconsin (fathead minnow, white sucker, golden shiner and emerald shiner), only one species (emerald shiner) is currently known to be susceptible to VHS. Emerald shiners are obtained exclusively by wild harvesting, while other major bait species can be hatched and raised on farms. At this time, DATCP estimates that emerald shiners represent less than 10% of the overall bait market in Wisconsin (the market for wild-harvested emerald shiners has already diminished as a result of federal VHS testing requirements for emerald shiners moved in interstate commerce).

DATCP estimates that approximately 25 Wisconsin bait dealers are currently harvesting emerald shiners from the wild. DATCP estimates that each of those bait dealers would need to test an average of 6 lots of wild-harvested emerald shiners each year, before distributing the emerald shiners for sale. Assuming an average cost of \$500 per test lot, the average annual cost for an individual bait dealer would be about \$3,000 per year, and the combined total cost to all 25 of those bait dealers would be about \$75,000 per year. That figure does *not* include added costs to hold the emerald shiners for 4 weeks while testing is completed. It is extremely difficult to hold emerald shiners for extended periods, so it may not even be possible for most bait dealers to hold them for the required 4 weeks.

The difficulty of holding emerald shiners for 4 weeks, combined with the added cost of testing emerald shiners, may drive many bait dealers out of the business of harvesting wild emerald shiners for sale as bait. However, those bait dealers may still be able to harvest and sell other types of bait that are not affected by this rule.

Bait dealers that are not currently harvesting emerald shiners will not be substantially affected by this rule unless USDA finds that additional bait species are susceptible to VHS. If USDA finds that other major bait species are susceptible to VHS, this rule could have a more dramatic impact on bait dealers. The impact will depend on the species that are affected.

### **Farm-Raised Deer Keepers**

This rule changes current rules related to farm-raised deer. This rule makes all of the following changes:

- Requires veterinarians who perform chronic wasting disease (CWD) tests to report test results to DATCP.
- Changes the annual expiration date for farm-raised deer herd registrations, from December 31 to March 15.
- Clarifies that a person may keep farm-raised deer at 2 or more locations identified in a single herd registration certificate, subject to specified conditions.
- Clarifies that separately-registered farm-raised deer herds may be kept at the *same location* (even if they are owned by different persons), subject to specified conditions.
- Modifies current CWD testing requirements. Under current rules, a test must be performed on every farm-raised deer at least 16 months old that dies in captivity, or is killed or sent to slaughter (the test sample must be sent to an approved laboratory within 10 days after it is collected). Under this rule, a test sample must be collected within 10 calendar days after the death is first discovered). Under this rule as under the current

rules, the test sample must be sent to an approved laboratory within 10 calendar days after it is collected.

- Clarifies current rules related to DATCP condemnation of diseased or suspect farm-raised deer. Under this rule, a condemnation order may specify a reasonable compliance deadline, may direct appropriate testing and disposition of carcasses, and may require the herd owner or custodian to enter into a “premises plan” as a condition to the payment of state indemnities.
- Clarifies annual herd census requirements under Wisconsin’s chronic wasting disease herd status program. Under this rule, an annual herd census must report apparent escapes, and must explain and account for changes in herd population since the last census.
- Clarifies that DATCP may suspend a herd’s enrollment in the chronic wasting disease herd status program if the herd owner willfully fails to test any test-eligible animal, or fails for any reason to test at least 90% of test-eligible animals in any census year. The rule specifies conditions under which DATCP may reinstate a suspension.
- Modifies current rules related to reports of escaped farm-raised deer. A herd owner must report an escape to DATCP within 24 hours after the herd owner knows, or has reason to know, of the escape. If the escaped deer is returned to the herd, the herd owner must also report the return within 24 hours. An animal returned more than 72 hours after it escapes (24 hours in a wild deer disease control zone designated by DNR) loses any status that it may have had under a herd certification or status program, and is considered a new addition to the herd. That may affect the overall herd status (if an escaped animal is not returned to the herd, there is no effect on herd status.)
- Clarifies that a person applying to register a herd of white-tailed deer with DATCP must include, with the registration application, a copy of a valid DNR fence certificate (currently required by law) for each registered location.
- Clarifies that a person applying for a 10-year hunting preserve certificate from DATCP must include, in the application, an estimate of the farm-raised deer population on the hunting preserve premises (by species, age and sex). The application must also include the identification numbers of any farm-raised deer on the hunting preserve that bear identification numbers. Under this rule, all non-natural additions to a hunting preserve must have 2 forms of official individual identification, one visible and one implanted.
- Extends the term of a brucellosis-free herd certification, from 2 years to 3 years, so that it is consistent with the term of a tuberculosis-free herd certification. That will allow herd owners to conduct simultaneous tests for both diseases.

- Reduces the number of whole herd tests required for brucellosis-free herd certification from 3 to 2 whole herds tests, so that it is consistent with the term of a tuberculosis-free herd certification. That will allow herd owner to conduct simultaneous tests for both certifications.
- Allows DATCP to extend the 15-day slaughter deadline for tuberculosis reactors by up to 30 days (current rules allow only a 15-day extension).
- Modifies current tuberculosis regulations for imports of farm-raised deer, to make them consistent with federal standards for interstate movement. This rule also eliminates current requirements for post-import testing.
- Clarifies current rules related to movement of farm-raised deer from registered herds in this state. Under current rules, farm-raised deer may not be moved unless the herd has been enrolled in the farm-raised deer herd status program for at least 5 years. Under this rule, if 2 or more wild deer killed within 5 miles of the deer farm have tested positive for chronic wasting disease, farm-raised deer may not be moved from the deer farm unless the deer farm is double-fenced to prevent contact with infected wild deer.

Most of the changes in this rule are designed to clarify current rules, or to make current rules consistent with federal rules. The rule changes will have minimal impact on most farm-raised deer keepers, and will reduce costs and facilitate deer farm operations in many cases. Deer farms located in areas where wild deer are infected with chronic wasting may incur added costs (for double fencing) if they wish to ship farm-raised deer other than to slaughter. Currently there are eight registered farm raised deer facilities that will be immediately affected. In recent years USDA has made money available for double fencing of farm-raised deer herds, individuals affected by this rule change will receive first right of refusal for that funding this year (future funding is uncertain). Clear and effective rules will help prevent and control chronic wasting disease and other diseases, for the benefit of the entire farm-raised deer industry.

This rule requires additional (implanted) ID tags for farm-raised deer entering hunting preserves, to facilitate disease traceback. The cost of the additional tag is estimated at less than \$5 per farm-raised deer. In recent years, USDA has paid for implanted ID tags (future funding is uncertain).

### **Cattle and Goat Producers**

Under current rules, Johne's disease test samples must normally be collected by accredited veterinarians. This rule allows Dairy Herd Improvement Technicians or certified veterinary technicians to collect milk samples that are used as Johne's disease test samples. That will make it easier, and less costly, for dairy farmers to participate in

less costly, for dairy farmers to participate in the Johne's disease herd testing and management program.

Current rules exempt imported bovine animals (cattle and bison) from the requirement of a pre-import tuberculosis test if the animals originate from a state that USDA has classified as “TB-free” if that state accepts Wisconsin animals without a TB test. Under this rule, the exemption does not apply if the state of origin has a confirmed TB-positive herd, until that herd is depopulated and all epidemiologically linked herds have tested negative for TB. This rule also prohibits imports of cattle originating from Mexico, except directly to slaughter. This rule will help prevent imports of diseased cattle, and provide important protection for Wisconsin’s livestock industry. It will not have significant adverse effects on the livestock industry.

### **Poultry Producers**

Under current rules, a poultry flock owner may voluntarily enroll in the National Poultry Improvement Plan (enrollment facilitates the sale and movement of poultry). Under this rule, a flock owner may not enroll unless the owner has registered flock premises under Wisconsin’s livestock premises identification program. This will not have a significant impact on flock owners, because registration is already required by law.

Current rules regulate poultry imports to Wisconsin. This rule modifies poultry import standards, to provide more flexible options for poultry importers. This rule will have no adverse impact on poultry importers.

### **Animal Markets, Dealers and Truckers**

This rule does all of the following:

- Eliminates the current requirement for animal market operators, animal dealers and animal truckers to pass a test before being initially licensed by DATCP.
- Requires animal market operators, animal dealers and animal truckers to transport and handle animals in a safe and humane manner.
- Clarifies animal transport vehicle registration requirements.
- Requires animal market operators, animal dealers and animal truckers to record the official individual identification of goats that bear official individual identification.
- Requires animal market operators, animal dealers and animal truckers to record the livestock premises code, if any, of each premises from which the operator receives or to which the operator ships livestock.
- Requires operators of federally-approved livestock import markets to disclose, to livestock recipients, the state of origin of livestock leaving the import market.

This rule will simplify licensing of animal market operators, dealers and truckers, by eliminating current testing requirements. This rule will require some animal market operators, dealers and truckers to make minor changes in recordkeeping and operating procedures. Recordkeeping changes will improve disease control and traceback capability, for the benefit of the entire livestock industry. This rule will not have any significant adverse effect on animal market operators, dealers or truckers.

### **Persons Keeping Livestock; Premises Registration**

Under current law, a person who keeps livestock at a location in this state is required to register that location with DATCP. Under current rules, the person must renew the registration annually. If the person holds another license from the department, the person must register as part of the license application process.

This rule extends the registration renewal period from one year to 3 years. Under this rule, a license holder may register as part of the license application process but is not required to do so (the person may register separately). These changes will make it easier and more convenient for livestock operators to comply with premises registration requirements. This rule will have no adverse impact on the livestock industry.

### **Slaughter Establishments**

This rule clarifies the current prohibition against removing live animals from slaughter establishments. This rule will not have any adverse effect on slaughter establishments.

### **Disease Indemnities**

This rule clarifies the procedures that DATCP will use to determine the appraised value of animals condemned for disease control purposes, in order to determine the amount of state indemnity payments. This rule will not have any significant adverse effect on livestock operators, and will clarify indemnity procedures.

### ***Accommodation for Small Business***

Overall, this rule improves disease control and prevention for the benefit of the entire livestock and aquaculture industry. In many cases, this rule will actually improve flexibility and reduce costs for individual businesses, including small businesses. Overall, this rule has few adverse impacts on small business.

This rule may have some adverse effects on some small businesses (especially bait dealers that harvest emerald shiners from wild sources for sale as bait). If USDA finds that additional fish or bait fish species are susceptible to VHS, this rule may have a more dramatic impact on fish farm operators or bait dealers, or both. Many of the affected

This rule is needed to protect the health of Wisconsin livestock industries, including the aquaculture and farm-raised deer industries. It is also needed to protect the health of wild animals, including fish. Effective disease control is important for all the people of the state, and for the affected livestock industries.

DATCP has not exempted small businesses, because the risk of disease spread is unrelated to business size.

*Conclusion*

Overall, this rule will benefit Wisconsin livestock industries by improving control of serious diseases. This rule may have some adverse effects on some individual businesses, those effects are generally limited and are outweighed by the need to prevent and control the spread of serious diseases that could destroy entire industries.

Dated this 23 day of July, 2008

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

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

**FISCAL ESTIMATE**

DOA-2048 N(R10/98)

- ORIGINAL       UPDATED
- CORRECTED       SUPPLEMENTAL

Adm. Rule No.

ATCP 10,12, 17

Amendment No. If Applicable

Subject

**Animal Health and Disease Control**

Fiscal Effect

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum certain appropriation

- Indeterminate
- Increase Existing Appropriation       Increase Existing Revenues
- Decrease Existing Appropriation       Decrease Existing Revenues
- Create New Appropriation

Increase Costs - May be possible to Absorb Within Agency's Budget     Yes     No

Decrease Costs

Local:  No Local Government Costs

1.  Increase Costs
- Permissive       Mandatory
2.  Decrease Costs
- Permissive       Mandatory

3.  Increase Revenues
- Permissive     Mandatory
4.  Decrease Revenues
- Permissive     Mandatory

5. Types of Local Governmental Units Affected:

- Towns     Villages       Cities
- Counties     Others
- School Districts       WTCS Districts

Fund Sources Affected

Affected Ch. 20 Appropriations

- GPR     FED     PRO     PRS     SEG     SEG-S    20.115 (2)(a) and (2)(ha)

**Assumptions Used in Arriving at Fiscal Estimate**

This rule modifies current health certification and disease testing requirements for fish and farm-raised deer (see "plain language analysis" accompanying the rule).

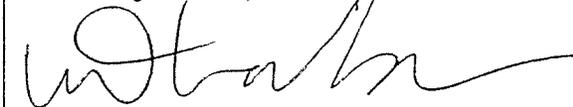
DATCP expects to incur added costs to administer and enforce the fish health testing requirements under this rule. DATCP estimates it will need a minimum of 2 FTE positions to review and process fish health certificates in a timely manner; to train fish health inspectors to conduct VHS sample collection; to provide compliance information and respond to industry inquiries; to conduct inspections and monitor compliance; to conduct investigations of possible law violations; and to initiate enforcement actions if necessary. The 2.0 FTE staff will have a combined total cost of approximately \$120,000 per year, including salary, fringe benefits and support costs. DATCP will absorb these costs in the short term by shifting staff from other important disease control responsibilities, but DATCP will not be able to do so indefinitely without putting other livestock sectors at unacceptable risk. DATCP has received federal grant funds to cover some of the costs, but federal funding is not guaranteed to continue.

This rule will have a fiscal impact on DNR fish hatchery and stocking operations. Under this rule, all VHS-susceptible fish must be tested for VHS before being stocked to Wisconsin public waters if they were either (1) collected from a wild source within the preceding 12 months or (2) kept on a type 3 fish farm. This rule provides a limited exemption for fish or fish eggs that are reintroduced to the same waters from which they are collected. The exemption will allow DNR and local governments to continue programs (including so-called "walleye wagons") to expand or rehabilitate populations of important sport fish.

Under current rules, a veterinarian or other qualified fish health inspector must issue a fish health certificate for all fish stocked into Wisconsin public waters. The inspector must issue the health certificate on a form prescribed by DATCP. Under this rule, if the fish are of a VHS-susceptible species, and were either (1) collected from a wild source within the preceding 12 months or (2) kept on a type 3 fish farm, the fish health certificate must certify that the fish are VHS-free. The certification must be based on VHS tests conducted according to approved methods (the American Fisheries Society test or the World Organization for Animal Health test) that DATCP identifies on the health certificate form.

Agency/Prepared by: (Name & Phone No.)  
Dept of Agriculture, Trade & Consumer Protection

Authorized Signature/Telephone No.



Date

7/24/08

Melissa Mace (608) 224-4883

William Walker (608) 224- 4353

VHS tests must be conducted on a statistically representative test sample of fish drawn from the tested species or farm. The average cost to test and certify a single lot of fish is approximately \$500 (actual costs vary depending on test method, number of fish in the lot, number of different species in the lot, etc.). A single fish farm might need to test from 1-30 lots per year, depending on the source and species of the fish, the number of separate fish lots kept on the fish farm, and the purposes for which the fish are kept and distribute

DNR annually registers approximately 100 fish farms with DATCP. Thirteen of those fish farms are state-owned fish hatcheries. The remainder are registered by DNR but owned by private DNR "cooperators" (as registrant, DNR assumes legal responsibility for compliance with fish health rules). DATCP estimates that DNR will need to conduct VHS tests on a combined total of approximately 120 lots of fish per year (including fish at state hatcheries and "cooperator" fish farms registered by DNR). Assuming an average test cost of \$500 per lot, the total cost to DNR will be approximately \$60,000 per year. DNR may also incur some related administrative costs. However, currently the state hatcheries internal protocol and best management practices include significant testing for VHS, so the net impact of this rule will be less than \$60,000. DNR costs may increase if USDA finds that additional fish species are susceptible to VHS (the amount of the increase will depend on which fish species are found to be susceptible).

This rule may have a slight fiscal impact on University of Wisconsin research facilities and some local governments, to the extent that they may operate fish farms or procure fish from farms affected by this rule. However, the effect will likely be minimal unless those entities are engaged in distributing VHS-susceptible fish obtained from wild sources in this state.

This rule makes additional changes to other program areas. These changes will not have a fiscal impact on the state.

#### Long-Range Fiscal Implications

# FISCAL ESTIMATE WORKSHEET

Detailed Estimate of Annual Fiscal Effect

ORIGINAL     UPDATED  
 CORRECTED     SUPPLEMENTAL

LRB No. and Bill/Adm. Rule No.

Amendment No.

1-2047 (R10/98)

ATCP 10, 12, 17

Subject

Animal Health and Disease Control

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

II. Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations - Salaries and Fringes		\$100,700	
(FTE Position Changes)	FTE	2.00	
State Operations - Other Costs		\$19,600	
Local Assistance			
Aids to Individuals and Organizations			
<b>TOTAL State Costs by Category</b>		<b>\$120,300</b>	
<b>B. State Costs by Source of Funds</b>		Increased Costs	Decreased Costs
GPR		\$120,300	
FED			
PRO/PRS			
SEG/SEG-S			
<b>III. State Revenues</b>	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes			
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
<b>TOTAL State Revenues</b>			

## NET ANNUALIZED FISCAL IMPACT

STATE

LOCAL

NET CHANGE IN COSTS

\$120,300

NET CHANGE IN REVENUES

Dept. of Agriculture, Trade & Consumer Protection

Authorized Signature/Telephone No.

Date

William Walker (608) 224-4353

7/24/08