



WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules...

COMMITTEE NOTICES ...

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INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

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 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
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- Miscellaneous ... **Misc**

Wisconsin's program related to fish and farm-raised deer are perhaps the leading programs in the nation, and have provided models for proposed federal programs.

USDA may provide grant funding, regulatory incentives, or other assistance in support of state programs and regulation. For example, USDA provides funding for voluntary Johne's disease testing and herd management, based on federal program standards.

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

Surrounding State Programs

General

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

Aquaculture

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

- Minnesota requires fish import permits, and licenses fish farms and fish dealers. Health certification is required for fish imports, but not for fish farms. Bait imports are prohibited.
- Iowa requires fish import permits, and licenses fish farms. Health certification is required for fish imports, but not for fish farms.
- Illinois licenses fish farms and fish dealers. An import permit and health certification is required for certain fish imports (salmonids). There is limited regulation of fish transport vehicles.
- Michigan licenses fish farms. Health certification is required for fish imports.

Johne's Disease

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

Data and Analytical Methodologies

USDA specifies standard animal disease test methods and procedures that are incorporated by reference in current DATCP rules.

Standards Incorporated by Reference

Pursuant to s. 227.21, Stats., DATCP has received permission from the attorney general to incorporate the following standards by reference in this rule, without reproducing the standards in full in this rule:

- *Program standards for the national voluntary Johne's disease control program, United States department of agriculture, animal and plant health inspection service, publication number 91-45-016 (June 2006).*

DATCP Contact

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

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- 1 **SECTION 1:** ATCP 10.01(31m) is created to read:
- 2 ATCP 10.01(31m) "DHIA Technician" means a person approved by a service
- 3 affiliate of the dairy herd improvement association to certify dairy farm production
- 4 information.
- 5 **SECTION 2:** ATCP 10.01(39) and (59) are amended to read:

1 ATCP 10.01(39) "Exotic ruminant" means a ruminant not indigenous to
2 Wisconsin. "Exotic ruminant" does not include domestic bovine animals, bison, cervids,
3 alpacas or llamas.

4 (59) "Johne's disease national program standards" means the program standards
5 for the national voluntary Johne's disease control program, as published in federal bureau
6 publication 91-45-016 (~~November 2005~~ June 2006).

7 **SECTION 3.** ATCP 10.01(63m) is created to read:

8 ATCP 10.01(63m) "M-branded" means branded with the letter "M" to signify
9 imported from Mexico.

10 **SECTION 4.** ATCP 10.01(71)(g)3. is repealed.

11 **SECTION 5.** ATCP 10.04(1)(title) and (a)(intro.) are amended to read:

12 ATCP 10.04(1)(title) ~~VETERINARIAN TO REPORT~~ DUTY TO REPORT TEST RESULTS.

13 (a) A veterinarian, qualified fish health inspector, certified veterinary technician
14 or DHIA technician who tests an animal in this state for any of the following diseases
15 shall report the test result to the department, regardless of whether the test result is
16 positive or negative:

17 **SECTION 6.** ATCP 10.04(1)(a)5. and 6. are created to read:

18 ATCP 10.04(1)(a)5. Chronic wasting disease.

19 6. Viral hemorrhagic septicemia.

20 **SECTION 7.** ATCP 10.07(4)(c) is repealed and recreated to read:

21 ATCP 10.07(4)(c) An operator of a federally approved livestock import market
22 may not do any of the following:

1 1. Release any animal from that market to a Wisconsin destination unless the
2 animal meets all applicable import requirements under this chapter.

3 2. Fail to disclose, to the recipient of any animal released from that market, the
4 animal's state of origin.

5 **SECTION 8.** ATCP 10.08(4) and (5) are amended to read:

6 ATCP 10.08(4) REMOVING LIVESTOCK FROM SLAUGHTER ESTABLISHMENT. No
7 person may remove any livestock animal from a slaughtering establishment after the
8 animal has been ~~weighed and purchased by~~ off-loaded at the slaughtering establishment
9 unless the animal is removed under a special permit issued by the state veterinarian. The
10 state veterinarian shall grant or deny a permit application within 5 business days after he
11 or she receives a complete application.

12 (5) RELEASE OF DISEASED WILD ANIMAL. A person who knows or has reason to
13 know that a captive wild animal has been infected with or exposed to a disease identified
14 in s. ATCP ~~10.02~~ 10.03 may not release the animal to the wild unless a certified
15 veterinarian finds that the animal is free of the disease at the time of release. The
16 veterinarian shall make the finding on a certificate of veterinary inspection that is filed
17 with the department.

18 **SECTION 9.** ATCP 10.09 is created to read:

19 **ATCP 10.09 Appraised value of condemned animals.** If the owner of an
20 animal destroyed under s. 95.21(4)(b), 95.23(1m), 95.25, 95.26, 95.27 or 95.31(3) or (4),
21 Stats., is eligible for a state indemnity for that animal under ch. 95, Stats. If the animal is
22 of a type not frequently sold at public auction the department shall appoint a
23 knowledgeable independent appraiser to determine the appraised value of the animal.

1 The appraiser shall determine the appraised value based on the animal's size, species,
2 sex, and grade or quality, and by relevant information related to prevailing market prices
3 for animals of that size, species, sex, and grade or quality. The appraiser may, as
4 appropriate, conduct market surveys to obtain relevant price information.

5 **SECTION 10.** ATCP 10.11(5)(a)1. is amended to read:

6 ATCP 10.11(5)(a)1. Have the animal identified as a reactor, and shipped to a
7 slaughtering establishment for slaughter, according to the brucellosis uniform methods
8 and rules. The ~~operator~~ owner shall obtain a department permit under s. ATCP 10.08 (3)
9 for the slaughter shipment.

10 **SECTION 11.** ATCP 10.15(1)(d) is created to read:

11 ATCP 10.15(1)(d) A DHIA technician or a certified veterinary technician if the
12 Johne's disease test sample is a milk sample.

13 **SECTION 12.** ATCP 10.15(6) is amended to read:

14 ATCP 10.15(6) FOLLOW-UP TEST. Within 45 days after an animal tests positive
15 on a test under sub. (3)(a), ~~the veterinarian who submitted the sample for testing a person~~
16 authorized under sub. (1) shall collect and submit another sample for testing by a
17 different test method under sub. (3). The department may, for good cause, extend the
18 retesting deadline under this subsection.

19 **SECTION 13.** ATCP 10.19(2)(a)3. is created to read:

20 ATCP 10.19(2)(a)3. A livestock premises registration code under s. ATCP 17.02
21 for the location where the herd is kept.

22 **SECTION 14.** ATCP 10.19(2)(b) and (3)(a) are amended to read:

1 ATCP 10.19(2)(b) Claims for costs incurred in any calendar year shall be
2 postmarked or delivered to the department on or before February 1 of the following
3 calendar year, except that the department may consider claims filed after February 1 but
4 before March 1. A herd owner may file multiple claims for costs incurred in any
5 calendar year, provided that the claims are not duplicative.

6 (3)(a) The department shall first pay eligible claims, for costs incurred in any
7 calendar year, which are received or postmarked on or before February 1 of the next
8 calendar year. If the sum of those eligible claims exceeds the amount available in the
9 relevant appropriation account, the department may pay those eligible claims pro rata.

10 **SECTION 15.** ATCP 10.22(5)(b)4. is repealed and recreated to read:

11 ATCP 10.22(5)(b)4. An animal originating from an accredited tuberculosis-free
12 state or nation that accepts bovine animals from this state without a prior tuberculosis
13 test, unless one of the following applies:

14 a. The state veterinarian requires a tuberculosis test under s. ATCP 10.07(1)(b).

15 b. The state or nation of origin has a confirmed tuberculosis positive herd, in
16 which case a tuberculosis test is required under par. (a) until that herd is depopulated and
17 all epidemiologically-linked herds have tested negative for tuberculosis.

18 **SECTION 16.** ATCP 10.22(7m) is created to read:

19 ATCP 10.22(7m) M-BRANDED BOVINES; IMPORT RESTRICTED. No person may
20 import an M-branded bovine into this state except directly to a slaughter facility.

21 **SECTION 17.** ATCP 10.22(9)(b) is amended to read:

22 ATCP 10.22(9)(b) *Permit application.* To obtain an approved import feedlot
23 permit, a feedlot operator shall submit an application on a form provided by the

1 department. The application shall identify the location of the feedlot by county, ~~township~~
2 town and section, and shall include other relevant information required by the
3 department, including the feedlot's livestock premises code under ch. ATCP 17. The
4 application shall include a nonrefundable fee of \$75. The department shall grant or deny
5 a permit application within 30 days after a complete application is filed with the
6 department.

7 **SECTION 17m.** ATCP 10.22(9)(b), as affected by CR-07-061 effective July 1,
8 2009, is amended to read:

9 ATCP 10.22(9)(b) *Permit application.* To obtain an approved import feedlot
10 permit, a feedlot operator shall submit an application on a form provided by the
11 department. The application shall identify the location of the feedlot by county, ~~township~~
12 town and section, and shall include other relevant information required by the
13 department, including the feedlot's livestock premises code under ch. ATCP 17. The
14 application shall include a nonrefundable fee of \$140. The department shall grant or
15 deny a permit application within 30 days after a complete application is filed with the
16 department.

17 **SECTION 18.** ATCP 10.37(1)(a)2. is amended to read:

18 ATCP 10.37(1)(a)2. The department issues a permit under s. ATCP 10.07(2)
19 authorizing the import shipment, ~~and a copy of the permit.~~ A copy of the permit shall
20 accompany the shipment.

21 **SECTION 19.** ATCP 10.40(1)(d)1. and (4)(b)1. are amended to read:

22 ATCP 10.40(1)(d)1. They have individually tested negative for pullorum, fowl
23 typhoid and, in the case of turkeys, *Mycoplasma gallisepticum*, within the preceding 90

1 days and prior to any change of ownership, and there has been no change of ownership of
2 any birds since the completion of testing. Testing for purposes of a fair or livestock
3 exhibition shall be completed before the birds arrive at the fair or livestock exhibition.

4 (4)(b)1. An individual who draws blood samples for ~~laboratory~~ testing shall
5 identify each bird with official individual identification, or with another identification
6 number that uniquely identifies that bird.

7 **SECTION 20.** ATCP 10.40(6)(c) and (d) are amended to read:

8 ATCP 10.40(6)(c) Birds belonging to a flock enrolled under sub. (2), sub. (3) or
9 s. ATCP 10.41 may not be commingled with any birds that are not part of the flock,
10 except at shows and exhibitions where all birds have tested negative for pullorum, fowl
11 typhoid and, in the case of turkeys, Mycoplasma gallisepticum.

12 (d) Birds do not qualify under sub. (1)(d) if they have been commingled with
13 birds from another flock or source, except at shows and exhibitions where all birds have
14 tested negative for pullorum, fowl typhoid and, in the case of turkeys, Mycoplasma
15 gallisepticum.

16 **SECTION 21.** ATCP 10.41(2) and (6) are amended to read:

17 ATCP 10.41(2) ENROLLMENT APPLICATION. A flock owner shall apply for
18 enrollment under sub. (1) on a form provided by the department. The application shall
19 include the test results required under sub. (3), ~~and~~ the fee required under sub. (4) (5), and
20 the livestock premises code of the flock premises. The department shall grant or deny an
21 enrollment application within 30 days after the department receives a complete
22 application.

1 (6) TESTING. Testing under this section, including test sample collection, shall
2 comply with applicable requirements in s. ATCP ~~10.40(3)~~ 10.40(4).

3 **SECTION 22.** ATCP 10.42(1)(a) is repealed and recreated to read:

4 ATCP 10.42(1)(a) No live poultry, poultry eggs for hatching, farm-raised game
5 birds or farm-raised game bird eggs for hatching may be imported to this state unless
6 accompanied by a valid certificate of veterinary inspection that certifies at least one of the
7 following:

8 1. They originate from flocks that are enrolled in the national poultry
9 improvement plan, or a plan that the department determines to be equivalent.

10 2. They originate from flocks that are classified as "U.S. pullorum-typhoid clean"
11 and, in the case of turkeys and turkey eggs, "Mycoplasma gallisepticum clean" under the
12 national poultry improvement plan or a plan that the department determines to be
13 equivalent.

14 3. All individual test-eligible birds have tested negative for pullorum, fowl
15 typhoid and, in the case of turkeys, Mycoplasma gallisepticum within 90 days prior to
16 import. Tested birds shall bear official individual identification, and there shall be no
17 change of ownership between the test sampling date and the import date.

18 **SECTION 23.** ATCP 10.46(title) and (1) are repealed and recreated to read:

19 **ATCP 10.46 Farm-raised deer herds; registration.** (1) REGISTRATION
20 CERTIFICATE REQUIRED. (a) Except as provided in par. (e), no person may keep farm-
21 raised deer at any location in this state unless the department has issued a current annual
22 farm-raised deer herd registration certificate authorizing that person to keep farm-raised

1 deer at that location. A herd registration certificate is not transferable between persons or
2 locations, except as authorized under s. 95.55(3c)(b), Stats.

3 (b) A herd registration certificate under par. (a) may authorize the registrant to
4 keep a herd of farm-raised deer at 2 or more locations identified in the registration
5 certificate, subject to sub. (4).

6 (c) Farm-raised deer from 2 or more herds covered by separate herd registration
7 certificates may be kept at the same location, subject to sub. (5).

8 (d) A herd registration certificate under par. (a) shall bear one or more livestock
9 premises codes that, together, cover all of the herd locations identified in the registration
10 certificate.

11 **NOTE:** A single livestock premises code may cover 2 or more herd locations
12 (see s. ATCP 17.02(4)(d) and (e)).

13 (e) Paragraph (a) does not apply to the operator of an establishment, licensed
14 under s. 97.42, Stats., at which that operator keeps live farm-raised deer for not more than
15 72 hours before slaughtering them.

16 **SECTION 24.** ATCP 10.46(3) is amended to read:

17 ATCP 10.46(3) REGISTRATION CERTIFICATE EXPIRES. A herd registration
18 certificate under sub. (1) expires on ~~December 31~~ March 15 of each year. The holder of a
19 herd registration certificate may renew that certificate by submitting an annual renewal
20 application under sub. (6).

21 **SECTION 25.** ATCP 10.46(4) and (5) are repealed and recreated to read:

22 ATCP 10.46(4) SINGLE REGISTERED HERD KEPT AT 2 OR MORE LOCATIONS. All of
23 the following conditions apply whenever a herd of farm-raised deer is kept at 2 or more
24 locations identified in the herd registration certificate under sub. (1):

1 (a) The entire herd, including all herd locations, shall be actively enrolled in the
2 chronic wasting disease status program under s. ATCP 10.53.

3 (b) The registrant may move farm-raised deer between locations identified in the
4 herd registration certificate without a certificate of veterinary inspection under s. ATCP
5 10.56(1) if all of the following apply:

6 1. Those farm-raised deer are identified with official individual identification.

7 2. The registrant keeps a record of the movement. The record shall include the
8 official individual identification of each farm-raised deer that is moved; the species, age
9 and sex of the farm-raised deer; the date of movement; and the herd locations from and to
10 which the farm-raised deer was moved.

11 (c) All farm-raised deer covered by the registration certificate shall be treated as
12 members of a single herd, for purposes of disease control and movement.

13 **NOTE:** For example, under par. (c), if a certificate of veterinary inspection is
14 required under s. ATCP 10.56 to ship farm-raised deer from any of the
15 herd locations covered by a herd registration certificate, the herd health
16 certifications required under s. ATCP 10.56 must encompass *all* of the
17 herd locations covered by the herd registration certificate. Likewise, if
18 disease is found at any of the locations covered by a herd registration
19 certificate, the department may quarantine and condemn all of the farm-
20 raised deer at *all* of the locations covered by the registration certificate.

21
22 (5) SEPARATELY REGISTERED HERDS KEPT AT SAME LOCATION. All of the
23 following conditions apply whenever any farm-raised deer from 2 or more herds covered
24 by separate registration certificates under sub. (1) are kept at the same location:

25 (a) If the herds are medically separated under par. (c), each herd is considered a
26 separate herd for purposes of disease control, movement, and enrollment in the chronic
27 wasting disease status program under s. ATCP 10.53. Farm-raised deer moved between
28 any of the medically separated herds shall be accompanied by a certificate of veterinary

1 inspection under s. ATCP 10.56(1), and registrants shall keep a record under sub. (10)(a)
2 related to each movement.

3 (b) If the herds are not medically separated under par. (c):

4 1. All of the farm-raised deer kept at all of the herd locations identified in all of
5 the herd registration certificates shall be collectively treated as a single herd for purposes
6 of disease control and movement, regardless of whether the deer are under common
7 ownership or control or are part of the same registered herd. This subdivision does not
8 authorize a violation of sub. (1).

9 **NOTE:** For example, under par. (b)1., if a certificate of veterinary inspection is
10 required under s. ATCP 10.56 to ship farm-raised deer from *any* of the
11 herd locations identified in *any* of the herd registration certificates, the
12 herd health certifications required under s. ATCP 10.56 must encompass
13 *all* of the farm-raised deer kept at *all* of the herd locations, regardless of
14 whether those farm-raised deer are owned by the same person or are part
15 of the same registered herd. Likewise, if disease is found at *any* of the
16 locations covered by *any* of the herd registration certificates, the
17 department may quarantine and condemn *all* of the farm-raised deer at *all*
18 of the locations identified in *all* of the registration certificates.

19
20 2. Farm-raised deer moved between any of the herd locations identified in any of
21 the herd registration certificates shall be identified with official individual identification.

22 3. All of the herds, including all herd locations, shall be actively enrolled in the
23 chronic wasting disease status program under s. ATCP 10.53.

24 (c) Herds are medically separated, for purposes of par. (a), if all of the following
25 apply:

26 1. Fencing and facilities are adequate to maintain that separation at all times.

27 2. Bio-security procedures, including procedures to prevent the commingling of
28 farm-raised deer between the herds, effectively prevent disease transmission between the
29 herds.

1 3. The department finds that the medical separation complies with subds. 1. and
2 2., based on an inspection under par. (d).

3 (d) Before registering any herd to be kept at the same location as another,
4 medically separated registered herd, the department shall inspect the location to
5 determine whether the herds are in fact medically separated. For each inspection under
6 this subdivision, the registrant shall pay the fee required under sub. ~~(7)~~(b). No inspection
7 is required for the renewal of an existing herd registration if the department has
8 previously inspected the herd premises under this paragraph.

9 **SECTION 26.** ATCP 10.46(6)(c) is amended to read:

10 ATCP 10.46(6)(c) The location or locations at which the farm-raised deer will be
11 kept, including the county, town, section and fire number assigned to ~~that~~ each location.
12 The application shall disclose whether farm-raised deer from any other registered herd
13 will be kept at any of the same locations and, if so, whether the herds will be medically
14 separated at those locations.

15 **SECTION 27.** ATCP 10.46(6)(em) is created to read:

16 ATCP 10.46(6)(em) A copy of a valid fence certificate issued by the department
17 of natural resources under s. 90.21, Stats., for each location at which white-tailed deer
18 will be kept pursuant to the registration certificate.

19 **SECTION 28.** ATCP 10.46(7)(b) and (c), (8), (9)(b) and (11)(c) are amended to
20 read:

21 ATCP 10.46(7)(b) A person who applies to register a herd at the same location
22 where another herd is registered shall pay a nonrefundable fee of \$150 for each day
23 needed to complete an inspection required under sub. ~~(4)(e)~~ (5)(d).

1 (c) An applicant shall pay a registration fee surcharge of \$100 if the department
2 determines that, within 365 days prior to submitting the registration application, the
3 applicant kept farm-raised deer at any location without a required registration certificate
4 that identifies that location. In addition to the surcharge, the applicant shall pay the fee
5 due for the year in which the applicant failed to obtain the required registration
6 certificate.

7 (8) ACTION ON REGISTRATION APPLICATION. The department shall grant or deny
8 an application under sub. (6) within 30 days after the department receives a complete
9 application, except that the department shall grant or deny the application within 60 days
10 if the department is required to perform an inspection under sub. ~~(5)(e)~~ (5)(d).

11 (9)(b) Violating ch. 95, Stats., ~~or this chapter~~, or department of natural resources
12 fencing rules under s. NR 16.45.

13 (11)(c) Move a live farm-raised deer or any portion of a farm-raised deer carcass
14 from the premises at which it has been kept unless the farm-raised deer has an official
15 individual identification or the farm-raised deer carcass complies with sub. (13).

16 **SECTION 28m.** ATCP 10.46(7)(b) and (c), as affected by CR-07-061 effective
17 July 1, 2009, is amended to read:

18 ATCP 10.46(7)(b) A person who applies to register a herd at the same location
19 where another herd is registered shall pay a nonrefundable fee of \$200 for each day
20 needed to complete an inspection required under sub. ~~(4)(e)~~ (5)(d).

21 (c) An applicant shall pay a registration fee surcharge of \$250 if the department
22 determines that, within 365 days prior to submitting the registration application, the
23 applicant kept farm-raised deer at any location without a required registration certificate

1 that identifies that location. In addition to the surcharge, the applicant shall pay the fee
2 due for the year in which the applicant failed to obtain the required registration
3 certificate.

4 **SECTION 29.** ATCP 10.46(12) is repealed and recreated to read:

5 ATCP 10.46(12) ESCAPED FARM-RAISED DEER. (a) A person keeping farm-
6 raised deer shall report to the department whenever any of those farm-raised deer escapes
7 to the wild. The person shall report the escape within 24 hours after the person knows or
8 has reason to know of the escape. The report shall identify the location of the escape, the
9 apparent date and time of the escape, and the circumstances that resulted in the escape.

10 (b) If an escaped farm-raised deer is returned to the herd, the person shall report
11 that return to the department within 24 hours after the return occurs. The report shall
12 include the apparent number of hours that elapsed between the escape and the return.

13 (c) Except as provided in par. (d), if an escaped farm-raised deer is returned to
14 the herd more than 72 hours after it escapes, it loses any status that it may have had in a
15 herd certification or herd status program under s. ATCP 10.49, 10.51 or 10.53, and is
16 treated as a new addition to the herd.

17 (d) If a farm-raised deer escapes into a wild deer disease control area that the
18 Wisconsin department of natural resources has designated by rule, and is returned to the
19 herd more than 24 hours after the escape, it loses any status that it may have had in a herd
20 certification or herd status program under s. ATCP 10.49, 10.51 or 10.53, and is treated
21 as a new addition to the herd.

22 **SECTION 30.** ATCP 10.46(12)(note) is created to read:

23 **NOTE:** For example, if a farm-raised deer escapes into a chronic wasting disease
24 management zone established by the department of natural resources

1 under NR 10, and is returned to the herd more than 24 hours after the
2 escape, it loses any status that it had under the chronic wasting disease
3 herd status program (ATCP 10.53). It *also* loses any status that it had
4 under the tuberculosis herd certification program (ATCP 10.49) and the
5 brucellosis herd certification program (ATCP 10.51).

6 SECTION 31. ATCP 10.47(3)(a)(note) is created to read:

7 **NOTE:** A hunting preserve certificate issued under this subsection only
8 authorizes hunting for farm-raised deer. Hunting of other animals in a
9 farm-raised deer hunting preserve is illegal. See s. 951.09, Stats.

10 SECTION 32. ATCP 10.47(3)(b)5. and 6., (4m) and (4m)(note) are created to
11 read:

12 ATCP 10.47(3)(b)5. An estimate of the farm-raised deer population on the
13 hunting preserve premises, by species, age and sex.

14 6. A list showing, for each farm-raised deer on the hunting preserve premises that
15 bears any attached or implanted identification, each type of identification and each
16 associated identification number that the farm-raised deer bears.

17 (4m) OFFICIAL INDIVIDUAL IDENTIFICATION. (a) All non-natural additions to a
18 hunting preserve premises shall have 2 forms of official individual identification, one
19 visible and one implanted.

20 **NOTE:** See s. ATCP 10.01(71).

21 SECTION 33. ATCP 10.47(7)(b)6. is amended to read:

22 ATCP 10.47(7)(b)6. ~~The~~ All official individual identification ~~of attached to or~~
23 implanted in the carcass, ~~or the~~ and the number of any dead tag number attached to the
24 carcass under s. ATCP 10.46(13), ~~if the carcass leaves the premises.~~ If the carcass has
25 both an official individual identification and a dead tag, the carcass shall include both
26 numbers.

1 SECTION 34. ATCP 10.48(6)(c) is amended to read:

2
3 ATCP 10.48(6)(c) The department may for good cause extend a deadline under
4 par. (b), but may not extend a deadline under par. (b)1. by more than ~~15~~ 30 additional
5 days.

6 SECTION 35. ATCP 10.49(4) is created to read:

7 ~~ATCP 10.49(4) CERTIFICATION TRANSFERRED, OR ISSUED BASED ON SOURCE~~
8 HERD CERTIFICATION. The department may not transfer a herd certification under sub. (1)
9 to another herd or herd registrant, or certify a herd based solely on prior certification of
10 another herd from which the herd received its farm-raised deer, unless all of the
11 following apply:

12 (a) The herd registrant applies for the new or transferred certification not later
13 than 90 days after the registrant first acquires farm-raised deer from the prior certified
14 herd.

15 (b) The herd meets applicable requirements for certification under sub. (1).

16 SECTION 36. ATCP 10.51(1) and (2) are repealed and recreated to read:

17 ATCP 10.51(1) INITIAL CERTIFICATION. (a) The department may certify a herd
18 of farm-raised deer as a certified brucellosis-free herd based on 2 consecutive whole herd
19 tests that are negative for brucellosis. The whole herd tests shall be conducted 9 to 15
20 months apart. Each whole herd test shall include all sexually intact farm-raised deer, at
21 least 6 months old, which are in the herd at the time of the test.

22 (b) The department may certify a herd of farm-raised deer as a brucellosis
23 monitored herd if the herd qualifies for that certification under the brucellosis uniform
24 methods and rules.

1 (2) MAINTAINING CERTIFICATION. (a) Except as provided in par. (b) or (c), a
2 herd certification under sub. (1) expires 36 months after the date on which it is issued.

3 (b) The department may change the expiration date under par. (a) if all of the
4 following apply:

5 1. The keeper of the farm-raised deer requests the change.

6 ~~2. The new expiration date occurs before the original expiration date.~~

7 3. All test-eligible farm-raised deer in the herd test negative for brucellosis within
8 3 months before or after the new expiration date.

9 (c) The department may renew a herd certification under sub. (1) for a 36-month
10 period beginning immediately after the applicable herd certification expiration date under
11 par. (a) or (b) if the herd keeper submits proof that all test-eligible farm-raised deer in the
12 herd have tested negative for brucellosis within 3 months before or after that expiration
13 date.

14 (d) Test methods and procedures under pars. (b) and (c) shall comply with the
15 brucellosis uniform methods and rules.

16 (e) Except as provided in pars. (a) to (c), a herd certification under sub. (1) is
17 contingent upon compliance with the brucellosis uniform methods and rules.

18 **SECTION 37.** ATCP 10.51(4) is created to read:

19 ATCP 10.51(4) CERTIFICATION TRANSFERRED, OR ISSUED BASED ON SOURCE
20 HERD CERTIFICATION. The department may not transfer a herd certification under sub. (1)
21 to another herd or herd registrant, or certify a herd based solely on prior certification of
22 another herd from which the herd received its farm-raised deer, unless all of the
23 following apply:

1 (a) The herd registrant applies for the new or transferred certification not later
2 than 90 days after the registrant first acquires farm-raised deer from the prior certified
3 herd.

4 (b) The herd meets applicable requirements for certification under sub. (1).

5 **SECTION 38.** ATCP 10.52(1)(intro.) is amended to read:

6 ATCP 10.52(1)(intro.) ~~TESTING REQUIRED.~~ A person who keeps farm-raised deer
7 in this state shall have a chronic wasting disease test performed according to this section
8 on each of the following farm-raised deer that is at least 16 months old, unless a different
9 age is required under USDA rules:

10 **SECTION 39.** ATCP 10.52(3)(a) and (3)(c)2. are repealed and recreated to read:

11 ATCP 10.52(3)(a) A chronic wasting disease test under sub. (1) shall be
12 performed on a tissue sample that complies with all of the following requirements:

- 13 1. The tissue sample shall be collected by a qualified person under sub. (4).
- 14 2. The tissue sample shall be collected within 7 calendar days after the farm-
15 raised deer dies or is killed or slaughtered, or within 7 calendar days after its death is first
16 discovered.
- 17 3. Except as provided in par. (b), the tissue sample shall be collected before any
18 part of the farm-raised deer carcass leaves the premises where the farm-raised deer died,
19 or was killed or slaughtered.

20 (c)2. Submit the test sample to a laboratory approved under sub. (5) within 10
21 calendar days.

22 **SECTION 40.** ATCP 10.52(8) is repealed and recreated to read:

1 ATCP 10.52(8) CONDEMNED FARM-RAISED DEER. (a) The department may order
2 the slaughter or destruction of farm-raised deer, as provided in s. 95.23(1m) or 95.31,
3 Stats. An order may do all of the following:

- 4 1. Specify a reasonable deadline for the slaughter or destruction.
- 5 2. Direct appropriate disease testing and disposition of the carcasses.
- 6 3. Require the herd owner or custodian to enter into a premises plan agreement
7 under par. (b), within a reasonable time specified in the order, as a condition to the
8 payment of indemnities under par. (c). The terms of a premises plan agreement may be
9 contingent on the outcome of disease testing.

10 (b) A premises plan agreement under par. (a)3. may require the herd owner or
11 custodian to clean and disinfect the herd premises, limit future cervid movement to and
12 from the premises, or comply with other requirements that are reasonably designed to
13 prevent the spread of disease. An agreement may include a restrictive covenant, such as
14 a fence maintenance requirement, that is binding on subsequent property owners for the
15 duration of the agreement.

16 (c) The owner of farm-raised deer slaughtered or destroyed pursuant to a
17 department order under par. (a) may request an indemnity as provided in s. 95.23(1m) or
18 95.31, Stats. The owner shall file the request with the department, on a form provided by
19 the department. The request shall include proof of compliance with the department's
20 order under par. (a).

21 **SECTION 41.** ATCP 10.53(4)(g) and (g)(note) are created
22 to read

23 ATCP 10.53(4)(g) Report any escapes from the herd, and any returns of escaped
farm-raised deer to the herd, as required by s. ATCP 10.46(12).

1 **NOTE:** Under s. ATCP 10.46(12), if a farm-raised deer escapes from a herd
2 enrolled in the chronic wasting disease herd status program, and is
3 returned to the herd more than 72 hours after the escape, it loses its status
4 under the program and is treated as a new addition to the herd. That will
5 adversely affect the program status of the entire herd.

6
7 A more stringent rule applies if the farm-raised deer escapes into a wild
8 deer disease control area designated by the Wisconsin department of
9 natural resources. If that escaped farm-raised deer is returned to the herd
10 more than 24 hours after the escape, it loses its status under program and
11 is treated as a new addition to the herd. ~~That will adversely affect the~~
12 program status of the whole herd.

13
14 If an escaped farm-raised deer is *not* returned to the herd, there is no effect
15 on the program status of the herd, except as provided in sub. (7).

16 **SECTION 42.** ATCP 10.53(5)(f)(intro.) and 1. are amended to read:

17 ATCP 10.53(5)(f)(intro.) The number, species and sex of farm-raised deer that
18 have escaped, died or left the herd since the last herd census. The report shall indicate,
19 for each farm-raised deer that has escaped, died or left the herd, all of the following:

20 1. Whether the farm-raised deer escaped, died on the premises, was shipped
21 directly to a slaughtering establishment for slaughter, or was shipped to a place other than
22 a slaughtering establishment.

23 **SECTION 43.** ATCP 10.53(5)(f)5., (g) to (i) and (i)(note) are created to read:

24 ATCP 10.53(5)(f)5. If the farm-raised deer escaped, the information required
25 under par. (g).

26 (g) Information related to every farm-raised deer that has escaped since the last
27 reported herd census, including:

28 1. The date of the escape, and the date of the escape report required under s.
29 ATCP 10.46(12).

1 2. If the escaped animal was returned to the herd, the date of the return and the
2 date of the return report required under s. ATCP 10.46(12).

3 3. The circumstances that resulted in the escape.

4 4. Steps taken to prevent recurring escapes.

5 (h) An explanation and accounting for changes in the overall herd population, or
6 in any herd population category under pars. (a) to (c), since the last reported herd census.

7 (i) Census verification by a certified veterinarian, if required by the department.

8 **NOTE:** The department may require census verification by a certified
9 veterinarian if, for example, the federal bureau requires such verification
10 or the census contains significant discrepancies.

11 **SECTION 44.** ATCP 10.53(7)(a)4. is repealed and recreated to read:
12

13 ATCP 10.53(7)(a)(4) At least 2 wild deer found or killed within 5 miles of the
14 farm-raised deer herd have tested positive for chronic wasting disease, and the farm-
15 raised deer herd is not enclosed by a double protective barrier under s. ATCP 10.58.

16 **SECTION 45.** ATCP 10.53(7)(a)5. and (8)(b) are amended to read:

17 ATCP 10.53(7)(a)5. Fewer than ~~92%~~ 90% of the farm-raised deer that left the
18 herd by death, escape or slaughter in any ~~2 of the 5 preceding years~~ census year,
19 including farm-raised deer whose remains were not testable because of deterioration
20 when found, were tested for chronic wasting disease according to sub. (4)(b).

21 (8)(b) The department may by written notice, without prior notice or hearing,
22 revoke a herd's enrollment in the herd status program under this section if the herd
23 keeper fails, within a ~~reasonable time~~ 90 days after the department suspends the herd's
24 enrollment under sub. (7), to correct conditions for which that the department has

1 suspended the herd's enrollment under sub. (7). A reasonable period of time to correct
2 conditions under sub. (7)(a)4. is 6 months.

3 SECTION 46. ATCP 10.53(9)(d) is created to read:

4 ATCP 10.53(9)(d) The department may reinstate a herd status program
5 enrollment suspended under sub. (7)(a)5., subject to conditions specified by the
6 department, if any of the following apply:

7 1. The next annual herd census documents that 95% of the farm-raised deer
8 which in that census year left the herd by escape, death or slaughter, including farm-
9 raised deer whose remains were not testable because of deterioration when found, were
10 tested for chronic wasting disease according to sub. (4)(b)

11 2. Within 60 days after the farm-raised deer keeper receives the suspension
12 notice, the keeper kills and tests for chronic wasting disease a number of farm-raised deer
13 that is at least equal to 90% of the number that the keeper failed to test in the census year
14 in which the keeper failed to meet the testing standard under sub. (7)(a)5. Farm-raised
15 deer killed and tested under this subdivision shall be at least 16 months old, and shall
16 have been in the herd for at least 120 days.

17 **NOTE:** For example, if under sub. (7)(a)5. the department suspends a herd's
18 enrollment in the chronic wasting disease herd status program because the
19 farm-raised deer keeper tested only 19 of the 30 herd members that died or
20 were slaughtered during a census year (less than 90%), the department
21 may reinstate the enrollment if within 60 days the farm-raised deer keeper
22 kills and tests at least 10 farm-raised deer from the herd. Reinstatement
23 may also be conditioned on the keeper's agreement to pay a court-ordered
24 civil forfeiture under s. 95.99(3), Stats., for violation of the testing
25 requirement under s. ATCP 10.52(1).
26

27 SECTION 47. ATCP 10.55(3)(c) and (d) are repealed.

28 SECTION 48. ATCP 10.55(4)(b) is amended to read:

1 ATCP 10.55(4)(b) The farm-raised deer originates from a herd that qualifies as a
2 tuberculosis qualified herd, based on a whole herd test completed within ~~180~~ 365 days
3 prior to the import date.

4 **SECTION 49.** ATCP 10.55(4)(c), (4)(d) and (5) are repealed.

5 **SECTION 50.** ATCP 10.56(1)(d) and (note) are created to read:

6 ATCP 10.56(1)(d) A farm-raised deer movement that is treated as a movement
7 within a single herd for purposes of s. ATCP 10.46(5)(b).

8 **SECTION 51.** ATCP 10.56(3)(d)1. is amended to read:

9 ATCP 10.56(3)(d)1. It has tested negative on 2 tuberculosis tests conducted 90 to
10 270 days apart, and the second test was performed within ~~360~~ 90 days prior to the
11 movement date.

12 **SECTION 52.** ATCP 10.56(4)(b) is repealed and recreated to read:

13 ATCP 10.56(4)(b) It has been enrolled in the chronic wasting disease herd status
14 program under s. ATCP 10.53 for at least the past 5 full registration years.

15 **SECTION 53.** ATCP 10.56(4)(c) and (note) are created to read:

16 ATCP 10.56(4)(c) It is adequately separated from any wild deer herd known to
17 be infected with chronic wasting disease. If 2 or more wild deer found or killed within 5
18 miles of the farm-raised deer herd have tested positive for chronic wasting disease, the
19 certificate of veterinary inspection may not certify that the farm-raised deer herd is
20 adequately separated under this paragraph unless the herd is enclosed by a double
21 protective barrier under s. ATCP 10.58 that was installed before, or within a reasonable
22 time after, the farm-raised deer keeper first received notice of the disease finding in the
23 second wild deer and has been continuously maintained since erected.