Report From Agency

DATCP Docket No. 04-R-10 **Final Draft**
Rules Clearinghouse No. 06-009 **June 6, 2006**

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

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

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

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

- Provides more cost-effective disease monitoring options for small poultry producers who cannot easily participate in the national poultry improvement plan.

- Adopts federal standards for voluntary Johne's disease testing and herd management, and expands producer eligibility for reimbursement of testing and herd management costs (based on the availability of federal funding).

- Requires official individual identification of sheep and goats sold or moved within this state, consistent with federal standards (neutered animals under 12 months old are exempt, as are animals under 12 months moving directly to slaugher). This change will facilitate exports of Wisconsin sheep and goats.

- Strengthens and clarifies disease control standards related to fairs and livestock exhibitions, including organized swap meets, which can spread serious disease if not properly managed. This rule clarifies the responsibilities of exhibition organizers and exhibitors.

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

- Modifies current regulations related to fish farms, fish imports and fish health. This rule eliminates the requirement of an annual health certification for fish farms. This rule streamlines and clarifies current fish import requirements, and creates a $50 fee for a fish import permit. DATCP must approve a fish health certificate before a person imports fish, or introduces fish to waters of the state, based on that health certificate.

- Updates the current list of reportable diseases (deletes 4 diseases).

- Makes minor technical changes in current rules related to farm-raised deer.

- Makes minor updates and technical changes to other rules, as necessary.

Statutory Authority

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

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

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

Background

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

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

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

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

Key Rule Changes

Rule Reorganization

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

New Options for Poultry Producers

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

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

State-Federal Consistency

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

Johne's Disease; Voluntary Testing and Herd Management

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

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

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

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

Johne's Disease Reactors

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

Johne's Disease; Certified Veterinarians

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

Sheep and Goats; Identification

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

Fairs and Exhibitions; Disease Control

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

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

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

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

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

- Comply with current applicable requirements related to the movement and exhibition of animals (disease testing, etc.). This rule does not change current requirements.

- Provide all of the following to the organizer of the fair or exhibition:

  - The exhibitor's name and address.
  - Identification of the animals exhibited, including number, type and description.
  - Documentation to show compliance with applicable animal health requirements related to animals shown at fairs or exhibitions (this rule does not change current requirements).
  - The livestock premises code, if any, of the premises from which the animals originate.

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

- Take reasonable steps to ensure that exhibitors comply with their disease control obligations (see above).

- Review and keep copies of exhibitor information (see above). The organizer must keep copies for at least 5 years, and must make them available to the department for inspection and copying upon request.

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

  - Conduct a daily inspection of the exhibited animals.
  - Review exhibitor information (see above).

Livestock Premises Codes

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

Certificates of Veterinary Inspection

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

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

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

Fish Farms; Annual Health Certificate

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

Fish Imports

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

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

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

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

Fish Introduced into Waters of the State

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

- If a person proposes to introduce fish or fish eggs imported from another state, the health certificate must be included with the person's import permit application (see above).

- A health certificate may be based on an inspection of the fish or fish eggs, or of the fish farm from which they originate (see below).

- A person may not introduce fish or fish eggs into waters of the state based on an expired health certificate.

Fish Moved Between Fish Farms in this State

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

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

- A health certificate may be based on an inspection of the fish or fish eggs, or of the fish farm from which they originate (see below).

- A person may not move fish or fish eggs between fish farms based on an expired health certificate.

Fish Health Certificates

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

- Valid fish health certificates are required for fish imports, for fish movement between fish farms, and for introducing fish to waters of the state.

- A qualified fish health inspector (see below) must issue a fish health certificate. The fish health inspector must file the original certificate with DATCP within 7 days after issuing the certificate.

- Fish health certificates must be issued on forms provided by DATCP. The forms may specify information to be included, and may require lab test results to support certain health claims. These content requirements are reviewable in contested case proceedings under ch. 227, Stats., unless they are adopted by rule.

- A person applying for a fish import permit must include a health certificate with the import permit application. DATCP may deny an import permit request that is based on an invalid health certificate.

- DATCP may, for cause, invalidate a fish health certificate, change the expiration date of the fish health certificate, or impose other conditions on the health certificate. DATCP may do so by giving written notice to the person issuing the health certificate (DATCP will also try to notify other persons named in the health certificate).

- A health certificate (whether used for import, intrastate movement, or introduction to waters of the state) may be based on either of the following:

    - An inspection of the fish farm from which the fish or fish eggs originate. This type of health certificate expires one year after it is issued (unless DATCP changes the expiration date). The health certificate must include the name and address of the fish farm operator, the name and address of the fish farm, and the fish farm's livestock premises code *if any*.

- An inspection of the fish or fish eggs. This type of health certificate expires 30 days after it is issued (unless DATCP changes the expiration date). The health certificate must describe the inspected fish or fish eggs, and must identify the source from which they originate.

- A health certificate is not valid after its expiration date.

Qualified Fish Health Inspectors

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

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

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

Qualified Fish Health Laboratories

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

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

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

Farm-Raised Deer

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

- It requires persons collecting chronic wasting disease test samples to submit those samples for testing within 10 days after they are collected.

- It clarifies and updates standards and procedures that apply under the (renamed) chronic wasting disease herd status program, including standards and procedures related to the suspension, revocation and reinstatement of enrollment.

- It changes the deadline for reporting escaped farm-raised deer from 48 hours to 24 hours after the escape is discovered.

Circus, Rodeo and Menagerie Animals

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

Reportable Diseases

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

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

Technical Changes

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

Fiscal Impact

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

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

- This rule will expand reimbursement of producer costs for Johne's disease testing and herd management, but the increased reimbursement will be financed with federal funds.

- This rule creates a $50 fee for a fish import permit. DATCP estimates that this fee will generate approximately $5,000 in program revenue to help support program activities related to fish farms, fish imports and fish health certification.

- DATCP will incur added staff and administrative costs to administer the new voluntary poultry flock certification program created by this rule. DATCP expects to absorb this additional workload with existing staff and appropriations. There is no fee for flock owners to enroll in the program.

Business Impact

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

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

- ***Dairy, cattle and goat producers***. This rule will assist dairy, cattle and goat producers by expanding reimbursement of producers costs for voluntary Johne's disease herd testing, herd risk assessment, herd management plans, and vaccination (current rules provide for reimbursement of testing costs only). Participation in the Johne's disease program is voluntary. This rule removes some existing barriers to participation, and provides more testing and management options for producers. This may encourage participation, and may help to control a very serious disease threat to the Wisconsin dairy and livestock industry.

- ***Fish farm operators.*** This rule will streamline fish import regulations, to make them more workable and effective. This rule will create a modest $50 fee for a fish import permit, to facilitate better review of fish health certificates related to fish imports and fish stocking to waters of the state (the fee will affect only 2% of registered fish farms). This rule eliminates the current requirement for an annual health inspection of fish farms in this state, which will save every fish farm operator an average of $200 per year.

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

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

- ***Organizers and exhibitors at fairs and exhibitions*.** This rule clarifies and strengthens current animal health rules related to fairs and exhibitions, including events such as organized swap meets and trail rides. This rule clarifies the obligations of event organizers and exhibitors. Exhibitors must comply with current animal health rules related to fairs and exhibitions, and must document compliance to the event organizer. Organizers must keep a record of exhibited animals, and must review and keep a record of relevant animal health documentation. Events lasting over 24 hours must have an attending veterinarian. This rule will not have a significant impact on most fairs and exhibitions, except that it may affect certain events such as organized swap meets that may not be adhering to current rules related to fairs and exhibitions.

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

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

  - It makes slight changes to current rules governing certificates of veterinary inspection (the changes should have little impact on veterinarians or their clients, but will improve animal health documentation).
  - It expands reimbursement of veterinary costs related to Johne's disease testing, herd management and vaccination, but only if the services are provided by specially trained veterinarians. The reimbursement will be very beneficial for veterinarians and their clients, but veterinarians must complete training to qualify. Any veterinarian may take the brief (less than one day) required training course offered by DATCP.
  - It eliminates annual fish farm health certification requirements. This will save each fish farm operator an average of $200 per year. Veterinarians who perform certification inspections may experience some loss of income.

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

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

Federal and Surrounding State Programs

Federal Programs

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

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

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

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

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

Surrounding State Programs

General

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

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

Aquaculture

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

- Minnesota requires fish import permits, and licenses fish farms and fish dealers (annual license fees range from $70 to $210). Health certification is required for fish imports, but not for fish farms. Bait imports are prohibited.

- Iowa requires fish import permits, and licenses fish farms (annual license fees range from $26 to $57). Health certification is required for fish imports, but not for fish farms.

- Illinois licenses fish farms ($50 annual license) and fish dealers (annual license fee range from $10 to $100). An import permit and health certification is required for certain fish imports (salmonids). There is limited regulation of fish transport vehicles.

- Michigan licenses fish farms (annual license fees range from $75 to $100). Health certification is required for fish imports.

Johne's Disease

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

Sheep and Goat Identification

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

Standards Incorporated by Reference

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

- "Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program," federal bureau publication 91-45-016 (November 2005).

- "Brucellosis Eradication: Uniform Methods and Rules," federal bureau publication 91-45-013 (October 1, 2003).

- "Brucellosis in Cervidae: Uniform Methods and Rules," federal bureau publication 91-45-16 (September 30, 2003).

- "Bovine Tuberculosis Eradication: Uniform Methods and Rules," federal bureau publication 91-45-011 (January 1, 2005).

- "Bovine Tuberculosis Eradication: Uniform Methods and Rules," federal bureau publication 91-45-011 (January 22, 1999).

- "Swine Brucellosis Control and Eradication: State-Federal-Industry Uniform Methods and Rules," federal bureau publication 91-55-042 (April, 1998).

- "Pseudorabies Eradication: State-Federal-Industry Program Standards," federal bureau publication 91-55-071 (November 1, 2003).

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

DATCP Contact

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

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

SECTION 1. ATCP 1.03(1)(a)11. and 12. are amended to read:

ATCP 1.03 (1)(a)11. Animal health import requirements that the state veterinarian imposes on an import permit holder under s. ATCP ~~11.03(1)(b)~~ 10.07(1)(b), unless the department has adopted those import requirements by rule.

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

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

Chapter ATCP 10
ANIMAL DISEASES AND MOVEMENT

Subchapter I
DEFINITIONS AND GENERAL PROVISIONS

ATCP 10.01 Definitions
ATCP 10.02 Domestic animals
ATCP 10.03 Disease reporting
ATCP 10.04 Disease tests
ATCP 10.05 Wisconsin certified veterinarians
ATCP 10.06 Certificate of veterinary inspection
ATCP 10.07 Animal imports
ATCP 10.08 Moving diseased animals

Subchapter III
BOVINE ANIMALS

ATCP 10.10 Brucellosis; official vaccinates
ATCP 10.11 Brucellosis testing and control
ATCP 10.12 Brucellosis-free herd; certification
ATCP 10.13 Tuberculosis testing and control
ATCP 10.14 Tuberculosis-free herd; certification
ATCP 10.15 Johne's disease testing
ATCP 10.16 Johne's disease; sales of cattle
ATCP 10.17 Johne's disease herd vaccination
ATCP 10.18 Johne's disease herd classification
ATCP 10.19 Johne's disease testing and management costs; reimbursement
ATCP 10.20 Johne's disease; certified veterinarians
ATCP 10.21 Bovine animals; identification
ATCP 10.22 Bovine animals; imports

Subchapter IV
SWINE

ATCP 10.25 Swine pseudorabies; vaccination
ATCP 10.26 Swine pseudorabies; testing and control
ATCP 10.27 Swine pseudorabies; herd certification
ATCP 10.28 Swine brucellosis; testing and control
ATCP 10.29 Swine brucellosis-free herd; certification
ATCP 10.30 Swine imports
ATCP 10.31 Slaughter swine identification
ATCP 10.32 Moving swine in Wisconsin

Subchapter V
EQUINE ANIMALS

ATCP 10.35 Equine infectious anemia
ATCP 10.36 Equine animals; imports
ATCP 10.37 Foreign equine imports; quarantine station

Subchapter VI
POULTRY AND FARM-RAISED GAME BIRDS

ATCP 10.40 Poultry and farm-raised game birds; disease control
ATCP 10.41 National poultry improvement plan
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NOTE: The Wisconsin department of agriculture, trade and consumer protection has adopted this chapter to interpret portions of ch. 95, Stats. Violations of this chapter may, among other things, subject the violator to penalties and remedies provided in s. 95.99, Stats. Nothing in this chapter constitutes a warranty, by the state of Wisconsin or the department, related to the health status of any animal.

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911
Phone: (608) 224-4872
Fax: (608) 224-4871

http://www.datcp.stae.wi.us/index.html

Subchapter I

DEFINITIONS AND GENERAL PROVISIONS

ATCP 10.01 Definitions. In this chapter:

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

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

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

(2) "Accredited veterinarian" means a veterinarian who is both of the following:

(a) Licensed to practice veterinary medicine.

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

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

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

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

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

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

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

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

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

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

(11) "Boar" means an uncastrated male swine that is sexually mature.

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

(13) "Breeder swine" means all the following:

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

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

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

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

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

(a) The department under s. ATCP 10.51.

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

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

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

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

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

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

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P. O. Box 8911

Madison, WI 53708-8911

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

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

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

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

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

(a) The department under s. ATCP 10.68.

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

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

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

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

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

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

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

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

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

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

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

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

(a) Direct contact with other animals.

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

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

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

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

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

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

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

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

(34) "Equine infectious anemia" means the contagious and infectious disease of equine animals caused by a non-oncogenic retrovirus.

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

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

(36) "Equine market" means an animal market that is open to the public solely for the purpose of trading in equine animals.

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

(a) An animal market.

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

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

(38) "Exotic disease" means any communicable, contagious or infectious disease not known to exist in livestock, fish or poultry in Wisconsin.

(39) "Exotic ruminant" means a ruminant not indigenous to Wisconsin. "Exotic ruminant" does not include bovine animals, cervids, alpacas or llamas.

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

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

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

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

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

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

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

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

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

(b) Spayed heifer.

(c) Steer.

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

(48) "Feeder swine pseudorabies monitored herd" means a herd of swine that is certified as a feeder swine pseudorabies monitored herd by one of the following:

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

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

(49) "Flock" as applied to poultry means any of the following:

(a) All poultry on a farm.

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

(50) "Flock" as applied to sheep means one of the following:

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

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

(51) "Fomite" means an inanimate object or substance that transfers infectious organisms from one animal to another.

(52) "Foreign animal disease" means any communicable, contagious or infectious disease not known to exist in animals in the United States.

(53) "Hatchery" means premises used to hatch poultry or ratites. "Hatchery" includes incubators and setters.

(54) "Heifer" means a female bovine animal up to first calving.

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

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

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

(56) "Individual" means a human being.

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

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

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

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P. O. Box 8911
Madison, WI 53708-8911

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

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

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

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

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

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

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

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

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

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health

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

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

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

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

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

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

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

(a) The animal's official eartag number.

(b) The animal's breed association tattoo.

(c) The animal's breed association registration number.

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

(e) The official breed registration lip tattoo number of an equine animal that uniquely identifies the equine animal.

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

1. A complete and accurate description of the equine animal's breed, coloration and distinguishing markings.

2. The equine animal's sexual status.

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

1. The microchip number uniquely identifies the animal.

2. The microchip is implanted in the animal.

3. The person having custody of the animal has a microchip reader that can read the microchip number.

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

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

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

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

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

(m) A tattoo number issued by the department.

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

(o) Other identification approved by the department.

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

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

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

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

(76) "Originates from a state" or "originating from a state" means coming directly from one of the following:

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

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

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

(77) "Person" means an individual, corporation, partnership, cooperative, limited liability company, trust, governmental entity, academic institution or other legal entity.

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

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

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

NOTE: Pseudorabies is also known as Aujeszky's disease, mad itch, and infectious bulbo-paralysis.

(81) "Pseudorabies national eradication standards" means the program standards for the national joint program on pseudorabies eradication, as published in federal publication 91-55-071 (November 1, 2003).

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
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P. O. Box 8911
Madison, WI 53708-8911

(82) "Pseudorabies test" means the negative serum neutralization (SN) test or another pseudorabies diagnostic test that is approved by the department and conducted at a laboratory approved by the department or the federal bureau.

(83) "Pullorum" means a disease of poultry caused by *Salmonella pullorum*.

(84) "Qualified pseudorabies negative grow-out herd" means a grow-out herd of swine that is certified by one of the following:

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

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

(85) "Qualified pseudorabies negative herd" means a herd of swine that is certified by one of the following:

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

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

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

(87) "Ratite" means a member of the group of flightless birds that includes the ostrich, emu, cassowary, kiwi and rhea.

(88) "Reactor" means an animal that tests positive, in a conclusive diagnostic test, for an infectious, contagious or communicable disease.

(89) "Shipped directly to a slaughtering establishment" means delivered to a slaughtering establishment without being unloaded at any other location in this state.

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

(91) "South American camelid" means a llama, alpaca, vicuna or guanaco.

(92) "Sow" means a sexually mature female swine.

(93) "Stallion" means a male equine animal over 731 days of age, but does not include a gelding.

(94) "State veterinarian" means the administrator of the animal health division of the department, or a veterinarian whom the administrator specifically authorizes to act on the administrator's behalf.

(95) "Steer" means a castrated male bovine animal.

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

(97) "Swine" means a domestic hog or any variety of wild hog.

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

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

(100) "Tuberculosis" means the contagious, infectious and communicable disease caused by *Mycobacterium bovis*.

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

(101) "Tuberculosis modified accredited state" means a state that USDA has classified as a tuberculosis modified accredited state, or a state with a tuberculosis prevalence in bovine herds greater than 0.1%.

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

(a) The department under s. ATCP 10.49.

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

(103) "Tuberculosis non-modified accredited state" means a state that the federal bureau has classified as a tuberculosis non-modified accredited state, or a state with a tuberculosis prevalence in bovine herds of at least 0.01% but not more than 0.1%.

(104) "Tuberculosis qualified herd" means, in the case of farm-raised deer, a herd that is certified as a tuberculosis qualified herd by one of the following:

(a) The department under s. ATCP 10.49.

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

(105) "Tuberculosis test" means a test, approved by the department, which may be used to detect tuberculosis in animals for purposes of ch. 95, Stats., this chapter or ch. ATCP 12. "Tuberculosis test" includes any of the following tests, as applicable:

(a) A caudal fold tuberculin test or a comparative cervical tuberculin test for bovine animals.

(b) A single cervical tuberculin test or a comparative cervical tuberculin test for farm-raised deer. A blood tuberculosis test (BTB test) is not a tuberculosis test for purposes of ch. 95, Stats., this chapter or ch. ATCP 12.

(b) A post axillary tuberculosis test for exotic ruminants or South American camelids.

NOTE: Under s. ATCP 10.83(3), the department must approve tuberculosis tests used for different species of exotic ruminants.

(106) "Tuberculosis uniform methods and rules" means:

(a) Except as provided in par. (b), the uniform methods and rules for the national bovine tuberculosis eradication program, federal bureau publication 91-45-011 (January 1, 2005).

(b) In the case of farm-raised deer, the uniform methods and rules for the national cervid tuberculoses eradication program dated January 22, 1999, as published in federal bureau publication 91-45-011 (January 22, 1999).

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

Wisconsin Department of Agriculture,
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Division of Animal Health
P. O. Box 8911
Madison, WI 53708-8911

(107) "Typhoid" or "fowl typhoid" means a disease of poultry caused by *Salmonella gallinarum*.

(108) "USDA" means the United States department of agriculture.

(109) "Validated brucellosis-free herd" means a herd of swine that is certified as brucellosis-free by one of the following:

(a) The department under s. ATCP 10.29.

(b) The authorized animal health agency of the state where the herd is located, under standards equivalent to those in s. ATCP 10.29.

(110) "Veal calf" means a bovine animal of either sex, not more than 120 days old, which is kept for the sole purpose of feeding prior to slaughter for veal.

(111) "Waters of the state" has the meaning given in s. 281.01(18), Stats.

(112) "Wild animal" has the meaning given in s. 95.68(1)(g), Stats. "Wild animal" does not include a domestic animal identified in s. ATCP 10.02.

(113) "Wisconsin certified veterinarian" means a veterinarian certified under s. ATCP 10.05.

(114) "Zoo" or "zoological park" means any park, building, cage, enclosure, or other structure or premises in which a live animal or animals are kept for public exhibition or viewing, regardless of whether admission or other consideration is paid by the viewer.

ATCP 10.02 Domestic animals. The following animals are considered domestic animals under s. 169.01(7), Stats., and are not considered wild animals:

(1) Livestock.

(2) Poultry.

(3) Farm-raised game birds, except farm-raised game birds that have been released to the wild.

(4) Ratites.

(5) Farm-raised fish, except fish that have been released to waters of the state.

(6) Foxes, fitch, nutria, marten, fisher, mink, chinchilla, rabbit or caracul that are born, bred and raised in captivity and are not endangered or threatened species.

(7) Pet birds.

(8) Animals of any species that has been domesticated by humans.

ATCP 10.03 Disease reporting. (1) A person who diagnoses or obtains credible diagnostic evidence of any disease identified in *Appendix A*, in an animal in this state, shall report that diagnosis or evidence to the department within one day after making the diagnosis or obtaining the evidence.

(2) A person who diagnoses or obtains credible diagnostic evidence of any disease identified in *Appendix B*, in an animal in this state, shall report that diagnosis or evidence to the department within 10 days after making the diagnosis or obtaining the evidence.

(3) A person may make a report under sub. (1) or (2) by telephone or any other effective means of communication. If the report is not in writing, the person shall confirm the report in writing by mail, e-mail or fax within 10 days.

(4) If the department, the Wisconsin veterinary diagnostic laboratory, or the Wisconsin department of health and family services makes a diagnosis or obtains evidence under sub. (1) or (2), no other person is required to report the diagnosis or evidence under sub. (1) or (2).

(5) A person is not required to make a report under sub. (1) or (2) if another person reports the same information under sub. (1) or (2).

NOTE: For example, if a veterinarian submits a test sample to a laboratory and receives a positive test result for a disease identified under sub. (1) or (2), the veterinarian is not required to report the test result to the department if the laboratory does so.

(6) If the department determines that a disease reported under sub. (1) or (2) may present a threat to wild animals in this state, the department shall notify the department of natural resources of the report contents.

NOTE: Separate reporting requirements apply to fish diseases under s. ATCP 10.66. Other species-specific reporting requirements may also apply under this chapter.

ATCP 10.04 Disease tests. (1) VETERINARIAN TO REPORT TEST RESULTS. (a) A veterinarian who tests an animal in this state for any of the following diseases shall report the test result to the department, regardless of whether the test result is positive or negative:

1. Brucellosis.

2. Johne's disease.

3. Pseudorabies.

4. Tuberculosis.

(b) A veterinarian shall report a positive test result under par. (a) within the time period and by the method specified for that disease in s. ATCP 10.03.

(c) A veterinarian shall report a negative test result under par. (a) within 10 days after receiving that test result. The veterinarian shall report the negative test result in writing, by mail, e-mail or fax.

(d) A veterinarian is not required to report under par. (a) if the laboratory analyzing the test sample reports the test result to the department according to this subsection.

(e) A test result report under this subsection shall include the official individual identification of the animal to which the test result pertains. If the animal has no official individual identification, the veterinarian who collected the test sample shall identify the animal with an official individual identification.

(2) DUTY TO ASSIST DEPARTMENT**.** An owner or custodian of animals shall make those animals available to the department, at the department's request, for any disease testing that the department is authorized to perform on those animals. The owner or custodian shall restrain the animals, as necessary, to facilitate testing and protect the safety of the animal and the persons performing the testing.

(3) PRESUMPTION. For purposes of ch. 95, Stats., this chapter and ch. ATCP 12, a laboratory test result is rebuttably presumed to be valid if the department or the federal bureau has approved or certified the laboratory to perform that type of test.

(4) FAILURE TO PERFORM REQUIRED TEST; DEPARTMENT MAY TEST. If an animal is moved or imported without being tested according to this chapter, the department may perform the

required test at the owner's expense. Department testing does not relieve any person from other penalties or remedies that may apply because of the illegal import or movement.

ATCP 10.05 Wisconsin certified veterinarians. (1) AUTOMATIC CERTIFICATION. A veterinarian is automatically certified as a Wisconsin certified veterinarian, without any action by the department, if all the following apply:

(a) The veterinarian is currently licensed under ch. 453, Stats., to practice veterinary medicine in this state.

(b) The veterinarian is currently accredited by the federal bureau under 9 CFR 160 to 162.

(2) DECERTIFICATION. (a) A veterinarian is no longer certified under sub. (1) if any of the following occur:

1. The veterinarian is no longer licensed under ch. 453, Stats., to practice veterinary medicine. If the veterinarian's license is temporarily suspended, the certification under sub. (1) is suspended for the period of the license suspension.

2. The veterinarian is no longer accredited by the federal bureau under 9 CFR 160 to 162. If the veterinarian's federal accreditation is temporarily suspended, the certification under sub. (1) is suspended for the period of the accreditation suspension.

3. The department suspends or revokes the certification for cause.

(b) The state veterinarian may, on behalf of the department, summarily suspend or revoke the certification of a veterinarian who violates applicable requirements under ch. 95, Stats., this chapter or ch. ATCP 12. The state veterinarian shall specify, in the order, the period of suspension or the requirements for reinstatement after revocation. A veterinarian may request

a hearing before the department, pursuant to ch. 227, Stats. A request for hearing does not stay the summary suspension or revocation.

ATCP 10.06 Certificate of veterinary inspection. (1) WHEN REQUIRED. (a) Except as provided in par. (c), a certificate of veterinary inspection shall accompany every animal imported into this state.

(b) A certificate of veterinary inspection is not required for movement of animals within this state, except as specifically provided in this chapter or ch. ATCP 12.

NOTE: A certificate of veterinary inspection is required under this chapter or ch. ATCP 12 for movement of certain animals within this state. See, for example, s. ATCP 10.56(1) related to intrastate movement of farm-raised deer and s. ATCP 10.87(3) related to intrastate movement of swine to fairs or exhibitions.

(c) A certificate of veterinary inspection is not required under par. (a) for imports of the following animals, unless a certificate is required in a particular case under s. ATCP 10.07:

1. A bovine animal that is exempt under s. ATCP 10.22(1)(b).

2. A swine that is exempt under s. ATCP 10.30(1)(b).

3. An equine animal that is exempt under s. ATCP 10.36(2).

4. A sheep that is exempt under s. ATCP 10.69(2).

5. A goat that is exempt under s. ATCP 10.76(1)(b).

6. A farm-raised deer that is exempt under s. ATCP 10.55(2).

7. A ratite that is exempt under s. ATCP 10.83(2).

8. Fish imported in compliance with s. ATCP 10.62.

9. An invertebrate imported in compliance with ss. 94.01 and 94.03, Stats., and ch. ATCP 21.

10. An animal that is imported directly to a veterinary facility for treatment, and returned directly to its state of origin immediately after treatment, with no change in ownership.

11. An animal returning to its place of origin in this state, with no change of ownership, immediately after receiving veterinary treatment in another state.

12. An animal that is imported directly to an institution accredited by the American association of zoological parks and aquariums.

(2) WHO MAY ISSUE. An accredited veterinarian shall prepare and sign a certificate of veterinary inspection, except that a Wisconsin certified veterinarian shall prepare and sign a certificate issued in Wisconsin.

(3) FORM. (a) A certificate of veterinary inspection shall be issued on a form provided by the department, the federal bureau or the state in which the certificate is issued. A certificate issued in this state shall be issued on a form provided by the department.

NOTE: A certificate of veterinary inspection issued in another state for fish imported to this state must also be issued on a form provided by the department. See ATCP 10.6 5(1).

(b) A Wisconsin certified veterinarian may obtain Wisconsin certificate of veterinary inspection forms from the department for $3 per form.

NOTE: A Wisconsin certified veterinarians may obtain forms under par. (b) by contacting the department at the following address:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911
Phone: (608) 224-4872
Fax: (608) 224-4871

(4) CONTENTS. A certificate of veterinary inspection related to a shipment of animals shall include all of the following:

(a) The number, species, breed, sex and age of the animals included in the shipment.

(b) Official individual identification of each animal in the shipment, if required under this chapter or ch. ATCP 12. The department may require official individual identification of animals in a particular shipment, pursuant to s. ATCP 10.07, regardless of whether official individual identification is otherwise required.

(c) The name and address of the person shipping the animals.

(d) The following information related to the premises from which the animals are shipped:

1. The premises address.

2. The livestock premises code, if any.

3. Relevant health certification numbers issued by the state of origin, if the certificate of veterinary inspection represents that the state of origin has certified the health status of animals on the premises.

(e) The name and address of the person receiving the animals.

(f) The address, and the livestock premises code if any, of the premises where the animals will be received.

(g) The number of any permit required under s. ATCP 10.07(2) or 10.08(3).

(h) Other information required under this chapter for the import or movement of the animal.

NOTE: This chapter requires additional information for the import or movement of certain animals. Required information may include diagnostic test results, vaccination status, the disease status of the herd or flock of origin, or the disease status of the state of origin. The department may also require additional information, for particular import shipments, under s. ATCP 10.07.

(i) The following statement, or one substantially similar:

> **"I certify, as a veterinarian, that I have inspected the animals identified on this certificate and that the animals are not showing signs of contagious or infectious disease, except where noted. Vaccinations and test results are as indicated on the certificate. To the best of my knowledge, the animals identified on this certificate meet applicable federal and state of destination requirements."**

(j) The veterinarian's signature and date of signature.

(5) CERTIFICATE VALID FOR 30 DAYS. A certificate of veterinary inspection is valid for 30 days unless the department specifies a different expiration date under s. ATCP 10.07(1)(b) or (2).

(6) FILING COPIES OF CERTIFICATE. (a) If this chapter requires a certificate of veterinary inspection to accompany animals imported to this state, the veterinarian who signs the certificate shall also file copies with the department and the chief livestock health official in the state of origin. The veterinarian shall file the copies within 7 days after the import shipment date.

(b) Whenever a Wisconsin certified veterinarian issues a certificate of veterinary inspection for export or intrastate movement of Wisconsin animals, the veterinarian shall file a copy of the certificate with the department within 7 days after the export or intrastate movement. If the animals are being exported, the veterinarian shall also file a copy of the certificate with the chief livestock health official of the state of destination.

(c) Whenever the department receives a certificate of veterinary inspection under sub. (1) for imported wild animals, the department shall forward a copy of that certificate to the department of natural resources.

(7) ANIMAL IMPORTED TO CONSIGNMENT SALE. (a) If an animal is imported on consignment to a livestock dealer or market operator, for sale on behalf of an out-of-state seller,

any required certificate of veterinary inspection that accompanies the imported animal shall continue to accompany that animal until the purchaser receives the animal.

(b) Whenever a Wisconsin certified veterinarian issues a certificate of veterinary inspection for an imported animal sold on consignment in this state, the certificate may incorporate pertinent health information from the certificate that accompanied the imported animal. The veterinarian may issue the certificate on the same certification form if the form is specifically designed for that purpose, or the veterinarian may issue a separate certificate that includes the following statement or one substantially similar:

> **"The vaccination record, test results, and source herd information on this certificate have been copied from the incoming certificate of veterinary inspection that was issued by (*accredited veterinarian*), who certified the information at (*address and state of origin*) on (*date*). A copy of the incoming certificate is attached."**

(c) Within 7 days after a Wisconsin certified veterinarian issues a certificate of veterinary inspection under par. (b), that veterinarian shall file with the department copies of that certificate and the certificate that accompanied the imported animal under par. (a).

ATCP 10.07 Animal imports. (1) GENERAL. (a) Persons importing animals to this state shall comply with applicable import requirements under this chapter and ch. ATCP 12.

(b) The state veterinarian may by written notice, or by oral notice confirmed in writing, direct a person to comply with additional import requirements if the state veterinarian determines, based on an epidemiological evaluation of current disease risks in the herd, state or nation of origin, that those additional requirements are needed to prevent the spread of disease to this state.

> ***NOTE:*** Whenever the state veterinarian imposes additional import requirements under par. (b), the department will determine whether those import requirements have general application. If the requirements have general application, the department will

adopt an emergency rule and promulgate a permanent rule adopting the requirements.

If the import requirements under par. (b) do not have general application, they constitute an order under s. 93.07 (10), Stats. A person affected by the order may request a hearing under s. 227.42, Stats., and ch. ATCP 1.

Whenever additional import requirements under par. (b) affect imports from an entire state or a substantial portion of a state, the department will notify the chief animal health officer in the affected state.

(c) No person who receives a notice of an additional import requirement under par. (b) may import an animal in violation of the additional import requirement.

(2) IMPORT PERMIT. (a) No person may import an animal shipment to this state without a written import permit from the department, if a written permit is required by this chapter or ch. ATCP 12. The department may issue a written permit in paper or electronic form. Each permit shall include a unique permit number.

(b) A permit under par. (a) is conditioned upon compliance with import requirements in this chapter and ch. ATCP 12, and any conditions specified in the permit. Noncompliance may invalidate a permit. A permit is not evidence of compliance.

(c) The department shall grant or deny a permit under par. (a) within 30 days after the department receives a complete application. The department shall send notice of its action, and a copy of the permit if any, to the applicant by mail or electronic transmission. The department may also notify the applicant, by telephone, of its action.

(d) An importer, or an accredited veterinarian acting on behalf of an importer, may apply for a permit under par. (a).

NOTE: An importer, or an accredited veterinarian acting on behalf of an importer, may apply for a permit in any of the following ways:

1. By telephone to the following number: (608) 224-4879. The department may require the applicant to confirm a telephone application in writing, by mail or electronic transmission.

2. By fax to the following number: (608) 224-4871.

3. By internet communication to the following website address: *www.datcp.state.us/ah/agriculture/animals/movement/index-jsp*.

4. By mail to the following address:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(e) A permit application under par. (d) shall include all of the following information:

1. The name, address and telephone number of the importer. If an accredited veterinarian applies on behalf of an importer, the veterinarian shall also disclose his or her name, address and telephone number.

2. The name and address of the import recipient.

3. The number and type of animals being imported.

4. The state or nation from which the animals are being imported.

5. Other relevant information required by the department.

(e) An import permit under par. (a) expires 30 days after it is issued, unless the department specifies a different expiration date on the import permit.

(f) The department shall keep, for at least 5 years, a record of every import permit under par. (a).

(3) WRITTEN PERMIT WAIVING IMPORT REQUIREMENTS. (a) The state veterinarian may issue a written import permit that waives import requirements for a single import shipment if the state veterinarian determines all of the following:

1. That special conditions justify the waiver.

2. That the waiver does not create an undue risk to public health, safety or welfare, or to animals or the environment.

(b) A permit under par. (a) shall identify the import shipment, the import requirements waived, and the special conditions that justify the waiver. The permit may specify alternative import requirements that the state veterinarian deems necessary.

(c) A person applying for an import permit under par. (a) shall apply in writing. The application shall explain the special conditions that justify the permit, and shall include relevant documentation requested by the department.

(d) The department shall keep, for at least 5 years, a record of every permit issued under par. (a).

(4) FEDERALLY APPROVED LIVESTOCK IMPORT MARKETS. (a) An animal market qualifies as a federally approved livestock import market, for purposes of this chapter, if all the following apply:

1. The animal market is licensed under s. ATCP 12.02.

2. The animal market operator has a current agreement with the federal bureau under 9 CFR 71.20.

3. The department has authorized the animal market to receive animal import shipments as a federally approved livestock import market under this chapter.

4. The animal market operates in compliance with this section.

(b) Animals of a type identified in the agreement under par. (a)2. may be imported to the federally approved livestock import market without meeting import requirements under this chapter, provided that the animals are imported in compliance with 9 CFR 71, 78 and 85 and the agreement under par. (a)2.

(c) The operator of a federally approved livestock import market may not release any animal from that market to a Wisconsin destination unless the animal meets all applicable import requirements under this chapter.

(d). The operator of a federally approved livestock import market shall keep all records required by this chapter, ch. ATCP 12 and 9 CFR 71.20. The operator shall retain the records for at least 5 years, and shall make them available to the department for inspection and copying upon request.

ATCP 10.08 Moving diseased animals. (1) GENERAL. No person may, in connection with the import, sale, movement or exhibition of any animal, do any of the following:

(a) Knowingly conceal that the animal has been infected with or exposed to any contagious or infectious disease.

(b) Knowingly misrepresent that the animal has not been exposed to or infected with any contagious or infectious disease.

(c) Knowingly permit an animal that has been exposed to or infected with a contagious or infectious disease to commingle with other animals under conditions that may cause the disease to spread to an animal owned by another person.

(2) CONTAGIOUS OR INFECTIOUS DISEASES. Except as provided in sub. (3), no person may sell or move any animal that is infected with or exposed to any of the following contagious

or infectious diseases, or any animal that the department has classified as a suspect or reactor for any of the following contagious or infectious diseases:

(a) Anthrax.

(b) Brucellosis.

NOTE: See also ss. ATCP 10.11, 10.28(4) and 10.50(4).

(c) Chronic wasting disease.

(d) Equine encephalomyelitis.

(e) Equine infectious anemia.

(f) Foot and mouth disease.

(g) Hog cholera (classic swine fever).

(h) Vesicular stomatitis.

(i) Mycoplasma gallisepticum.

(j) Pseudorabies.

(k) Psoroptic mange.

(L) Pullorum.

(m) Rabies.

(n) Salmonellosis entriditis in poultry.

(o) Scrapie.

(p) Sheep foot rot.

(q) Swine dysentery.

(r) Tuberculosis.

NOTE: See also ss. ATCP 10.13(3) and 10.48(6).

(s) Vesicular exanthema.

NOTE: See ss. ATCP 10.16 related to Johne's disease. Animals infected with or exposed to other contagious or infectious diseases, not listed in par. (a), may be quarantined at the discretion of the department under s. ATCP 10.89 and other provisions of this chapter.

(3) PERMIT TO MOVE. (a) The department may issue a permit allowing a movement of animals that is otherwise prohibited under this chapter. The permit may allow movement for slaughter or other purposes prescribed by the department in the permit, subject to terms and conditions prescribed in the permit. The department shall grant or deny a permit under this subsection within 5 business days after the department receives a complete permit application containing all information required by the department.

(b) If a permit under par. (a) allows movement to a slaughtering establishment for slaughter, the slaughtering establishment operator shall report to the department the results of any post-mortem examination of the animal. The operator shall file the report within 7 days after the operator receives the animal at the slaughtering establishment.

(4) REMOVING LIVESTOCK FROM SLAUGHTER ESTABLISHMENT. No person may remove any livestock from a slaughtering establishment after the animal has been weighed and purchased by the slaughtering establishment unless the animal is removed under a special permit issued by the state veterinarian. The state veterinarian shall grant or deny a permit within 5 business days after he or she receives a complete application.

(5) RELEASE OF DISEASED WILD ANIMAL. A person who knows or has reason to know that a captive wild animal has been infected with or exposed to a disease identified in s. ATCP 10.02 may not release the animal to the wild unless a certified veterinarian finds that the animal

is free of the disease at the time of release. The veterinarian shall make the finding on a certificate of veterinary inspection that is filed with the department.

NOTE: See also ss. 169.04(2)(d) and 169.06(1)(d), Stats.

Subchapter III

BOVINE ANIMALS

ATCP 10.10 Brucellosis; official vaccinates. A bovine animal qualifies as an official brucellosis vaccinate if all of the following apply:

(1) An accredited veterinarian vaccinates the animal in compliance with the brucellosis uniform methods and rules. If the animal is vaccinated in Wisconsin, the accredited veterinarian shall also be a Wisconsin certified veterinarian.

(2) The veterinarian identifies the animal in compliance with the brucellosis uniform methods and rules.

(3) The veterinarian files a vaccination report with the department within 30 days after the veterinarian performs the vaccination. The veterinarian shall file the vaccination report on a form approved by the department, and shall include in the report the official individual identification of the vaccinated animal. The veterinarian shall provide a copy of the vaccination report to the owner of the vaccinated animal, and shall retain another copy.

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

ATCP 10.11 Brucellosis testing and control. (1) WHO MAY COLLECT TEST SAMPLES. A person who collects a brucellosis test sample, for purposes of this chapter or ch. ATCP 12, shall be one of the following:

(a) An accredited veterinarian. If the veterinarian collects the sample in this state, the veterinarian shall also be a Wisconsin certified veterinarian.

(b) An authorized employee or agent of the department or the federal bureau.

(c) A person who collects samples at a slaughtering establishment under the supervision of the department or the federal bureau.

(2) TEST PROCEDURE. Brucellosis test sample collection and testing shall comply with the brucellosis uniform methods and rules. A laboratory approved by the department or the federal bureau shall perform brucellosis tests.

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(3) VETERINARIAN TO REPORT. A veterinarian who collects a brucellosis test sample from a bovine animal in this state shall report the test result to the department and the animal owner according to s. ATCP 10.04(1).

NOTE: A test report must include the animal's official individual identification. If the animal has no official individual identification, the veterinarian must identify the animal with an official individual identification. See s. ATCP 10.04(1)(e).

(4) CLASSIFICATION. Upon receiving a brucellosis test result, the department or the federal bureau shall classify the tested animal as negative, suspect or reactor, according to the brucellosis uniform methods and rules. The department or the federal bureau may use supplemental brucellosis tests to confirm test results, and to evaluate whether animals may be infected with brucellosis.

(5) REACTORS. (a) Within 15 days after the department or the federal bureau classifies a bovine animal as a brucellosis reactor under sub. (4), the animal owner shall do all of the following:

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

2. Clean and disinfect the premises where the animal was kept.

(b) The department may extend a deadline under par. (a) for good cause, but may not extend a deadline by more than 15 days without federal bureau approval.

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(c) An animal owner may request an indemnity under s. 95.26(7), Stats., for a brucellosis reactor slaughtered under par. (a). The animal owner shall file the request with the department, on a form provided by the department. The owner shall include, with the request, a slaughter

confirmation signed by an authorized employee of the department or the federal bureau. An animal owner does not qualify for an indemnity if the owner fails to comply with par. (a).

(6) BRUCELLOSIS EXPOSED ANIMAL; IDENTIFICATION PRIOR TO MOVEMENT. A bovine animal shall be identified according to the brucellosis uniform methods and rules before being moved if any of the following apply:

(a) The animal is part of a herd quarantined for brucellosis.

(b) The animal has been in contact for 24 hours or longer with a brucellosis reactor.

(c) The animal has had any contact with a brucellosis reactor that has aborted or calved within the past 30 days and has had a vaginal or uterine discharge.

ATCP 10.12 Brucellosis-free herd; certification. (1) CERTIFICATION. The department may certify a herd of cattle as a brucellosis-free herd if the herd qualifies for that certification under the brucellosis uniform methods and rules. To maintain the herd certification, a herd owner shall comply with applicable requirements under the brucellosis uniform methods and rules.

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(2) SUSPENDING OR REVOKING CERTIFICATION. (a) The department may summarily suspend or revoke a certification under sub. (1) if any of the following occur:

1. A brucellosis test shows that any animal in the herd is a brucellosis suspect or reactor.

2. The herd owner does not comply with sub. (1).

(b) The state veterinarian may issue a summary suspension or revocation notice under par. (a). The notice shall state the reason for the suspension or revocation.

NOTE: A herd owner affected by a suspension or revocation under sub. (2) may request a hearing before the department under ch. 227.42, Stats., and ch. ATCP 1 A request for a hearing does not automatically stay a summary suspension or revocation.

ATCP 10.13 Tuberculosis testing and control. (1) WHO MAY TEST OR COLLECT SAMPLES. (a) A person who performs a caudal fold tuberculin test on a bovine animal or who collects a sample for any other tuberculosis test on a bovine animal, for purposes of this chapter or ch. ATCP 12, shall be one of the following:

1. An accredited veterinarian. If the veterinarian performs the test on a bovine animal in this state, the veterinarian shall also be a Wisconsin certified veterinarian.

2. An authorized employee or agent of the department or the federal bureau. The employee or agent shall be a veterinarian, except that a non-veterinarian may perform routine screening tests under the direct supervision of a veterinarian.

(b) A person may not perform a caudal fold tuberculin test on a bovine animal in this state, for purposes of this chapter or ch. ATCP 12, unless that person has completed department training on that test within 3 years prior to the test date.

(2) TEST PROCEDURES. Sample collection and testing for tuberculosis in bovine animals shall comply with the tuberculosis uniform methods and rules. A laboratory approved by the department or the federal bureau shall conduct laboratory tests, if any.

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(3) VETERINARIAN TO REPORT. A veterinarian who performs a tuberculosis test on a bovine animal in this state, or collects a tuberculosis test sample from a bovine animal in this state, shall report the test result to the department and the animal owner according to s. ATCP 10.04(1).

NOTE: A test report must include the animal's official individual identification. If the animal has no official individual identification, the veterinarian must identify the animal with an official individual identification. See s. ATCP 10.04(1)(e).

(4) TEST POSITIVE ANIMAL; MOVEMENT RESTRICTED. No person may sell or move a bovine animal that tests positive on any tuberculosis test until one of the following occurs:

(a) The department determines that the animal is not a tuberculosis suspect or reactor.

(b) The animal is classified as a tuberculosis reactor and treated according to sub. (6).

(5) TEST POSITIVE ANIMAL; FURTHER TESTING AND CLASSIFICATION. Whenever the department or the federal bureau receives a positive tuberculosis test report under sub. (3), the department or the federal bureau shall conduct follow-up testing to determine whether the animal is a tuberculosis suspect or reactor. The department or the federal bureau shall test and classify animals according to the tuberculosis uniform methods and rules.

(6) TUBERCULOSIS REACTORS. (a) Within 15 days after the department or the federal bureau classifies a bovine animal as a tuberculosis reactor, the animal owner shall do all the following:

1. Have the animal identified as a tuberculosis reactor and shipped to a slaughtering establishment for slaughter, according to the tuberculosis uniform methods and rules. The owner shall obtain a department permit under s. ATCP 10.08(3) for the slaughter shipment.

2. Clean and disinfect the premises where the animal was kept.

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(b) The department may extend a deadline under par. (a) for good cause, but may not extend a deadline under par. (a)1. by more than 15 days.

(c) An animal owner may request an indemnity under s. 95.25(5), Stats., for a tuberculosis reactor slaughtered according to par. (a)1. The animal owner shall file the request with the department, on a form provided by the department. The owner shall include, with the request, a slaughter confirmation signed by an authorized employee of the department or the federal bureau. An animal owner does not qualify for an indemnity if the owner fails to comply with par. (a).

(7) SLAUGHTER INSPECTION OF TUBERCULOSIS SUSPECTS. A tuberculosis suspect, if slaughtered, shall be slaughtered and inspected according to the tuberculosis uniform methods and rules.

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

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Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

ATCP 10.14 Tuberculosis-free herd; certification. (1) CERTIFICATION. The department may certify a herd of bovine animals as an accredited tuberculosis-free herd if the herd qualifies for that certification under the tuberculosis uniform methods and rules. To maintain the certification, a herd owner shall comply with applicable requirements under the tuberculosis uniform methods and rules.

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(2) SUSPENDING OR REVOKING CERTIFICATION. (a) The department may summarily suspend or revoke a certification under sub. (1) if any of the following occur:

1. An animal in the herd tests positive for tuberculosis.

2. The herd owner does not comply with sub. (2).

(b) The state veterinarian may issue a summary suspension or revocation notice under par. (a). The notice shall state the reason for the suspension or revocation.

NOTE: A herd owner affected by a suspension or revocation under sub. (2) may request a hearing before the department under ch. 227.42, Stats., and ch. ATCP 1. A request for a hearing does not automatically stay a summary suspension or revocation.

ATCP 10.15 Johne's disease testing. (1) WHO MAY COLLECT TEST SAMPLES. A person who collects a Johne's disease test sample, for purposes of this chapter or ch. ATCP 12, shall be one of the following:

(a) An accredited veterinarian. If the veterinarian collects the test sample from cattle in this state, the veterinarian shall also be a Wisconsin certified veterinarian.

(b) A person working under the direct supervision of a veterinarian under par. (a), provided that the veterinarian submits the sample for testing.

(c) An authorized employee or agent of the department or the federal bureau.

(2) SAMPLE COLLECTION PROCEDURES. A person who collects a Johne's disease test sample, for purposes of this chapter or ch. ATCP 12, shall comply with procedures specified in the Johne's disease national program standards.

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

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(3) LABORATORY AND TEST METHODS. Only a laboratory approved by the department or the federal bureau may conduct a Johne's disease test for purposes of this chapter or ch. ATCP 12. The laboratory shall use one of the following tests:

(a) The enzyme linked immunosorbent assay (ELISA).

(b) The fecal culture test.

(c) The polymerase chain reaction (PCR) fecal test.

(d) Another test approved by the department.

(4) VETERINARIAN TO REPORT. A veterinarian who submits for testing a Johne's disease test sample collected in this state shall report the test result to the department and the animal owner according to s. ATCP 10.04(1).

NOTE: A test report must include the animal's official individual identification. If the animal has no official individual identification, the veterinarian must identify the animal with an official individual identification. See s. ATCP 10.04(1)(e).

(5) REACTORS. An animal is a Johne's disease reactor if any of the following apply:

(a) The animal tests positive on a test under sub. (3)(a), unless it subsequently tests negative on a follow-up test under sub. (6).

(b) The animal tests positive on any test under sub. (3)(b) to (d).

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

ATCP 10.16 Johne's disease; sales of cattle. (1) IMPLIED WARRANTY. Section 95.195, Stats., covers Johne's disease in cattle and applies to sales of cattle, except that the implied warranty under s. 95.195, Stats., does not apply if any of the following apply:

(a) The seller accurately discloses all of the following to the buyer in writing, prior to sale:

1. The current herd classification under s. ATCP 10.18 of the herd from which the cattle are sold.

2. That the cattle are Johne's disease reactors under s. ATCP 10.15(5) if that is the case.

(b) The cattle are sold directly to slaughter.

(2) REACTOR SALES. (a) No person may sell an animal that is a Johne's disease reactor unless one of the following applies:

1. The person first discloses to the buyer, in writing, that the animal is a Johne's disease reactor.

2. The person sells the animal directly to slaughter.

ATCP 10.17 Johne's disease herd vaccination. (1) No person may vaccinate cattle for Johne's disease except under a herd agreement with the department.

(2) A veterinarian performing vaccination as authorized under this section shall be both of the following:

(a) A Johne's disease certified veterinarian under s. ATCP 10.20(1).

(b) A Johne's disease vaccination certified veterinarian under s. ATCP 10.20(2).

ATCP 10.18 Johne's disease herd classification. (1) ASSIGNING A HERD CLASSFICATION. (a) The department may assign a Johne's disease herd classification to a herd of cattle that qualifies for that classification under the Johne's disease national program standards.

(b) To obtain a herd classification under par. (a), a herd owner shall submit both of the following to the department:

1. A written request for classification.

2. The complete results of an annual herd test that conforms to the Johne's disease national program standards.

(c) Within 30 days after the department receives all of the information under par. (b), the department shall classify the herd and issue a classification notice to the herd owner under sub. (4)

(2) DEFAULT CLASSIFICATION. A herd of cattle in this state, and every herd from which cattle are sold into this state, is automatically classified as MAXIMUM RISK FOR JOHNE'S DISEASE without any notice from the department unless the department assigns a different classification to that herd sub. (1).

(3) MAINTAINING HERD CLASSIFICATION. To maintain a herd classification under sub. (1), the herd owner shall comply with the Johne's disease national program standards for continued classification.

(4) CLASSIFICATION NOTICE TO HERD OWNER. A classification notice under sub. (1)(c) shall include all of the following:

(a) The classification assigned to the herd.

(b) The effective date and expiration date of the classification. A classification takes effect on the effective date specified in the notice, and supersedes any prior classification.

(c) Notice that the herd owner may apply for reimbursement of certain costs as provided in s. ATCP 10.19.

(5) MISREPRESENTING HERD CLASSIFICATION. No seller may misrepresent a herd's classification under this section.

(6) COMMINGLED CATTLE; CLASSIFICATION. If cattle from 2 or more herds are commingled, the classification of the commingled herd is determined according to the Johne's disease national program standards.

(7) DEPARTMENT DISCLOSURE OF HERD CLASSIFICATION. The department may not disclose a herd classification under this section except to the herd owner, or with the written authorization of the herd owner, or as authorized under s. 95.232, Stats.

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

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Division of Animal Health
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ATCP 10.19 Johne's disease testing and management costs; reimbursement. (1) DEPARTMENT MAY REIMBURSE COSTS. The department may reimburse a cattle herd owner for any of the following costs incurred by the herd owner:

(a) Laboratory costs for Johne's disease tests under s. ATCP 10.15.

(b) Reasonable veterinarian costs to do any of the following:

1. Collect and submit samples for Johne's disease testing under s. ATCP 10.15.

2. Prepare a Johne's disease herd risk assessment and herd management plan under sub. (2)(a)1.

3. Vaccinate the herd for Johne's disease according to s. ATCP 10.17.

(2) REIMBURSEMENT CLAIMS. (a) A herd owner shall file each claim for reimbursement under sub. (1) on a form provided by the department. The herd owner shall include all of the following in the reimbursement claim, in order to be eligible for reimbursement of any costs under sub. (1):

1. A Johne's disease herd risk assessment and herd management plan, prepared by a veterinarian certified under s. ATCP 10.20(1). The risk assessment and management plan shall comply with the Johne's disease national program standards. The herd owner need not include a risk assessment or management plan if the herd owner has previously filed a risk assessment or

management plan with the department, unless the prior risk assessment or management plan has changed or no longer complies with the Johne's disease national program standards.

2. Copies of bills or invoices documenting costs that are eligible for reimbursement under sub. (1).

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

(3) REIMBURSEMENT PRIORITIES. The department shall pay eligible claims under sub. (2), for costs incurred in any calendar year, from the appropriation account dedicated to the reimbursement of costs incurred in that calendar year. The department shall pay eligible claims in the following order:

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

(b) If the department decides to pay any claims received or postmarked after February 1 and before March 1 of any year, for costs incurred in the preceding calendar year, the department shall pay those claims in the order that it received them. The department may determine the amount that it will designate for the payment of claims under this paragraph.

(5) PAYMENT DEADLINE. By June 30 of each calendar year, the department shall pay claims allowed under this section for costs incurred in the preceding calendar year.

(6) CLAIMS DISALLOWED. (a) The department may disallow all or part of a claim under sub. (2) for any of the following reasons:

1. The claim is not timely, or is not eligible for reimbursement under this section.

2. The herd owner has misrepresented or falsified any information in the claim.

3. There are inadequate funds to pay the claim, according to this section, by the payment deadline date in sub. (5).

(b) A herd owner may not resubmit any portion of a claim that is disallowed under this subsection, except as specifically authorized by the department.

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

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ATCP 10.20 Johne's disease; certified veterinarians. (1) JOHNE'S DISEASE CERTIFIED VETERINARIAN. (a) The department may certify a veterinarian as a Johne's disease certified veterinarian if all of the following apply:

1. The veterinarian is currently a Wisconsin certified veterinarian under s. ATCP 10.05(1).

2. The veterinarian successfully completes a training program approved by the department.

NOTE: A current list of approved training programs may be obtained from the department by contacting the department's website at http://www.datcp.state.wi.us/index.html, or by writing to the following address:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(b) A certification under par. (a) expires 3 years after it is granted. A veterinarian may renew the certification by completing a renewal training program provided or approved by the department.

(2) JOHNE'S DISEASE VACCINATION CERTIFIED VETERINARIAN. (a) The department may certify a veterinarian as a Johne's disease vaccination certified veterinarian if all of the following apply:

1. The veterinarian is currently a certified under sub. (1).

2. The veterinarian successfully completes a Johne's disease vaccination training program provided or approved by the department.

(b) A certification under par. (a) expires 3 years after it is granted, or upon expiration of the veterinarian's certification under sub. (1), whichever occurs first. A veterinarian who is currently certified under sub. (1) may renew a certification under par. (a) by completing a renewal vaccination training program provided or approved by the department.

(3) DISQUALIFICATION. The department may withdraw a certification under sub. (1) or (2) for cause, including a failure to adhere to relevant standards under s. ATCP 10.15 to 10.19 or this section. The department shall issue a withdrawal notice in writing. The notice shall specify the reasons for the withdrawal.

NOTE: The person named in a notice under sub. (3) may request a contested case hearing under s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay the withdrawal of certification.

ATCP 10.21 Bovine animals; identification. (1) OFFICIAL INDIVIDUAL IDENTIFICATION. (a) Except as provided in par. (b), a veterinarian who does any of the following to any bovine animal shall insert, in the right ear of the animal, an official eartag unless the animal is already identified with an official eartag:

1. Vaccinates, identifies or tests a bovine animal in order to complete a certificate of veterinary inspection or any other official document or certification related to that animal.

2. Tests a bovine animal for any disease listed under s. ATCP 10.03.

(b) If a bovine animal is a purebred animal registered with a breed association, any of the following may serve in place of an official eartag to identify the animal:

1. A breed association registration number that uniquely identifies the animal, and that corresponds to the breed association registration papers for that animal. A purebred calf, if not yet registered, may be identified by its dam's registration number and the date of birth of the calf.

2. A breed association tattoo that uniquely identifies the animal, and that corresponds to breed association registration papers for that animal.

(c) No person may insert any eartag, other than an official eartag, breed association eartag or parasite control tag, in the right ear of any bovine animal.

(2) SLAUGHTER IDENTIFICATION. (a) If an animal trucker, animal dealer, animal market operator, federally approved livestock import market operator, or slaughtering establishment operator receives any bovine animal over 2 years old for slaughter, or for sale or shipment to slaughter, that person shall do all of the following unless the animal is a steer or official spayed heifer:

1. Identify the animal with an official backtag at the time of receipt, unless the animal is already backtagged. Backtags shall be applied 4 inches behind the shoulder and 4 inches below the topline.

2. Make a record under par. (b).

(b) A record under par. (a)2. shall include all of the following:

1. The animal's official backtag number.

2. The date on which each bovine animal was received.

3. The name and address of the person from whom the animal was received.

4. Whether the animal was of a beef or dairy breed. If the animal is a beef and dairy crossbreed, it shall be classified as a beef breed.

5. The animal's official individual identification if the animal leaves the premises of an animal dealer or animal market operator, other than for direct shipment to slaughter. If the animal has no official individual identification, the animal dealer or animal market operator shall insert an official eartag in the animal's right ear before the animal leaves the premises.

(c) A person who is required to make a record under par. (b) shall retain that record for at least 5 years, and shall make the record available to the department for inspection and copying upon request.

ATCP 10.22 Bovine animals; imports. (1) CERTIFICATE OF VETERINARY INSPECTION. (a) *Requirement*. Except as provided in par. (b), no person may import a bovine animal into this state unless a valid certificate of veterinary inspection accompanies the animal. The certificate shall include all of the following information:

1. The official individual identification of the bovine animal. Official individual identification is not required for veal calves or steers imported from a brucellosis free state or

nation, or from a brucellosis class A state, if that state or nation is also an accredited tuberculosis free state or nation and the certificate of veterinary inspection clearly identifies the shipment destination and the number of animals included in the shipment.

2. A report of any negative brucellosis test required under sub. (2).

3. A report of any negative tuberculosis test required under sub. (5).

4. A Wisconsin import permit number, if an import permit is required under sub. (3) or (5).

5. If the animal is imported to an approved import feed lot, the feedlot permit number assigned to that feed lot under sub. (9).

6. Any other information required under this section.

(b) *Exemptions*. A certificate of veterinary inspection is not required under par. (a) for any of the following:

1. An animal imported directly to a slaughtering establishment for slaughter.

2. An animal imported directly to a federally approved livestock import market under s. ATCP 10.07(4).

NOTE: ATCP 10.07(4)(c) prohibits the operator of a federally approved livestock import market from releasing an imported bovine animal to a location in this state unless the animal meets bovine import requirements under this chapter. Animals shipped directly to slaughter are exempt from certain import requirements that would otherwise apply.

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

4. An animal returning directly to its place of origin in this state following treatment in a veterinary facility outside this state, provided that the animal was shipped directly to the

veterinary facility and there was no change of ownership while the animal was outside the state for veterinary treatment.

(2) BRUCELLOSIS TEST. (a) *Requirement*. Except as provided in par. (b), no person may import a bovine animal into this state unless the animal tests negative on a pre-import brucellosis test. Except as provided in par. (c), the pre-import brucellosis test shall be conducted not more than 30 days before the animal enters this state.

(b) *Exemptions*. Paragraph (a) does not require a pre-import brucellosis test for any of the following animals:

1. An animal imported directly to a slaughtering establishment for slaughter.

2. An animal originating from a brucellosis-free state or nation, unless testing is required under s. ATCP 10.07(1)(b).

3. An animal originating from a certified brucellosis-free herd.

4. An animal imported directly to a federally approved livestock import market under s. ATCP 10.07(4).

5. A steer or official spayed heifer.

6. A calf under 6 months old originating from a brucellosis class A state.

7. An official vaccinate under 20 months old originating from a brucellosis class A state.

8. Feeder cattle originating from a brucellosis class A state that are imported directly to an approved import feedlot.

(c) *Test method*. A laboratory approved by the department or the federal bureau shall conduct a brucellosis test under par. (a). The laboratory shall conduct the test using the tube, plate, or buffered acidified plate antigen (BAPA) test method, or another test method approved by the department.

(3) IMPORT FROM BRUCELLOSIS CLASS B OR C STATES. (a) *Written authorization required*. Except as provided in par. (b), no person may import a bovine animal originating from a brucellosis class B or C state unless the department issues a written permit under s. ATCP 10.07(2) authorizing that import shipment.

(b) *Exceptions.* Paragraph (a) does not apply to any of the following:

1. An animal imported directly to a slaughtering establishment for slaughter.

2. An animal originating from a certified brucellosis-free herd.

3. A steer or official spayed heifer.

(4) BRUCELLOSIS REACTORS; IMPORT RESTRICTED. No person may import a brucellosis reactor into this state, except that a reactor originating from an adjacent state may be imported directly to a slaughtering establishment for slaughter if all the following apply:

(a) The department issues an import permit under s. ATCP 10.07(2) that identifies the animal as a brucellosis reactor imported for slaughter.

(b) Brucellosis reactors from this state may be imported to that adjacent state for slaughter under equivalent terms and conditions.

(5) TUBERCULOSIS TEST. (a) *Requirement.* Except as provided in par. (b), no person may import a bovine animal into this state unless the animal tests negative on a pre-import tuberculosis test. The pre-import tuberculosis test shall be conducted not more than 60 days before the animal enters this state.

(b) *Exemptions*. Paragraph (a) does not require a pre-import tuberculosis test for any of the following:

1. An animal imported directly to a slaughtering establishment for slaughter.

2. An animal imported directly to a federally approved livestock import market under appropriate documents required by the federal bureau.

3. Feeder cattle imported directly to an approved import feedlot.

4. An animal originating from an accredited tuberculosis-free state or nation, provided that Wisconsin animals may be shipped to that state or nation without a prior tuberculosis test, unless testing is required under s. ATCP 10.07(1)(b).

5. An animal originating from an accredited tuberculosis-free herd if the animal is accompanied by a certificate of veterinary inspection that includes the tuberculosis-free herd certification number of the herd of origin and the date on which the herd of origin was last tested for tuberculosis.

6. Veal calves that qualify under par. (c).

(c) *Veal calves.* Veal calves qualify for the exemption under par. (b)6. if all of the following apply:

1. The veal calves are imported solely for feeding prior to slaughter.

2. The veal calves are less than 30 days old on the import date.

3. The veal calves are confined to the premises at which they are first received in this state, until they are shipped to slaughter.

4. The veal calves, when shipped to slaughter, are accompanied by a completed federal bureau form VS 1-27 or by a department permit under s. ATCP 10.08(3).

NOTE: Federal bureau form VS 1-27 must be completed by an accredited veterinarian, an authorized state animal health official or the federal bureau.

(6) IMPORTS FROM TUBERCULOSIS MODIFIED ACCREDITED STATES. (a) *Import requirements.* No person may import a bovine animal originating from a tuberculosis modified

accredited state, other than a bovine animal imported directly to a slaughtering establishment for slaughter, unless all of the following apply:

1. The animal is imported pursuant to an import permit under s. ATCP 10.07(2).

2. The animal is accompanied by a valid certificate of veterinary inspection under par. (b).

3. The animal originates from a herd that has tested negative on a whole herd tuberculosis test, unless the animal is a veal calf that is exempt under par. (f). The whole herd test shall be conducted within 12 months prior to the import date, and shall include every animal in the herd that is at least 12 months old.

4. The animal has tested negative on a tuberculosis test conducted within 60 days prior to the import date.

5. The animal is not imported to an animal market.

NOTE: USDA rules for interstate shipment of animals may specify a different time period for tuberculosis testing prior to interstate shipment. An importer must comply with USDA rules. However, compliance with USDA rules does not excuse a violation of subd. 4.

(b) *Certificate of veterinary inspection.* A certificate of veterinary inspection under par. (a)2. shall include all of the following information:

1. The import permit number under s. ATCP 10.07(2).

2. The negative whole herd tuberculosis test result, if any, required under par. (a)3.

3. The individual test result required under par. (a)4.

4. The official individual identification number of the imported animal.

(c) *Post-import testing.* The owner of a bovine animal imported to this state from a tuberculosis modified accredited state shall have the animal tested for tuberculosis not less than

60 days nor more than 90 days after it is imported. This testing requirement does not apply to any of the following:

1. Feeder cattle that are exempt under par. (e).

2. Veal calves that are exempt under par. (f).

(d) *Post-import confinement.* Bovine animals imported from a tuberculosis modified accredited state may not be removed from the premises at which they are first received in this state unless one of the following applies:

1. The animals test negative for tuberculosis under par. (c).

2. The animals are shipped directly from the premises to a slaughtering establishment for slaughter.

3. The animals were imported directly to a show or exhibition in this state, and are returned directly from that show or exhibition to their state of origin.

(e) *Feeder cattle; exemption from post-import testing.* Paragraph (c) does not apply to feeder cattle imported solely for feeding prior to slaughter if all of the following apply:

1. The feeder cattle are confined to the premises at which they are first received in this state, until they are shipped to slaughter.

2. The feeder cattle, when shipped to slaughter, are accompanied by a completed federal bureau form VS 1-27 or by a department permit under s. ATCP 10.08(3).

NOTE: Federal bureau form VS 1-27 must be completed by an accredited veterinarian, an authorized state animal health official or the federal bureau.

(f) *Veal calves; exemption from source herd testing and post-import testing.* Paragraphs (a)3. and (c) do not apply to veal calves imported solely for feeding prior to slaughter, if all of the following apply:

1. The veal calves are less than 30 days old on the import date.

2. The veal calves are confined to the premises at which they are first received in this state, until they are shipped to slaughter.

3. The veal calves, when shipped to slaughter, are accompanied by a completed federal bureau form VS 1-27 or by a department permit under s. ATCP 10.08(3).

NOTE: Federal bureau form VS 1-27 must be completed by an accredited veterinarian, an authorized state animal health official or the federal bureau.

(7) TUBERCULOSIS REACTORS AND SUSPECTS; IMPORT RESTRICTED. (a) *Tuberculosis reactors*. No person may import a tuberculosis reactor into this state, except that a tuberculosis reactor may be imported directly to a slaughtering establishment for slaughter if the department issues an import permit under s. ATCP 10.07(2) that identifies the animal as a tuberculosis reactor imported for slaughter.

(b) *Tuberculosis suspects*. No person may import a tuberculosis suspect into this state until the suspect status is resolved, except that a tuberculosis suspect may be imported directly to a slaughtering establishment for slaughter if the department issues a written import permit under s. ATCP 10.07(2) that identifies the animal as a tuberculosis suspect imported for slaughter.

(8) JOHNE'S DISEASE REACTORS; IMPORT. No person may import to this state a bovine animal that is a Johne's disease reactor unless the animal is imported in compliance with 9 CFR 80.

(9) APPROVED IMPORT FEEDLOT. (a) *Permit*. The department may issue an annual permit designating a feedlot as an approved import feedlot for purposes of this section. A permit expires on June 30 annually.

NOTE: A feedlot is not required to hold an approved import feedlot permit under this subsection. However, feeder cattle imported directly to an approved import feedlot are exempt from certain

import restrictions and pre-import testing requirements, as provided in this section.

(b) *Permit application*. To obtain an approved import feedlot permit, a feedlot operator shall submit an application on a form provided by the department. The application shall identify the location of the feedlot by county, township and section, and shall include other relevant information required by the department. The application shall include a fee of $75. The department shall grant or deny a permit application within 30 days after a complete application is filed with the department.

(c) *Requirements*. An approved import feedlot shall meet all of the following requirements:

1. Feeder cattle shall be enclosed so they cannot commingle with any other cattle on the premises.

2. Feeder cattle may not share feeding or watering facilities with other animals.

3. The feedlot shall be devoid of vegetation.

4. All feeder cattle, except steers and official spayed heifers, shall have official individual identification. If feeder cattle are received without official individual identification, the feedlot operator shall immediately identify the animals with official individual identification.

(d) *Removing feeder cattle*. Except as specifically authorized by the department in writing, no feeder cattle may be removed from an approved import feedlot except to a licensed slaughtering establishment for slaughter.

(e) The operator of an approved import feedlot shall keep complete and accurate records of all feeder cattle entering and leaving the feedlot. The operator shall retain the records for at

least 5 years after the feeder cattle leave the feedlot, and shall make them available for inspection and copying by the department upon request. Records shall include all of the following:

1. A record of each feeder cattle shipment received, including the date of receipt, the number of feeder cattle included in the shipment, the official individual identification of each animal included in the shipment, the name and address of the shipper, and the address from which the shipment originated. No official individual identification record is required for steers and official spayed heifers.

2. A record of each feeder cattle shipment leaving the feedlot, including the date of shipment, the number of feeder cattle included in the shipment, the official individual identification of each animal included in the shipment, and the name and address of the person receiving the shipment. No official individual identification record is required for steers and official spayed heifers.

3. A record of any feeder cattle that died at the feedlot, including animal's official individual identification and date of death. No official individual identification record is required for a steer or official spayed heifer.

Subchapter IV

SWINE

ATCP 10.25 Swine pseudorabies; vaccination. (1) PERMIT. (a) No person may vaccinate swine in this state for pseudorabies unless the owner of those swine holds a vaccination permit from the department.

(b) To obtain a vaccination permit under par. (a), an owner of swine shall apply on a form provided by the department. The department shall grant or deny an application within 5 business days after the department receives a complete application.

(c) The department may issue a vaccination permit under par. (a) if the department finds that the swine have been infected with or exposed to pseudorabies, or are at risk for pseudorabies. The vaccination permit shall identify a licensed veterinarian who is authorized to receive the pseudorabies vaccine, and shall specify the number of authorized doses. The vaccination shall be performed by, or under the direction of, the licensed veterinarian.

(2) VACCINE LABEL. No person may sell, distribute or possess any pseudorabies vaccine in this state unless the vaccine container is labeled with the name and address of the vaccine manufacturer.

(3) SALES RESTRICTED. (a) Except as provided in par. (b), no person may distribute pseudorabies vaccine to a retail purchaser or user in this state, other than a licensed veterinarian identified in a vaccination permit under sub. (1). The number of doses of vaccine distributed to the licensed veterinarian may not exceed the number of doses specified in the permit.

(b) The department may issue a permit authorizing a veterinarian licensed in this state to purchase pseudorabies vaccine for use in swine outside the state. The department shall grant or deny a permit application within 5 business days after the department receives a written application from a veterinarian licensed in this state. The veterinarian shall record, and file with the department on a monthly basis, the number of doses of vaccine purchased for use outside the state, the location of each herd on which the vaccine was used, and the name and address of the herd owner.

(c) A person who distributes pseudorabies vaccine to a veterinarian in this state shall file a report with the department within 15 days after the vaccine is delivered to the veterinarian. The report shall specify the name and address of the veterinarian, the date of delivery and the amount of vaccine delivered.

ATCP 10.26 Swine pseudorabies; testing and control. (1) WHO MAY COLLECT TEST SAMPLE. A person who collects a pseudorabies test sample, for purposes of this chapter or ch. ATCP 12, shall be one of the following:

(a) An accredited veterinarian and, if the accredited veterinarian collects the test sample from swine in this state, a Wisconsin certified veterinarian.

(b) An authorized employee or agent of the department or the federal bureau.

(2) TEST PROCEDURE. A pseudorabies test shall comply with the pseudorabies national eradication standards. A laboratory approved by the department or the federal bureau shall conduct laboratory testing.

***NOTE*:** The pseudorabies national eradication standards are on file with the department, the secretary of state and the revisor of statutes. Copies may be obtained from the USDA website at: www.aphis.usda.gov/vs/index.html. Copies may also be obtained by writing to the following address:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(3) REPORTING TEST RESULTS. A veterinarian who collects pseudorabies test samples from swine in this state shall report the test results to the department and the swine owner, according to s. ATCP 10.04(1).

(4) SURVEILLANCE TESTING. The department shall conduct a surveillance sampling program for pseudorabies. The program shall include systematic collection and testing of blood or tissue samples from Wisconsin swine. Samples may include blood samples routinely collected from slaughtered swine.

(5) INVESTIGATION; HERD TESTING. Whenever the department detects pseudorabies in any surveillance sample under sub. (4), the department shall investigate to determine whether swine herds in Wisconsin have been exposed to pseudorabies. The investigation may include additional testing of potentially exposed herds.

(6) QUARANTINE. (a) The department may quarantine swine whenever the department reasonably suspects that the swine may be infected with or exposed to pseudorabies. The department may quarantine all swine located on the premises. The quarantine shall comply with s. ATCP 10.91.

(b) The department may release a quarantine under par. (a) if any of the following occur:

1. All of the breeding animals and a statistically significant number of the finishing animals in the quarantined herd test negative on 2 consecutive pseudorabies tests approved by the department and administered at least 30 days apart.

2. All swine on the premises are slaughtered, and the premises are cleaned, disinfected and kept free of swine for at least 30 days.

3. The department determines that the herd is not infected, based upon survey testing and epidemiological information.

(7) CONDEMNATION. (a) The department may summarily condemn and order the destruction of swine whenever the department finds that condemnation is necessary to prevent or reduce the spread of pseudorabies.

NOTE: See s. 95.27, Stats. A herd owner may receive indemnities for condemned swine, to the extent provided by law.

(b) The state veterinarian may issue a condemnation order under par. (a) on behalf of the department. The order shall state the reason for the condemnation.

NOTE: A herd owner may request a hearing on a condemnation order, pursuant to ch. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay the condemnation order.

(8) HERD PLAN. (a) A herd plan is an agreement, between the department and an owner of swine, for the eradication of pseudorabies. A herd plan shall comply with the pseudorabies national eradication standards, based on the state's current program stage for control of pseudorabies.

***NOTE*:** The pseudorabies national eradication standards are on file with the department, the secretary of state and the revisor of statutes. Copies may be obtained from the USDA website at: www.aphis.usda.gov/vs/index.html. Copies may also be obtained by writing to the following address:

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Madison, WI 53708-8911

(b) An owner of swine may enter into a herd plan within 60 days after the department quarantines those swine. The department may extend the deadline date for good cause. If a herd owner fails to enter into a herd plan by the deadline date, the herd owner is no longer eligible for indemnities if the department condemns the swine under sub. (7).

(c) A herd plan shall be designed to eradicate pseudorabies within 24 months after the herd plan is signed, or within 24 months after the department quarantines the herd, whichever occurs first. The department may extend the eradication deadline for good cause.

(d) The department shall periodically review and document a herd owner's performance under a herd plan. If a herd owner fails or refuses to comply with a herd plan, the department may issue a notice revoking the herd owner's eligibility for indemnities on swine condemned under sub. (7). The state veterinarian may issue the notice on behalf of the department.

NOTE: A herd owner may request a hearing on a notice under par. (d), pursuant to ch. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay the condemnation order.

(9) MOVEMENT OF QUARANTINED OR EXPOSED SWINE. (a) Swine that are infected with pseudorabies, or that are part of a herd quarantined for pseudorabies, shall be held separate and apart from all other swine until slaughtered. Swine that come in contact with infected swine, or with swine from a quarantined herd, are considered exposed swine.

(b) No quarantined swine or exposed swine may be moved, except as authorized by the department in a permit under s. ATCP 10.08(3).

(c) Whenever the department authorizes the movement of swine quarantined for pseudorabies, the department shall take reasonable steps to notify other herd owners who may be adversely affected by the movement. The department shall, if practicable, issue a written notice to the other herd owners at least 10 days before the swine are moved.

ATCP 10.27 Swine pseudorabies; herd certification. (1) QUALIFIED PSEUDORABIES NEGATIVE HERD. The department may certify a herd of swine as a qualified pseudorabies negative herd if the herd qualifies for that certification under the pseudorabies national eradication standards. To maintain the certification, the herd owner shall comply with applicable requirements under the pseudorabies national eradication standards.

NOTE: The pseudorabies national eradication standards are on file with the department, the secretary of state and the revisor of statutes. Copies may be obtained from the USDA website at: www.aphis.usda.gov/vs/index.html. Copies may be obtained by writing to the following address:

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Division of Animal Health
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Madison, WI 53708-8911

(2) QUALIFIED PSEUDORABIES NEGATIVE GROW-OUT HERD. The department may certify a herd of swine as a qualified pseudorabies negative grow-out herd if the herd qualifies under the pseudorabies national eradication standards. To maintain the herd certification, the herd owner shall comply with applicable requirements under the pseudorabies national eradication standards.

NOTE: The pseudorabies national eradication standards are on file with the department, the secretary of state and the revisor of statutes. Copies may be obtained from the USDA website at: www.aphis.usda.gov/vs/index.html. Copies may be obtained by writing to the following address:

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Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(3) FEEDER SWINE PSEUDORABIES MONITORED HERD. The department may certify a herd of swine as a feeder swine pseudorabies monitored herd if the herd qualifies for that certification under the pseudorabies national eradication standards. To maintain the certification, the herd owner shall comply with applicable requirements under the pseudorabies national eradication standards.

NOTE: The pseudorabies national eradication standards are on file with the department, the secretary of state and the revisor of statutes. Copies may be obtained from the USDA website at: www.aphis.usda.gov/vs/index.html. Copies may be obtained by writing to the following address:

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(3) SUSPENDING OR REVOKING CERTIFICATION. (a) The department may summarily suspend or revoke any certification under this section if any of the following occur:

1. An animal in the herd tests positive for pseudorabies.

2. The herd owner fails to comply with certification requirements.

(b) The state veterinarian may issue a summary suspension or revocation notice under par. (a). The notice shall state the reason for the suspension or revocation.

NOTE: A herd owner affected by a suspension or revocation may request a hearing before the department under ch. 227.42, Stats., and ch. ATCP 1. A request for a hearing does not automatically stay the summary suspension or revocation.

ATCP 10.28 Swine brucellosis; testing and control. (1) WHO MAY COLLECT TEST SAMPLES. A person who collects a swine brucellosis test sample, for purposes of this chapter or ch. ATCP 12, shall be one of the following:

(a) An accredited veterinarian. If the veterinarian collects the test sample from a swine in this state, the veterinarian shall also be a Wisconsin certified veterinarian.

(b) An authorized employee or agent of the department or the federal bureau.

(2) TEST PROCEDURES. Swine brucellosis test sample collection and testing shall comply with the brucellosis uniform methods and rules. A laboratory approved by the department or the federal bureau shall conduct swine brucellosis tests.

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(3) REPORTING TEST RESULTS. A veterinarian who collects a swine brucellosis test sample from a swine in this state shall report the test results to the department and the swine owner according to s. ATCP 10.04(1).

(4) REACTORS. (a) The department or the federal bureau shall classify, as a brucellosis reactor, any swine that qualifies as a reactor under the brucellosis uniform methods and rules.

(b) Within 15 days after the department or the federal bureau classifies a swine as a brucellosis reactor, the herd owner shall do all the following:

1. Have the swine identified as a reactor, and shipped to a slaughtering establishment for slaughter, according to the brucellosis uniform methods and rules. The operator shall obtain a department permit under s. ATCP 10.08(3) for the slaughter shipment.

2. Clean and disinfect the premises where the swine was kept.

(c) The department may, for good cause, extend a deadline under par. (a), but may not extend a deadline under par. (a)1. by more than 15 days.

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(d) A swine owner may request an indemnity under s. 95.26(7), Stats., for a brucellosis reactor slaughtered under par. (b)1. The animal owner shall file the request with the department, on a form provided by the department. The owner shall include, with the request, a slaughter

confirmation signed by an authorized employee of the department or the federal bureau. A swine owner does not qualify for an indemnity if the owner fails to comply with par. (b).

ATCP 10.29 Swine brucellosis-free herd; certification. (1) CERTIFICATION. The department may certify a herd of swine as a validated brucellosis-free herd if the herd qualifies for that certification under the brucellosis uniform methods and rules. To maintain the herd certification, the herd owner shall comply with applicable requirements under the brucellosis uniform methods and rules.

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

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Trade and Consumer Protection
Division of Animal Health
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Madison, WI 53708-8911

(2) SUSPENDING OR REVOKING CERTIFICATION. (a) The department may summarily suspend or revoke a certification under sub. (1) if any of the following occur:

1. A swine in the herd tests positive for brucellosis.

2. The herd owner fails to comply with sub. (1).

(b) The state veterinarian may issue a summary suspension or revocation notice under par. (a). The notice shall state the reason for the suspension or revocation.

NOTE: A herd owner affected by a suspension or revocation may request a hearing before the department under ch. 227.42, Stats., and ch. ATCP 1. A request for a hearing does not automatically stay a summary suspension or revocation.

ATCP 10.30 Swine imports. (1) CERTIFICATE OF VETERINARY INSPECTION. (a) *Requirement.* Except as provided in par. (b), no person may import a swine into this state unless

the swine is accompanied by a valid certificate of veterinary inspection. The certificate shall include all of the following information:

1. The official individual identification of the swine.

NOTE: A person may use, as the official individual identification of feeder swine, the premises identification of the premises where the feeder swine originated. See s. ATCP 10.01(71)(j).

2. The import permit number if an import permit is required under sub. (2).

3. If sub. (5)(a) applies, a statement certifying that no pseudorabies vaccine has been used on the swine.

4. If sub. (3)(a) applies, the identification number of the pseudorabies qualified negative herd or pseudorabies qualified negative grow-out herd from which the swine originates, and the date of the last herd qualifying test.

5. If sub. (4)(a) applies, a report of a negative brucellosis test conducted not more than 30 days before the swine enters this state.

6. Any other information required under this section.

(b) *Exemptions.* Paragraph (a) does not apply to any of the following:

1. Swine imported directly to a slaughtering establishment for slaughter.

2. Swine imported directly to a federally approved livestock import market under s. ATCP 10.07(4).

NOTE: ATCP 10.07(4)(c) prohibits the operator of a federally approved livestock import market from releasing imported swine to a location in this state unless the swine meet import requirements under this chapter. Animals shipped directly to slaughter are exempt from certain import requirements that would otherwise apply.

3. A swine imported directly to a veterinary facility for treatment, provided that the swine is returned to its state of origin immediately following treatment and there is no change of ownership while the swine is in this state.

4. A swine returning directly to its place of origin in this state following treatment in a veterinary facility outside this state, provided that the swine was shipped directly to the veterinary facility and there was no change of ownership while the swine was outside the state for veterinary treatment.

(c) *Prompt delivery to department.* Within 24 hours after a veterinarian issues a certificate of veterinary inspection for swine that are being imported to this state from a state designated as a pseudorabies stage I, II or III state by the federal bureau, the veterinarian shall deliver a copy of that certificate to the department. The veterinarian may deliver the certificate by fax or other electronic transmission.

(2) IMPORT PERMIT. (a) *Requirement.* Except as provided in par. (b), no person may import any swine into this state without an import permit under s. 10.07(2).

(b) *Exemptions.* Paragraph (a) does not apply to any of the following:

1. Swine imported directly to a slaughtering establishment for slaughter.

2. Swine imported directly to a federally approved livestock import market.

3. Swine originating from a state designated as a pseudorabies stage IV or V state by the federal bureau.

4. Micro pigs imported directly to a laboratory pursuant to a written import permit under sub. (9).

(c) *Permit application.* An application for a permit under par. (a) shall comply with s. ATCP 10.07(2) and shall also include the following information if sub. (3)(a) applies:

1. The identification number of the pseudorabies qualified negative herd or pseudorabies qualified negative grow-out herd from which the swine originate.

2. The date of the last herd test that qualified the herd of origin as a pseudorabies qualified negative herd or pseudorabies qualified negative grow-out herd.

(d) *Herd Plan.* The department may not issue an import permit under par. (a) for animals originating from a state designated as a pseudorabies stage I or II state by the federal bureau unless the person receiving the import shipment has entered into a herd plan with the department.

(3) SWINE MUST ORIGINATE FROM A PSEUDORABIES QUALIFIED NEGATIVE HERD. (a) *Requirement*. Except as provided in par. (b), no person may import swine into this state unless the swine originate from a pseudorabies qualified negative herd or, if the swine originate from an off-site facility, a pseudorabies qualified negative grow-out herd that qualifies on the basis of monthly testing.

(b) *Exemptions.* Paragraph (a) does not apply to any of the following:

1. Swine imported directly to a slaughtering establishment for slaughter.

2. Swine imported directly to a federally approved livestock import market.

3. Swine originating from a state designated as a pseudorabies stage IV or V state by the federal bureau.

4. Swine originating from a state designated as a pseudorabies stage III state by the federal bureau, if the swine are imported for feeding for slaughter.

5. Breeder swine or show pigs that originate from a state designated as a pseudorabies stage III state by the federal bureau, if the swine or show pigs have tested negative for pseudorabies on a test conducted not more than 30 days before the swine enters this state.

6. Micro pigs imported directly to a laboratory pursuant to a written import permit under sub. (9).

(4) BRUCELLOSIS TEST. (a) *Requirement.* Except as provided in par. (b), no person may import swine into this state unless the swine test negative on a pre-import brucellosis test conducted not more than 30 days before the swine enter this state.

(b) *Exemptions.* Paragraph (a) does not apply to any of the following:

1. Swine imported directly to a slaughtering establishment for slaughter.

2. Swine imported directly to a federally approved livestock import market.

3. Swine originating from a state designated as a brucellosis stage III state by the federal bureau, unless testing is required under s. ATCP 10.07(1)(b).

4. Swine originating from a validated brucellosis-free herd.

5. Feeder swine.

6. Micro pigs imported directly to a laboratory pursuant to a written permit under sub. (9).

(5) PSEUDORABIES VACCINATES; IMPORTS PROHIBITED. (a) *Prohibition.* Except as provided in par. (b), no person may import into this state any swine that have been vaccinated for pseudorabies.

(b) *Exemptions.* Paragraph (a) does not apply to any of the following:

1. Swine imported directly to a slaughtering establishment for slaughter.

2. Micro pigs imported directly to a laboratory pursuant to a written permit under sub. (9).

(6) IMPORTED SWINE; ISOLATION AND PSEUDORABIES TESTING. (a) *Requirement.* Except as provided in par. (b), a person receiving imported swine in this state shall do all of the following:

1. Isolate the imported swine from all other swine on the premises until the imported swine test negative for pseudorabies.

2. Have all the imported swine tested for pseudorabies not less than 30 days nor more than 45 days after the swine enter this state.

(b) *Exemptions.* Paragraph (a) does not apply to any of the following:

1. Swine imported directly to a slaughtering establishment for slaughter.

2. Swine imported directly to a federally approved livestock import market.

3. Swine originating from a state designated as a pseudorabies stage IV or V state by the federal bureau, unless testing is required under s. ATCP 10.07(1)(b).

4. An import shipment of swine that includes no breeder swine or show pigs, if the person receiving that shipment tests a representative statistical sample of these swine for pseudorabies. The person shall test the statistical sample not less than 30 days nor more than 45 days after the swine enter this state. The person shall isolate all of the imported swine until the sample swine test negative for pseudorabies.

5. Micro pigs imported directly to a laboratory pursuant to a written permit under sub. (9).

(7) SLAUGHTER SWINE IMPORTED FROM PSEUDORABIES STAGE I OR II STATE. No person may import slaughter swine from a state designated as a pseudorabies stage I or II state by the federal bureau unless all the following apply:

(a) The swine are shipped in a sealed vehicle directly to a slaughter establishment.

(b) The swine are accompanied by a completed federal bureau form VS 1-27 and an import permit issued by the department under s. ATCP 10.07(2).

NOTE: Federal bureau form VS 1-27 must be completed by an accredited veterinarian, an authorized state animal health official or the federal bureau.

(8) SWINE IMPORTED FROM PSEUDORABIES STAGE I OR II STATE. (a) *Separation from breeding stock.* All of the following requirements apply to swine imported for finish feeding prior to slaughter, from a state designated as a pseudorabies stage I or II state by the federal bureau, and to all swine commingled with those swine:

1. The swine shall at all times be kept separate from breeding stock.

2. The swine may not be removed from the premises where they are received for feeding in this state, except for direct shipment to slaughter.

(9) LABORATORY IMPORT PERMIT. The department may issue a written import permit under s. ATCP 10.07(2) authorizing the import of micro pigs directly to a laboratory in this state, subject to all of the following conditions which shall be stated in the permit:

(a) The laboratory shall use the micro pigs for bona fide scientific research, studies or tests.

(b) The micro pigs shall be imported to the laboratory in a closed, biologically controlled environment that keeps the pigs biologically isolated from other swine.

(c) The micro pigs shall be confined in the laboratory so they are biologically isolated from other swine.

(d) The laboratory operator shall euthanize all of the micro pigs at the end of the study, test or experiment, and shall dispose of all carcasses in a manner that prevents biological exposure to other swine.

(10) GARBAGE-FED SWINE; IMPORT PROHIBITED. Swine fed on raw commercial garbage may not be imported into this state for slaughter or any other purpose. Swine fed on cooked commercial garbage may not be imported into this state unless the department first issues an import permit under s. ATCP 10.07(2) that identifies the imported swine as swine fed on cooked commercial garbage.

ATCP 10.31 Slaughter swine identification. (1) IDENTIFICATION REQUIRED. Except as provided in sub. (3), an animal trucker, animal dealer, animal market operator, federally approved livestock import market operator, or slaughtering establishment operator shall do all the following whenever that person receives a sow, boar or stag for slaughter, or for sale or shipment to slaughter:

(a) Identify the swine with an official swine backtag or other approved slaughter identification, unless the swine already bears an official slaughter identification.

(b) Make a record under sub. (2) for that swine.

(2) RECORD. (a) A record under sub. (1) (b) shall include all the following:

1. The swine's slaughter identification number.

2. The date on which the swine was received.

3. The date on which the slaughter identification was applied. If the swine already bore a slaughter identification when received, the record shall note that fact.

4. The name and address of the person from whom the swine was received.

5. The swine's class.

(b) The record under par. (a) shall be retained for at least 5 years, and shall be made available for inspection and copying upon request.

(3) LOW-VOLUME SLAUGHTER ESTABLISHMENTS; EXEMPTION. The department may, by written notice, exempt a slaughtering establishment from sub. (1) if all the following apply:

(a) The slaughtering establishment receives all of its swine directly from producers.

(b) The slaughtering establishment records the herd of origin of every swine slaughtered.

(c) The slaughtering establishment slaughters not more than 100 swine per day, and operates no more than 5 days per week.

ATCP 10.32 Moving swine in Wisconsin. (1) PSEUDORABIES TEST REQUIRED. Except as provided in sub. (2), no person may move swine within this state unless all the following apply:

(a) The swine have tested negative on a pseudorabies test conducted not more than 30 days prior to the intrastate movement.

(b) A copy of the negative test report under par. (a) accompanies the swine. The operator of a swine growth performance test station shall keep copies of pseudorabies test reports for all swine moved into or out of the test station. The test station operator shall retain the copies for a period of 5 years, and make them available to the department for inspection and copying upon request.

(2) EXEMPTIONS. Subsection (1) does not apply if any of the following apply:

(a) This state has a federal bureau designation as a pseudorabies stage IV or V state at the time the swine are moved.

(b) The swine are moved from a qualified pseudorabies negative herd or a qualified pseudorabies negative grow-out herd, where they originate.

(c) The swine are moved directly to a slaughtering establishment for slaughter.

(d) The swine are moved to the premises of an animal dealer or animal market operator who complies with the testing requirement under sub. (1) before the swine are moved from those premises.

(e) The swine are moved only between premises owned or operated by the same person, who is at all times the owner of the swine.

Subchapter V

EQUINE ANIMALS

ATCP 10.35 Equine infectious anemia. (1) SALE OF EQUINE ANIMAL; TESTING REQUIRED. (a) Except as provided in par. (b), no person may sell or transfer ownership of any equine animal in this state unless one of the following applies:

1. The animal has tested negative for equine infectious anemia during the current calendar year and the official test report accompanies the animal.

2. The sale or transfer of ownership occurs on or before January 31, the animal has tested negative for equine infectious anemia during the preceding calendar year, and the official test report accompanies the animal.

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

1. A nursing foal accompanying its dam.

2. An equine animal sold directly to a slaughtering establishment for slaughter.

3. An equine animal consigned to an animal market for sale directly to slaughter. If the animal is not shipped directly to a slaughter establishment within 10 days after it is received at the market, it shall be tested immediately.

4. An equine animal sold to an animal market operator, provided that the animal market operator ships the animal directly to slaughter or has the animal tested for equine infectious anemia within 10 days after purchase.

(2) WHO MAY COLLECT TEST SAMPLE. A person who collects an equine infectious anemia test sample, for purposes of this chapter or ch. ATCP 12, shall be one of the following:

(a) An accredited veterinarian. If the veterinarian performs the test in this state, the veterinarian shall also be a Wisconsin certified veterinarian.

(b) An authorized employee or agent of the department or the federal bureau.

(3) SAMPLE IDENTIFICATION AND TESTING. A person who collects an equine infectious anemia test sample shall identify the sample with the official individual identification of the equine animal from which the sample was collected. Equine infectious anemia tests shall be conducted at a laboratory approved by the department or the federal bureau.

(4) TEST POSITIVE AND EXPOSED ANIMALS. (a) No person may move an equine animal that tests positive for equine infectious anemia, except as provided in this section. The department shall summarily quarantine every test positive animal. The quarantine notice shall include all of the following:

1. Notice of the positive equine infectious anemia test.

2. Notice that the owner or custodian may request a retest under sub. (5).

3. Notice that the state veterinarian may issue a branding order under sub. (6).

4. Notice of quarantine conditions, including the conditions under pars. (e) and (f).

(b) If the department finds that a test positive animal under par. (a) has participated in an event where it could have exposed other equine animals, the department shall notify the event

sponsor. The event sponsor shall notify other event participants their animals may have been exposed.

(c) The department may summarily quarantine any of the following:

1. Equine animals kept on the same premises with a test positive animal under par. (a).

2. Equine animals that may have been exposed to a test positive animal under par. (a).

(d) A quarantine under par. (a) or (c) shall comply with s. ATCP 10.91.

(e) An equine animal quarantined under par. (a) or (c) shall be kept in a stall or other facility from which flies are effectively excluded, or at least 300 yards from all equine animals that are not known to be infected.

NOTE: Equine infectious anemia is spread by biting flies.

(f) No person may move, sell or transfer custody of an equine animal quarantined under par. (a) or (c) without a permit under s. ATCP 10.08(3).

NOTE: A person adversely affected by a quarantine under par. (a) or (c) may, within 30 days after the quarantine is served, request a hearing on the quarantine as provided in s. ATCP 10.91(6). A request for hearing does not automatically stay a quarantine notice.

(5) RETEST. (a) The department shall retest an animal quarantined under sub. (4)(a) if, within 10 days after the quarantine notice is served, the owner of the quarantined animal files a written retest request with the department and pays a retest fee of $25. A retest request does not stay a quarantine notice under sub. (4)(a).

(b) A veterinarian employed by the department or the federal bureau shall collect the test sample for any retest under par. (a). The veterinarian shall verify that the retested animal is the same animal originally tested. The veterinarian shall collect the retest sample at least 14 days

after the department receives the retest request, but not more than 45 days after the initial test sample was collected.

(c) If a retest result is negative, the department may do any of the following:

1. Release the quarantine issued under sub. (4)(a).

2. Conduct additional testing to clarify the disease status of the animal.

(6) BRANDING ORDER. (a) The state veterinarian shall issue a branding order for each test positive animal quarantined under sub. (4)(a), unless one of the following applies:

1. The time for requesting a retest, or a hearing on the quarantine order, has not yet expired.

2. A person has made a timely request for hearing on the quarantine order, and the contested case proceeding is not yet completed.

3. A person has made a valid request for a retest under sub. (5), and the retest is not yet completed.

4. A retest fails to confirm the initial test result.

5. The state veterinarian is restrained by a judicial order, or by order of the department secretary or administrative law judge under ch. ATCP 1.

6. The department has released its quarantine under sub. (4)(a).

7. The state veterinarian determines that branding is not appropriate or necessary.

(b) A branding order under par. (a) shall be served on the owner and on the custodian of the animal to be branded. A veterinarian employed by the department or the federal bureau shall execute the branding order by applying a "35a" freeze brand to the left side of the animal's neck. The veterinarian may not execute the branding order sooner than 14 days after the branding order

is served on the owner and custodian of the animal, unless the owner and custodian consent in writing to the branding. No person may, except by judicial or administrative process, prevent the lawful execution of a branding order under this paragraph.

NOTE: A person adversely affected by a branding order may request a hearing on the order, pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay the branding order.

(c) An equine animal branded under par. (b) is released from the quarantine under sub. (4)(a), and may be moved without a permit under s. ATCP 10.08(3).

(d) An equine animal branded under par. (b) shall be kept in a stall or other facility from which flies are effectively excluded, or at least 300 yards from all equine animals that are not known to be infected.

NOTE: Equine infectious anemia is spread by biting flies.

ATCP 10.36 Equine animals; imports. (1) CERTIFICATE OF VETERINARY INSPECTION; REQUIREMENT. Except as provided in sub. (2), no person may import an equine animal into this state unless the animal is accompanied by a valid certificate of veterinary inspection. The certificate shall include all of the following:

(a) The official individual identification of the equine animal.

(b) A report of a negative test for equine infectious anemia if required by sub. (3).

(2) CERTIFICATE OF VETERINARY INSPECTION; EXEMPTIONS. Subsection (1) does not apply to any of the following:

(a) An animal imported directly to a slaughtering establishment for slaughter.

(b) An animal imported directly to an animal market licensed under s. ATCP 12.02 if any of the following apply:

1. The animal is shipped directly to a slaughtering establishment, for slaughter, within 10 days after it arrives at the animal market and before it is commingled with any equine animal that is not shipped to slaughter.

2. A Wisconsin certified veterinarian issues a certificate of veterinary inspection for the equine animal before the animal leaves the animal market or is commingled with any other equine animal at the market. The certificate shall include a report of a negative test for equine infectious anemia if required under sub. (3).

(c) An animal imported directly to a veterinary facility for treatment, provided that the animal is returned to its place of origin immediately after treatment.

(d) An animal returning to its place of origin in this state immediately after treatment in a veterinary facility outside this state.

(e) An animal imported for a trail ride, horse show or exhibition if all the following apply:

1. Ownership does not change while the animal is in this state.

2. The animal remains in this state for no more than 7 days.

3. The animal is accompanied by a report of a negative equine infectious anemia test that complies with sub. (3).

4. The animal originates from a state that allows Wisconsin equine animals to attend trail rides, horse shows or exhibitions in that state under similar conditions.

(3) EQUINE INFECTIOUS ANEMIA TEST; REQUIREMENT. Except as provided in sub. (4), no person may import any equine animal into this state unless one of the following applies:

(a) The animal has tested negative on an equine infectious anemia test conducted during the calendar year in which the animal is imported into this state.

(b) The animal is imported on or before January 31 of any calendar year and the animal tested negative for equine infectious anemia during the preceding calendar year.

(4) EQUINE INFECTIOUS ANEMIA TEST; EXEMPTIONS. Subsection (3) does not apply to any of the following:

(a) A nursing foal accompanying its dam.

(b) An animal imported directly to an animal market licensed under s. ATCP 12.02, provided that one of the following applies:

1. The animal is shipped directly to a slaughtering establishment, for slaughter, within 10 days after it arrives at the animal market and before it is commingled with any other animal that is not shipped to slaughter.

2. The animal market operator has the animal tested for equine infectious anemia within 10 days after it arrives at the market, and obtains the test results before the animal leaves the animal market and before it is commingled with any other equine animal at the animal market.

NOTE: If an animal tests positive for equine infectious anemia under par. (b)2., it must be treated according to sub. (4)(b).

(c) An animal imported directly to a veterinary facility for treatment, provided that the animal is returned to its place of origin immediately after treatment.

(d) An animal returning to its place of origin in this state immediately after treatment in a veterinary facility outside this state.

(e) An animal imported pursuant to a permit under s. ATCP 10.07(2), if the import complies with all of the following permit conditions:

1. An equine infectious anemia test sample is collected from the animal before the animal is imported.

2. The animal is confined to the premises at which it is first received in this state until the test results are known. The animal may not be commingled with any other equine animals on the premises during that confinement period.

NOTE: If an animal tests positive for equine infectious anemia under par. (e), it must be treated according to sub. (4)(b).

(5) EQUINE INFECTIOUS ANEMIA; TEST POSITIVE ANIMALS. (a) No person may import an equine animal that has tested positive for equine infectious anemia.

(b) If an equine animal tests positive for equine infectious anemia under sub. (4)(b)2. or (e) after it enters this state, the owner or custodian of the animal shall do one of the following:

1. Euthanize the animal on the premises where it is located.

2. Ship the animal directly to a slaughtering establishment for slaughter, pursuant to a department permit under s. ATCP 10.08(3).

3. Return the animal to its state of origin, pursuant to a department permit under s. ATCP 10.08(3).

ATCP 10.37 Foreign equine imports; quarantine station. (1) EQUINES AT RISK FOR EQUINE METRITIS. (a) No person may receive in this state any stallion or mare imported from another nation in which contagious equine metritis has been reported unless all of the following apply:

1. The stallion or mare is imported directly to an approved equine quarantine station in a sealed vehicle that has been sealed at a place, and by an agent, approved by the federal bureau. The vehicle seal may not be removed, except at an approved equine quarantine station by an authorized employee or agent of the department.

2. The department issues a permit under s. ATCP 10.07(2) authorizing the import shipment, and a copy of the permit.

(b) All equine animals, including test mares, which are received at an approved equine quarantine station shall be identified with an official individual identification.

(2) QUARANTINE. An imported equine animal received at an approved equine quarantine station is automatically quarantined until the department releases the quarantine. A quarantined animal may not be removed from the quarantine station, or commingled with other equine animals at the quarantine station, except that a written agreement under sub. (5) may permit contact between a quarantined stallion and a test mare. A test mare that has been in contact with an imported quarantined stallion is also quarantined until the department releases the quarantine.

(3) APPROVED EQUINE QUARANTINE STATION; PERMIT. A quarantine station does not qualify as an approved equine quarantine station unless the operator holds a current annual permit from the department. Each permit shall bear a livestock premises code. A permit expires on June 30 of each year. An operator shall apply for a permit on a form provided by the department. The department shall grant or deny a permit application within 90 days after it receives a complete application. An application shall include all of the following:

(a) The legal name and mailing address of the applicant, and any trade or business name under which the applicant operates the quarantine station.

(b) A statement indicating whether the applicant is an individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.

(c) The location of the quarantine station, specified by county, town, section and fire number.

(d) The name and address of the Wisconsin certified veterinarian who will perform all identification, handling, testing and treatment of equine animals at the quarantine station according to sub. (5).

(e) Additional information, if any, required under s. ATCP 17.02(4) for purposes of livestock premises registration.

(f) Other relevant information required by the department.

(4) CONSTRUCTION REQUIREMENTS; SANITARY OPERATION. An approved equine quarantine stations shall be constructed and maintained to prevent any violation of sub. (2), and shall be kept in a clean and sanitary condition.

(5) TESTING AND TREATMENT PROCEDURES; WRITTEN AGREEMENT. Before the department issues any permit under sub. (3) for an approved equine quarantine station, the operator and the Wisconsin certified veterinarian designated under sub. (3)(d) shall enter into a written agreement with the department. The agreement shall establish the procedures and protocols that will be used to identify, handle, test and treat equine animals quarantined at the station. The approved equine quarantine station shall be operated in compliance with the agreed procedures and protocols. The designated veterinarian shall perform the procedures and protocols, except as otherwise authorized by the department.

(6) RECORDS. (a) The operator of an approved equine quarantine station shall keep complete and accurate records, including all of the following:

1. For each equine animal received at the quarantine station, the animal's official individual identification, date of arrival, date of removal, and owner's name and address.

2. A complete record of the procedures and protocols used to identify, handle, test and treat each equine animal.

(b) The operator shall keep each record under par. (a) for at least 5 years, and shall make the record available for inspection and copying by the department upon request.

Subchapter VI

POULTRY AND FARM-RAISED GAME BIRDS

ATCP 10.40 Poultry and farm-raised game birds; breeding, hatching and exhibition. (1) BIRDS AND EGGS USED FOR BREEDING OR HATCHING. No person may use, sell or distribute poultry or farm-raised game birds or their eggs for breeding or hatching, or for exhibition at a fair or livestock exhibition, unless one of the following applies:

(a) The birds or eggs originate from a flock that is enrolled in the national poultry improvement plan under s. ATCP 10.41 and meets all of the following requirements:

1. The flock is currently classified "U.S. pullorum-typhoid clean" under the national poultry improvement plan.

2. In the case of turkeys, the flock is currently classified "Mycoplasma gallisepticum clean" under the national poultry improvement plan.

(b) The birds or eggs originate from a flock that qualifies as an affiliate flock under the national poultry improvement plan.

(c) The birds or eggs originate from a flock that is enrolled as a Wisconsin tested flock under sub. (2) or a Wisconsin associate flock under sub. (3).

NOTE: A person who sells birds or eggs under par. (c) must report the sale to the department, and must document to the buyer that the flock is enrolled under sub. (2) or (3). *See* sub. (7).

(d) In the case of birds, the birds meet all of the following requirements:

1. They have individually tested negative for pullorum, fowl typhoid and, in the case of turkeys, Mycoplasma gallisepticum, within the preceding 90 days and prior to any change of

ownership. Testing for purposes of a fair or livestock exhibition shall be completed before the birds arrive at the fair or livestock exhibition.

2. They originate from a flock in which no bird has tested positive for pullorum, fowl typhoid or Mycoplasma gallisepticum.

NOTE: A person who sells birds under par. (d) must report the sale to the department, and must document to the buyer that the birds comply with par. (d). *See* sub. (7).

(e) The birds or eggs are pigeons or pigeon eggs.

(g) The birds are not used for breeding or hatching, and are moved from the flock premises only for youth exhibition at a county fair pursuant to sub. (8).

(2) WISCONSIN TESTED FLOCK. (a) The owner of a flock of poultry or farm-raised game birds may annually enroll that flock as a Wisconsin tested flock. An annual enrollment expires on June 30 of each year.

(b) A flock owner shall apply for enrollment under par. (a) on a form provided by the department. There is no fee to enroll. The enrollment application shall include all of the following:

1. The legal name and address of the flock owner.

2. The address and livestock premises code of the flock premises.

3. The approximate size of the flock, and the type of birds included in the flock.

4. Disease testing information under par. (c).

NOTE: A flock owner may request an enrollment application form by calling (608) 224-4877, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(c) An enrollment application under par. (b) shall include proof that the flock has tested negative for all of the following during the calendar year of the enrollment application, in a test under sub. (4) that included all sexually mature birds then in the flock:

1. Pullorum.

2. Fowl typhoid.

3. Mycoplasma gallisepticum, in the case of turkeys.

(d) For purposes of par. (c), a sexually mature bird is a bird over 4 months old except that, in the case of turkeys, it is a bird over 6 months old.

(e) The department shall grant or deny an enrollment application under par. (b) within 30 days after the department receives a complete application. If the department grants enrollment, the department shall issue a certificate that documents the enrollment.

(3) WISCONSIN ASSOCIATE FLOCK. (a) The owner of a flock of poultry or farm-raised game birds may annually enroll that flock as a Wisconsin associate flock . A Wisconsin associate flock enrollment expires on June 30 of each year.

(b) A flock owner shall apply for enrollment under par. (a) on a form provided by the department. There is no fee to enroll. An enrollment application shall include all of the following:

1. The legal name and address of the flock owner.

2. The address and livestock premises code of the flock premises.

3. The number and type of birds in the flock.

4. An invoice or other documentation showing that all of the birds in the flock were acquired directly from a flock enrolled under sub. (2), sub. (3) or s. ATCP 10.41.

5. A statement certifying that the flock owner keeps no other poultry or farm-raised game birds on the flock premises.

NOTE: A flock owner may request an enrollment application form by calling (608) 224-4877, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(c) The department shall grant or deny an enrollment application under par. (b) within 30 days after the department receives a complete application. If the department grants enrollment, the department shall issue a certificate that documents the enrollment.

(4) DISEASE TESTING. Disease testing, for purposes of this section and s. ATCP 10.41, shall comply with all of the following standards:

(a) Blood samples for testing shall be drawn by one of the following:

1. An individual who has completed sample collection training, provided by the department, within 2 years prior to collecting the blood samples.

2. An individual approved by the federal bureau or by the state in which the blood samples are drawn, if the blood samples are drawn in another state pursuant to the national poultry improvement plan.

(b) Except as provided in par. (c) or (d):

1. An individual who draws blood samples for laboratory testing shall identify each bird with official individual identification, or with another identification number that uniquely identifies that bird.

2. An individual who draws blood samples for laboratory testing shall label each blood sample with the identification number of the bird from which it was drawn.

3. The flock owner or custodian shall isolate tested birds from untested birds until the department reviews test results and authorizes the flock owner or custodian to release tested birds from isolation.

(c) Paragraph (b) does not apply to a whole flock test of poultry or farm-raised game birds.

(d) Paragraph (b) does not apply when a test group of 30 or more birds is tested for purposes of flock classification under the national poultry improvement plan, provided that the flock owner or custodian isolates the test group from birds outside the test group until the department reviews the test results and authorizes release from isolation. If any bird in the test group tests positive, the department may require continued isolation and testing of all birds in the test group and may specify the disposition of all birds in the test group.

(e) Sample collection, on-site test methods and laboratory test methods shall comply with standards specified in the national poultry improvement plan. Laboratory tests shall be conducted by a laboratory approved by the department, the federal bureau, or another state under the national poultry improvement plan.

NOTE: See disease reporting requirements under s. ATCP 10.03.

(5) IMPORTS. No person may use, sell or distribute, for breeding or hatching, any poultry, poultry eggs, farm-raised game birds or farm-raised game bird eggs imported in violation of s. ATCP 10.42.

(6) COMMINGLING. (a) No turkey breeding flocks may be commingled with other species of domestic fowl or farm-raised game birds.

(b) No eggs of any other species of fowl may be hatched in a turkey hatchery.

(c) Birds belonging to a flock enrolled under sub. (2), sub. (3) or s. ATCP 10.41 may not be commingled with any birds that are not part of the flock.

(d) Birds do not qualify under sub. (1)(d) if they have been commingled with birds from another flock or source.

(7) POULTRY SALES. (a) A person who sells poultry or eggs under sub. (1)(c) shall do all of the following:

1. Report the sale to the department within 10 days, on a form provided by the department.

2. Provide, to the buyer, a copy of the current flock enrollment certificate under sub. (2) or (3).

(b) A person who sells poultry under sub. (1)(d) shall do all of the following:

1. Report the sale to the department within 10 days, on a form provided by the department.

2. Document, to the buyer, that the poultry comply with sub. (1)(d).

NOTE: A person may request a reporting form under par. (a)1. or (b)1. by calling (608) 224-4877, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(8) YOUTH EXHIBITION AT COUNTY FAIR. (a) Subsection (1) does not apply to youth exhibition of poultry or poultry eggs at a county fair if a youth agricultural leader certifies all of the following:

1. The name and address of the youth exhibiting the poultry or eggs.

2. A description of the exhibited poultry or eggs.

3. That the youth acquired the poultry or eggs directly from a flock enrolled under sub. (2), sub. (3) or s. ATCP 10.41, and has not commingled them with poultry or eggs from any other source. This certification shall be based on written source documentation, and on an inspection of the premises where the youth keeps the poultry or eggs.

(b) A certification under par. (a) shall be all of the following:

1. Issued in writing.

2. Filed with the county fair before the youth exhibits the poultry or eggs.

(c) For purposes of this subsection, a "youth agricultural leader" means any of the following:

1. The leader of a bona fide youth agricultural organization to which the youth exhibitor belongs.

NOTE: For example, a "youth agricultural leader" might include a 4-H leader or FFA sponsor.

2. The county fair organizer, or the organizer's agent.

NOTE: For example, a "youth agricultural leader" might include a county fair superintendent or poultry exhibit coordinator.

ATCP 10.41 National poultry improvement plan. (1) ANNUAL FLOCK ENROLLMENT. The owner of a flock of poultry or farm-raised game birds may annually enroll that flock in the national poultry improvement plan. An annual enrollment expires on June 30 of each year.

NOTE: The national poultry improvement plan is on file with the department, the secretary of state and the revisor of statutes. Copies may be obtained from the USDA website at: www.aphis.usda.gov/vs/index.html. A flock owner may also request a copy by calling (608) 224-4877, by visiting the

department website at www.datcp.state.wi.us, or by writing to the following address:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(2) ENROLLMENT APPLICATION. A flock owner shall apply for enrollment under sub. (1) on a form provided by the department. The application shall include the test results required under sub. (3) and the fee required under sub. (4). The department shall grant or deny an enrollment application within 30 days after the department receives a complete application.

NOTE: A flock owner may request an enrollment application form by calling (608) 224-4877, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(3) ANNUAL DISEASE TESTING. An enrollment application under sub. (1) shall include proof that the flock has been tested for all of the following, within one year prior to the enrollment application date, according to the national poultry improvement plan:

(a) Pullorum.

(b) Fowl typhoid.

(c) Mycoplasma gallisepticum, in the case of turkeys.

(4) DISEASE-FREE CERTIFICATION. The department may certify a flock enrolled under sub. (1) as "U.S. pullorum-typhoid clean" or "Mycoplasma gallisepticum clean," or both, according to standards in the national poultry improvement plan.

(5) FEE. An enrollment application under sub. (1) shall include the following annual enrollment fee, as applicable, based on flock type:

(a) $20 if the flock consists solely of specialty breeds, other than breeds commonly raised for meat or egg production, and the flock owner raises the birds primarily for exhibition.

(b) $20 if the flock owner does not hatch or collect eggs, and obtains stock solely from flocks enrolled in the national poultry improvement plan.

(c) $30 if the flock includes farm-raised game birds, the flock owner does not hatch or collect eggs, and the flock owner obtains stock solely from flocks enrolled in the national poultry improvement plan.

(d) The following applicable fee for a breeding flock of poultry or farm-raised game birds:

1. $40 if the flock includes no more than 1,000 breeders.

2. $50 if the flock includes more than 1,000 breeders, but no more than 5,000 breeders.

3. $100 if the flock includes more than 5,000 breeders, but no more than 10,000 breeders.

4. $200 if the flock includes more than 10,000 breeders.

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

(7) COMPLIANCE AND INSPECTION. A flock enrolled in the national poultry improvement plan shall comply with all applicable requirements under the plan. The department shall inspect enrolled flocks and take other actions as appropriate, based on plan requirements.

ATCP 10.42 Poultry imports. (1) IMPORT REQUIREMENTS. Except as provided in sub. (2):

(a) No live poultry, poultry eggs for hatching, farm-raised game birds or farm-raised game bird eggs for hatching may be imported to this state unless all of the following apply:

1. They originate from flocks that are enrolled in the national poultry improvement plan.

2. They originate from flocks that are classified as "U.S. pullorum-typhoid clean" and, in the case of turkeys and turkey eggs, "Mycoplasma gallisepticum clean" under the national poultry improvement plan.

3. They are accompanied by a certificate of veterinary inspection certifying that they originate from flocks that comply with this paragraph.

(b) Turkey poults may not be imported from hatcheries that hatch eggs other than turkey eggs. Started poultry, other than turkey poults, may not be imported from hatcheries that hatch turkey eggs. Hatcheries shall comply with sanitation practices prescribed by the state of origin.

(2) EXEMPTION. Subsection (1) does not apply to poultry or farm-raised game birds that are imported directly to a slaughtering establishment for immediate slaughter.

Subchapter VII

FARM-RAISED DEER

ATCP 10.45 Farm-raised deer; disease testing. (1) AVAILABILITY FOR TESTING. A keeper of farm-raised deer shall make the farm-raised deer available to the department for disease testing upon request.

(2) RESTRAINED FOR TESTING. A keeper of farm-raised deer shall restrain the farm-raised deer for disease testing, to ensure the safety of the farm-raised deer and the person performing the test. The keeper shall restrain the farm-raised deer by one of the following methods:

(a) By providing animal handling facilities that comply with sub. (3).

(b) By tranquilizing the farm-raised deer, to the satisfaction of the department, so they can be safely tested.

NOTE: The department will not tranquilize farm-raised deer for testing, and assumes no liability related to the tranquilization of farm-raised deer.

(c) By moving farm-raised deer, pursuant to a permit issued under s. ATCP 10.08(3), to an isolation and testing facility approved under s. ATCP 10.56(4) where the farm-raised deer can be safely tested.

(3) HANDLING FACILITIES. (a) Animal handling facilities under sub. (2)(a) shall include all of the following:

1. A holding pen in which farm-raised deer can be safely directed into an alleyway and then to a chute or individual restraining pen for testing.

2. An alleyway through which farm-raised deer can be safely guided into a chute or restraining pen for testing.

3. A chute or restraining pen which can safely hold farm-raised deer for testing.

4. Adequate fencing. Fences used to confine farm-raised deer in animal handling facilities shall be at least 7 feet 10 inches high, except that fences used to confine farm-raised deer of the genus rangifer shall be at least 5 feet high.

(b) If the department determines that animal handling facilities do not comply with par. (a), the department may order the keeper to provide acceptable facilities or an acceptable alternative method of restraining farm-raised deer under sub. (2). The keeper shall comply with the department's order within 30 days, unless for good cause the department specifies a different time period.

ATCP 10.46 Farm-raised deer; keepers registered. (1) REGISTRATION CERTIFICATE REQUIRED. (a) Except as provided in par. (b), no person may keep farm-raised deer at any location in this state unless the department has issued a current annual registration certificate authorizing that person to keep farm-raised deer at that location. A registration certificate is not transferable between persons or herd locations. Each registration certificate shall bear a livestock premises code.

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

(2) AUTHORITY CONFERRED BY REGISTRATION CERTIFICATE. (a) Except as provided in pars. (b) and (c), a person holding a registration certificate under sub. (1) may possess, propagate, kill, attempt to kill, pursue for the purpose of killing, capture or exhibit farm-raised deer kept at the registered premises, subject to this chapter.

(b) A person holding a registration certificate under sub. (1) may not sell, or offer to others, the opportunity to hunt farm-raised deer on the registered premises unless that person complies with s. ATCP 10.47.

(c) A registration certificate under sub. (1) does not entitle the certificate holder to operate as an animal dealer unless that person is also licensed under s. ATCP 12.03.

NOTE: An animal dealer license under s. ATCP 12.03 does not entitle the license holder to keep farm-raised deer unless that person also holds a registration certificate under sub. (1).

(d) A registration certificate under sub. (1) authorizes the certificate holder to operate a farm-raised deer quarantine and testing facility if the person also holds a permit for that facility under sub. (14).

(3) REGISTRATION CERTIFICATE EXPIRES. A registration certificate under sub. (1) expires on December 31 of each year. The holder of a registration certificate may renew that certificate by submitting an annual renewal application under sub. (6).

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

(a) Obtain a separate registration certificate under sub. (1) for each location. No person may move farm-raised deer between separately registered locations without complying with s. ATCP 10.56.

(b) Register multiple locations under a single registration certificate under sub. (1) if all the following apply:

1. The herd is enrolled and participating in the chronic wasting disease status program under s. ATCP 10.53.

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

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

(d) Farm-raised deer may be moved between locations covered by the same registration certificate under par. (b) without a certificate of veterinary inspection under s. ATCP 10.56(1).

(5) SEPARATE HERDS KEPT AT SAME LOCATION. A single herd registration certificate under sub. (1) covers all farm-raised deer kept at the same location, except that a person may register separate herds at the same location if all the following apply:

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

(b) The person files a separate registration application under sub. (6) for each herd.

(c) The department inspects the herd premises for compliance with par. (a) before registering any herd at a location where another herd is also registered. The registrant shall pay the fee required under sub. (7)(b). No inspection is required for the renewal of an existing herd registration if the department has previously inspected the herd premises under this paragraph.

(d) The person complies with s. ATCP 10.56 if the person moves any farm-raised deer between the herds.

(e) The person adopts and implements appropriate bio-security measures to prevent disease transmission between the herds, including measures to prevent commingling of farm-raised deer between the herds.

(6) APPLYING FOR REGISTRATION CERTIFICATE. To obtain an annual registration certificate under sub. (1), a person shall file an application on a form provided by the department. The application shall include the fees required under sub. (7) and all information required under s. ATCP 17.02(4) for purposes of livestock premises identification. The registration application form shall include all of the following information:

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

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

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

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

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

(f) Additional information, if any, required under s. ATCP 17.02(4) for purposes of livestock premises registration.

NOTE: A person may obtain a registration form by calling (608) 224-4872, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(7) FEES. (a) A person applying for a registration certificate under sub. (1) shall pay the following registration fees:

1. A nonrefundable annual fee of $50 if the herd includes no more than 15 farm-raised deer.

2. A nonrefundable annual fee of $100 if the herd includes more than 15 farm-raised deer.

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

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

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

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

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

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

(9) DENYING, SUSPENDING OR REVOKING A REGISTRATION CERTIFICATE. The department may deny, suspend or revoke a registration certificate under sub. (1) for cause, including any of the following:

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

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

(c) Violating the terms of the registration certificate.

(10) RECORDS. (a) A person who keeps farm-raised deer shall keep all of the following records related to each live farm-raised deer that leaves the herd other than for slaughter, or that enters the herd from another herd:

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

2. The species, age and sex of the farm-raised deer.

3. The date on which the farm-raised deer entered or left the herd.

4. The name and address of the person from whom the person received, or to whom the person shipped, the farm-raised deer. The record shall also identify the person who had custody of the farm-raised deer during shipment.

5. The address of the herd from which the farm-raised deer originated, or to which it was shipped.

6. A copy of any certificate of veterinary inspection that accompanied the farm-raised deer under s. ATCP 10.56.

(b) A person who keeps farm-raised deer shall keep all of the following records related to each farm-raised deer that the person ships live to slaughter:

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

2. The species, age and sex of the farm-raised deer.

3. The date on which the farm-raised deer was shipped to slaughter.

4. The name and address of the slaughter facility.

5. The name and address of the person who transported the farm-raised deer to slaughter.

6. A copy of any slaughter movement document required under this chapter.

NOTE: For example, see s. ATCP 10.56(2)(a) related to slaughter movement documents.

7. Chronic wasting disease test results required under s. ATCP 10.52(1)(b).

(c) A person who keeps farm-raised deer shall keep all of the following records related to every farm-raised deer that dies, or is killed or slaughtered, on the herd premises:

1. The species, age and sex of the farm-raised deer.

2. Any identification attached to the farm-raised deer, including any carcass identification required under sub. (13).

3. The date on which the farm-raised deer died, or was killed or slaughtered. If the farm-raised deer was found dead on the premises, the person shall record the date on which the farm-raised deer was found dead.

4. The disposition of the carcass, regardless of whether the carcass leaves the premises. If the carcass leaves the herd premises, the disposition record shall include the disposition date, the name and address of the carcass recipient, and the carcass identification required under sub. (13).

5. Chronic wasting disease test results required under s. ATCP 10.52(1)(a).

(d) A person required to keep records under pars. (a) to (c) shall retain those records for at least 5 years, and shall make the records available to the department for inspection and copying upon request.

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

(a) Add a farm-raised deer to the herd, from outside the herd, unless the farm-raised deer is one of the following:

1. Imported into this state in compliance with s. ATCP 10.55.

2. Moved, in compliance with s. ATCP 10.56, from another herd that holds a current annual registration certificate under sub. (1).

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

NOTE: Among other things, paragraph (b) prohibits a keeper of farm-raised deer from accepting orphan fawns or injured deer for temporary care pending return to the free-ranging herd. Persons accepting orphan fawns and injured deer must hold a rehabilitation

license under s. 169.24, Stats., and must keep those fawns and injured deer separate from any farm-raised deer herd.

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

(d) Cause or allow farm-raised deer to commingle with bovine animals on the same premises or in the same building, enclosure or vehicle.

(12) REPORTING ESCAPED FARM-RAISED DEER. A person keeping farm-raised deer shall report to the department whenever any of those farm-raised deer escapes to the wild. The person shall report the escape within 24 hours after the escape occurs.

NOTE: A person may report an escape under sub. (12) by telephone, by calling (608) 224-4872.

(13) CARCASS IDENTIFICATION. (a) No person may remove any farm-raised deer carcass from the premises where the farm-raised deer was kept unless that carcass is identified with official individual identification, or with a dead tag issued by the department. No part of a carcass may leave the premises unless every part of the carcass bears official individual identification or a dead tag, and the farm-raised deer keeper keeps records that identify and correlate all of the official individual identification and dead tag numbers related to that farm-raised deer.

(b) The department shall, upon request, issue dead tags under par. (a) to persons holding valid farm-raised deer herd registration certificates under this section. The department may charge fees for dead tags to cover the department's reasonable costs to produce and distribute the dead tags.

NOTE: A person may obtain dead tags from the department by calling (608) 224-4889, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(14) TUBERCULOSIS ISOLATION AND TESTING FACILITY. (a) The department may issue an annual permit, authorizing the holder of an annual registration certificate under sub. (1) to operate a tuberculosis isolation and testing facility on the registered premises. A permit expires on December 31 of each year.

(b) The holder of a permit under par. (a) may not keep any farm-raised deer on the registered premises, other than those held in the tuberculosis isolation and testing facility. No farm-raised deer may be moved from the premises, except in compliance with s. ATCP 10.56.

(c) To obtain a permit under par. (a), a person shall file an application with the department on a form provided by the department. The department may inspect the facility to determine whether it provides secure isolation and is adequate to serve as a tuberculosis isolation and testing facility. The department shall grant or deny an application for approval within 30 days after the department receives a complete application.

(d) The department may suspend or revoke a permit under par. (a) for cause, including a violation of this chapter.

ATCP 10.47 Farm-raised deer; hunting preserves. (1) DEFINITIONS. In this section, "hunt" means to kill, attempt to kill or pursue for the purpose of killing a farm-raised deer. "Hunt" does not include the killing, attempted killing or pursuit of a farm-raised deer, on premises owned or controlled by the deer owner, by any of the following:

(a) The deer owner.

(b) A person who gives no consideration for the opportunity to kill, attempt to kill or pursue the farm-raised deer, or for any part of the deer's carcass.

(c) A person who kills the farm-raised deer for meat, provided that the department conducts an ante mortem inspection of the deer and a post-mortem inspection of the carcass under s. 97.42, Stats., and ch. ATCP 55.

(d) The department, the Wisconsin department of natural resources, USDA, or other persons or entities that the department authorizes in writing.

(2) REQUIREMENTS. No person may grant or offer, for consideration, the opportunity to hunt farm-raised deer on any premises in this state unless all of the following apply:

(a) The person holds a valid farm-raised deer herd registration certificate under s. ATCP 10.46(1) for the premises, and keeps the farm-raised deer at the registered premises.

(b) The person holds a valid hunting preserve certificate under sub. (3) for the premises.

(c) Farm-raised deer, when hunted, have unimpeded access to at least 80 contiguous acres of land.

(d) The person complies with applicable requirements under this section.

(3) HUNTING PRESERVE CERTIFICATE. (a) The department may issue a hunting preserve certificate for premises registered under s. ATCP 10.46(1). A hunting preserve certificate expires 10 years after it is issued, on the anniversary date of its issuance. A certificate is not transferable between persons or premises. A hunting preserve certificate is not valid if the certificate holder no longer holds a valid farm-raised deer herd registration certificate under s. ATCP 10.46(1).

(b) A person shall apply for a hunting preserve certificate under par. (a) on a form provided by the department. The application shall include all of the following:

1. The applicant's name, address, and registration number under s. ATCP 10.46(1).

2. The address of the premises, registered under s. ATCP 10.46(1), for which the applicant seeks a hunting preserve certificate.

3. Documentation showing that farm-raised deer hunted on the premises will have unimpeded access to at least 80 contiguous acres of land.

4. A nonrefundable fee of $150.

NOTE: A person may obtain an application form under par. (b) by calling (608) 224-4889, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(c) The department shall grant or deny an application under par. (b) within 90 business days after the department receives a complete application. The department shall inspect the premises before issuing a hunting preserve certificate, and may inspect records as necessary to determine whether the applicant and premises qualify for a certificate.

(4) CHRONIC WASTING DISEASE TESTING. A person required to hold a hunting preserve certificate under this section shall comply with chronic wasting disease testing requirements under s. ATCP 10.52. The person shall give a hunter the results of each chronic wasting disease test conducted on a farm-raised deer killed by that hunter on the person's hunting preserve.

(5) REMOVING OR ALTERING OFFICIAL IDENTIFICATION. No person may remove, alter or tamper with the official individual identification given to a farm-raised deer, except as authorized by the department or the federal bureau.

(6) CARCASS IDENTIFICATION. A person who is required by sub. (2)(b) to hold a hunting preserve certificate shall identify the carcass of every farm-raised deer killed on the hunting preserve, before the carcass leaves the premises. Identification shall comply with s. ATCP 10.46(13).

(7) RECORDS. A person who is required by sub. (2)(b) to hold a hunting preserve certificate shall do all of the following:

(a) Keep the records required under s. ATCP 10.46(10).

(b) Keep all of the following records related to each farm-raised deer that is killed on the hunting preserve:

1. The name and address of the person who killed the farm-raised deer.

2. The date when the farm-raised deer was killed, and the location of the premises where it was killed.

3. The name and address of the person who collected the test sample for the chronic wasting disease test required under sub. (4).

4. The laboratory test reports from the chronic wasting disease test required under sub. (4).

5. The disposition of the carcass. This record shall include the name and address of the person who took custody of the carcass. If the carcass is buried or otherwise disposed of, the record shall identify the disposal method and location.

6. The official individual identification of the carcass, or the dead tag number attached to the carcass under s. ATCP 10.46(13), if the carcass leaves the premises. If the carcass has both an official individual identification and a dead tag, the record shall include both numbers.

(c) Retain the records under pars. (a) and (b) for at least 5 years, and make the records available to the department for inspection and copying upon request.

(8) PROHIBITED CONDUCT. No person required to hold a hunting preserve certificate under sub. (2) may do any of the following:

(a) Violate or allow others to violate s. 29.314(3), Stats.

(b) Violate or assist any violation of this chapter or ch. ATCP 12.

ATCP 10.48 Tuberculosis in farm-raised deer. (1) WHO MAY TEST. (a) A person who performs a test tuberculosis test on a farm-raised deer, or collects a sample for a tuberculosis test on a farm-raised deer, shall be one of the following:

1. An accredited veterinarian. If the veterinarian performs the test or collects the sample in this state, the veterinarian shall also be a Wisconsin certified veterinarian.

2. A veterinarian employed by the department or the federal bureau.

(b) A veterinarian may not perform a single cervical tuberculin test on a farm-raised deer in this state, for purposes of this chapter or ch. ATCP 12, unless the veterinarian has completed department training on that test within 3 years prior to the test date.

(c) A veterinarian may not collect a sample from a farm-raised deer, for a comparative cervical tuberculin test under this chapter or ch. ATCP 12, unless authorized to do so by the department or the federal bureau.

(d) A veterinarian may not perform a tuberculosis test on or collect a test sample from a farm-raised deer from a quarantined or known infected herd, except with the department's approval.

(4) VETERINARIAN TO REPORT. A veterinarian who performs a tuberculosis test on a farm-raised deer, or collects a test sample for a tuberculosis test on a farm-raised deer, shall report the test result according to s. ATCP 10.04.

NOTE: A test report must include the animal's official individual identification. If the animal has no official individual identification, the veterinarian must identify the animal an official individual identification. See s. ATCP 10.04(1)(e).

(5) TEST POSITIVE ANIMALS. Whenever the department receives a positive tuberculosis test report under sub. (4), the department shall classify the tested farm-raised deer as a tuberculosis suspect and shall conduct additional testing to determine whether the farm-raised deer is a tuberculosis reactor under the tuberculosis uniform methods and rules.

(6) TUBERCULOSIS REACTORS. (a) The department shall classify a farm-raised deer as a as a tuberculosis reactor if the farm-raised deer qualifies as a reactor under the tuberculosis uniform methods and rules.

(b) Within 15 days after the department classifies a farm-raised deer as a tuberculosis reactor, the keeper of the farm-raised deer shall do all of the following:

1. Have the farm-raised deer identified as a reactor, and shipped directly to slaughter, according to the tuberculosis uniform methods and rules. The operator shall obtain a department permit under s. ATCP 10.08(3) for the slaughter shipment.

2. Clean and disinfect the premises where the farm-raised deer was kept.

(c) The department may for good cause extend a deadline under par. (b), but may not extend a deadline under par. (b)1. by more than 15 additional days.

(d) An animal owner may request an indemnity under s. 95.25(5), Stats., for a tuberculosis reactor that is slaughtered under par. (b)1. The animal owner shall file the request with the department, on a form provided by the department. The owner shall include, with the request, a slaughter confirmation signed by an authorized employee of the department or the federal bureau. An animal owner does not qualify for an indemnity if the owner fails to comply with par. (b).

(7) SLAUGHTERED ANIMALS. (a) A tuberculosis reactor shall be slaughtered and inspected according to the tuberculosis uniform methods and rules.

(b) If a tuberculosis suspect is slaughtered, it shall be slaughtered and inspected according to the tuberculosis uniform methods and rules.

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

ATCP 10.49 Farm-raised deer; tuberculosis herd certification. (1) INITIAL CERTIFICATION. The department may certify a herd of farm-raised deer as one of the following if the herd qualifies for that certification under 9 CFR 77:

(a) An accredited tuberculosis-free herd.

(b) A tuberculosis monitored herd.

(c) A tuberculosis qualified herd.

(2) MAINTAINING CERTIFICATION. To maintain a herd certification under sub. (1), a keeper of farm-raised deer shall comply with applicable requirements in the tuberculosis uniform methods and rules.

(3) SUSPENDING OR REVOKING CERTIFICATION. (a) The department may, by written notice, summarily suspend or revoke a herd certification under sub. (1) if any of the following occur:

1. Any farm-raised deer in the herd tests positive for tuberculosis.

2. The herd owner fails to comply with sub. (2).

(b) The state veterinarian may issue a summary suspension or revocation notice under par. (a). The notice shall state the reason for the suspension or revocation.

NOTE: A keeper of farm-raised deer may request a hearing on a suspension or revocation under sub. (3), pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for a hearing does not automatically stay a summary suspension or revocation.

ATCP 10.50 Brucellosis in farm-raised deer. (1) WHO MAY TEST. A person who collects a brucellosis test sample from a farm-raised deer, for purposes of this chapter or ch. ATCP 12, shall be one of the following:

(a) An accredited veterinarian. If the veterinarian collects the sample in this state, the veterinarian shall also be a Wisconsin certified veterinarian.

(b) An authorized employee or agent of the department or the federal bureau.

(2) TEST PROCEDURES. A person who collects a brucellosis test sample under sub. (1) shall comply with applicable requirements in the brucellosis uniform methods and rules. The person shall submit the sample to a state or federal laboratory that the department or the federal bureau has approved to conduct brucellosis tests.

(3) VETERINARIAN TO REPORT. A veterinarian who collects a brucellosis test sample from a farm-raised deer in this state shall report the test result according to s. ATCP 10.04.

NOTE: A test report must include the animal's official individual identification. If the animal has no official individual identification, the veterinarian must identify the animal an official individual identification. See s. ATCP 10.04(1)(e).

(4) BRUCELLOSIS REACTORS. (a) The department shall classify a farm-raised deer as a brucellosis reactor if the farm-raised deer qualifies as a reactor under the brucellosis uniform methods and rules.

(b) Within 15 days after the department classifies a farm-raised deer as a brucellosis reactor, the keeper of the farm-raised deer shall do all the following:

1. Ensure the farm-raised deer is identified as a reactor, and shipped directly to slaughter, according to the brucellosis uniform methods and rules. The operator shall obtain a department permit under s. ATCP 10.08(3) for the slaughter shipment.

2. Clean and disinfect the premises where the farm-raised deer was kept.

(c) The department may for good cause extend a deadline under par. (b), but may not extend a deadline under par. (b)1. by more than 15 days.

(d) An animal owner may request an indemnity under s. 95.26(7), Stats., for a brucellosis reactor slaughtered under par. (b)1. The animal owner shall file the request with the department, on a form provided by the department. The owner shall include, with the request, a slaughter confirmation signed by an authorized employee of the department or the federal bureau. An animal owner does not qualify for an indemnity if the owner fails to comply with par. (b).

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

ATCP 10.51 Farm-raised deer; brucellosis herd certification. (1) INITIAL CERTIFICATION. The department may certify a herd of farm-raised deer as one of the following if the herd qualifies for that certification under the brucellosis uniform methods and rules.

(a) A brucellosis-free herd.

(b) A brucellosis monitored herd.

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(2) MAINTAINING CERTIFICATION. To maintain a herd certification under sub. (1), a keeper of farm-raised deer shall comply with applicable requirements in the brucellosis uniform methods and rules.

(3) SUSPENDING OR REVOKING CERTIFICATION. (a) The department may, by written notice, summarily suspend or revoke a herd certification under sub. (1) if any of the following occur:

1. A farm-raised deer in the herd tests positive for brucellosis.

2. The keeper of the farm-raised deer fails to comply with sub. (2).

(b) The state veterinarian may issue a summary suspension or revocation notice under par. (a). The notice shall state the reason for the suspension or revocation.

NOTE: A keeper of farm-raised deer may request a hearing on a suspension or revocation notice under sub. (3), pursuant to s. 227, Stats., and ch. ATCP 1. A request for a hearing does not automatically stay a summary suspension or revocation.

ATCP 10.52 Chronic wasting disease in farm-raised deer. (1) TESTING REQUIRED. A person who keeps farm-raised deer in this state shall have a chronic wasting disease test performed on each of the following farm-raised deer that is at least 16 months old:

(a) A farm-raised deer that dies or is killed while kept by that person.

(b) A farm-raised deer that the person ships directly to a slaughtering establishment.

(2) MOVING LIVE FARM-RAISED DEER FROM HERDS IN THIS STATE. No person may move a live farm-raised deer from a herd in this state unless the movement complies with s. ATCP 10.56(1).

(3) COLLECTING TEST SAMPLES. (a) A person qualified under sub. (4) shall collect each test sample under sub. (1). Except as provided in par. (b), the person shall collect the test sample before any part of the farm-raised deer carcass leaves the premises where the farm-raised deer died, or was killed or slaughtered.

(b) A keeper of farm-raised deer who holds a valid herd registration certificate under s. ATCP 10.46(1) may separate the head of a farm-raised deer carcass from the rest of the carcass, and may ship the head to the person who collects the test sample under sub. (1), if the keeper identifies both the head and the rest of the carcass according to s. ATCP 10.46(13) before either the head or the rest of the carcass leaves the herd premises.

(c) A person who collects a test sample under sub. (1) shall do all of the following:

1. Comply with standard veterinary procedures when collecting the test sample.

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

(4) PERSONS QUALIFIED TO COLLECT TEST SAMPLES. (a) A person may not collect a test sample under sub. (1) unless the person has completed sample collection training approved by the department and is one of the following:

1. A Wisconsin certified veterinarian.

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

3. A person approved by the department or the federal bureau.

(b) The department may by written notice, without prior notice or hearing, disqualify a person from collecting samples under sub. (1). The notice shall specify the reason for disqualification. The department may disqualify a person if the person lacks required qualifications, fails to collect samples that are consistently testable, or fails to meet other responsibilities under this chapter. A disqualified person may not collect test samples under sub. (1).

NOTE: A disqualified person may request a hearing on a disqualification under par. (b), pursuant to s. 227, Stats., and ch. ATCP 1. A request for a hearing does not automatically stay a summary disqualification.

(c) No person may misrepresent, directly or by implication, that any person is qualified to collect test samples under sub. (1).

(5) APPROVED LABORATORIES. Tests under sub. (1) shall be performed at a laboratory that the department and the federal bureau have approved to conduct chronic wasting disease tests.

(6) REPORTING TEST RESULTS. Whenever any person receives a laboratory test result that is positive for chronic wasting disease, that person shall report that test result according to s. ATCP 10.03.

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

Phone: (608) 224-4872
FAX: (608) 224-4871

Written reports should be made to the following address:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI. 53708-8911

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

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

(b) The owner of a farm-raised deer slaughtered or destroyed under par. (a) may request an indemnity as provided under s. 95.23(1m) or 95.31, Stats. The owner shall file the request with the department, on a form provided by the department. The owner shall include, with the

request, a slaughter confirmation signed by an authorized employee of the department or the federal bureau. The owner of a farm-raised deer does not qualify for an indemnity if the owner or custodian of the deer fails to dispose of the carcass properly.

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

ATCP 10.53 Farm-raised deer; chronic wasting disease herd status program. (1) GENERAL. A person who keeps farm-raised deer in this state may enroll the herd in the chronic wasting disease herd status program under this section.

NOTE: No person may move a live farm-raised deer from a herd in this state unless the herd is enrolled in the status program under this section. See ss. ATCP 10.52(2) and 10.56(1).

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

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

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

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

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

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

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

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

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

(e) A written statement, by a Wisconsin certified veterinarian, which certifies all of the following:

1. That the veterinarian is the herd veterinarian, having established a valid veterinarian-client relationship with the herd keeper and a valid veterinarian-patient relationship with the herd.

2. That no farm-raised deer in the herd has shown any clinical signs of chronic wasting disease in the past 12 months.

NOTE: A person may obtain an application form under sub. (2) by calling (608) 224-4872, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(3) ACTION ON APPLICATION. The department shall grant or deny an application under sub. (2) within 30 days after the department receives a complete application. Except as provided

in sub. (9), a herd is enrolled on the day that the department accepts the application. The department shall notify the herd keeper of the enrollment date.

(4) CONTINUED ENROLLMENT. A person who enrolls a herd in the status program under this section shall do all the following to continue that enrollment:

(a) Identify every farm-raised deer in the herd with official individual identification before the farm-raised deer is one year old.

(b) Have a chronic wasting disease test performed, according to s. ATCP 10.52, on each of the following farm-raised deer that is at least 16 months old:

1. A farm-raised deer that dies or is killed while kept by that person.

2. A farm-raised deer that the person ships to slaughter.

(c) Notify the herd veterinarian within 24 hours after observing any signs or symptoms of chronic wasting disease in the herd.

(d) Complete an annual herd census and file a report of that herd census under sub. (5).

(e) Create and maintain complete herd records under sub. (6).

(f) Provide the department with an annual written statement from the herd veterinarian. A Wisconsin certified veterinarian shall sign and submit the statement within 30 days before or after the anniversary of the herd's enrollment under sub. (3). The statement shall certify all the following:

1. That the veterinarian is the herd veterinarian, having established a valid veterinarian-client relationship with the herd keeper and a valid veterinarian-patient relationship with the herd.

2. That the herd has not had any signs of chronic wasting disease, or any positive test results for chronic wasting disease, in the past 12 months.

(5) ANNUAL HERD CENSUS. A person shall complete an annual herd census under sub. (4)(d) within 30 days before or after the anniversary of the herd's enrollment under sub. (3). The person shall file an annual census report under sub. (4)(d), on a form provided by the department, within 10 days after completing the annual herd census. The report shall include all of the following:

(a) The number, species and sex of farm-raised deer in the herd.

(b) The number of farm-raised deer at least one year old.

(c) The number of farm-raised deer less than one year old.

(d) The official individual identification and any auxiliary identification of each farm-raised deer that is at least one year old.

(e) The number, species and sex of farm-raised deer added to the herd since the last reported herd census. The report shall indicate whether these new farm-raised deer were born in the herd or added from another source. If farm-raised deer were added from another source, the report shall identify the source from which those farm-raised deer were obtained.

(f) The number, species and sex of farm-raised deer that have died or left the herd since the last reported herd census. The report shall indicate, for each farm-raised deer that has died or left the herd, all of the following:

1. Whether the farm-raised deer died on the premises, was shipped directly to a slaughtering establishment, or was shipped live to a place other than a slaughtering establishment.

2. If the farm-raised deer was shipped live to a place other than a slaughtering establishment, the name and address of the person to whom it was shipped and the place to which it was shipped.

3. If the farm-raised deer died on the herd premises, its age and the disposition of its carcass. If the carcass left the premises, the report shall identify the carcass destination and recipient. If the farm-raised deer was at least 16 months old, the report shall include a copy of the laboratory report showing the chronic wasting disease test result required under sub. (4)(b).

4. If the farm-raised deer was shipped directly to a slaughtering establishment, its age and the name and address of the slaughtering establishment. If the farm-raised deer was at least 16 months old, the report shall include a copy of the laboratory report showing the chronic wasting disease test required under sub. (4)(b).

(6) HERD RECORDS. The keeper of a herd enrolled in the status program under this section shall keep the following herd records, shall retain the records for at least 5 years, and shall make the records available to the department for inspection and copying upon request:

(a) A record of each farm-raised deer added to the herd from another source, including:

1. The species, age, sex and official individual identification of the farm-raised deer.

2. The name and address of the person from whom the farm-raised deer was obtained.

3. The address and livestock premises code, if any, of the herd from which the farm-raised deer was obtained.

4. A copy of the certificate of veterinary inspection that accompanied the farm-raised deer.

(b) A record of each farm-raised deer leaving the herd, including all the following:

1. Whether the farm-raised deer died on the premises, was shipped directly to a slaughtering establishment, or was shipped live to a place other than a slaughtering establishment.

2. If the farm-raised deer was shipped live to a place other than a slaughtering establishment, the name of the person to whom it was shipped, the place to which it was shipped, and a copy of the certificate of veterinary inspection that accompanied the farm-raised deer.

3. If the farm-raised deer died on the premises, the apparent cause of death, the age of the farm-raised deer, and the disposition of its carcass. If the carcass left the premises, the record shall identify the carcass destination and recipient.

4. If the farm-raised deer was shipped directly to a slaughtering establishment, the age of the farm-raised deer and the name and address of the slaughter establishment.

(c) A record of all chronic wasting disease tests conducted on farm-raised deer in the herd.

(d) Records received from the herd veterinarian related to veterinary services provided to the herd.

(7) HERD ENROLLMENT; SUSPENSION. (a) The department may by written notice, without prior notice or hearing, suspend a herd's enrollment in the herd status program under this section if any of the following occur:

1. The herd keeper falsifies any information in an enrollment application, or falsifies any subsequent information required for continued enrollment.

2. The herd keeper fails to comply with requirements under sub. (4) for continued enrollment.

3. The herd keeper violates sub. (10) related to herd additions.

4. The herd keeper fails to surround the herd with both a primary and secondary barrier, or a solid barrier approved by the department, if the herd is located within a chronic wasting disease eradication zone established by the Wisconsin department of natural resources by rule.

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

6. A chronic wasting disease test positive farm-raised deer was previously a member of the herd.

7. The department reasonably suspects that the herd may include one or more deer infected with chronic wasting disease.

(b) The state veterinarian or designee may issue a suspension notice under par. (a). The suspension notice shall state the reasons for the suspension.

NOTE: No live farm-raised deer may be moved from a herd while a suspension under sub. (7) is in effect. See ss. ATCP 10.52(2) and 10.56(1). A herd keeper may request a hearing on a suspension, pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a summary suspension.

(8) HERD ENROLLMENT; REVOCATION. (a) The department shall by written notice, without prior notice or hearing, revoke a herd's enrollment in the herd status program under this section if a farm-raised deer in the herd tests positive for chronic wasting disease.

(b) The department may by written notice, without prior notice or hearing, revoke a herd's enrollment in the herd status program under this section if a herd keeper fails, within a reasonable time, to correct conditions for which that the department has suspended the herd's enrollment under sub. (7). A reasonable period of time to correct conditions under sub. (7)(a)4. is 6 months.

(c) The state veterinarian or designee may issue a revocation notice under par. (a) or (b). The revocation notice shall state the reason for the revocation.

NOTE: No live farm-raised deer may be moved from a herd after a herd enrollment is revoked under sub. (8). See ss. ATCP 10.52(2) and 10.56(1). A herd keeper may request a hearing on a revocation, pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a summary revocation.

(9) HERD ENROLLMENT; REINSTATEMENT. (a) Except as provided in par. (b), the department may reinstate a herd's enrollment in the herd status program, following a valid suspension or revocation, if the department finds that changed circumstances warrant reinstatement. The department may specify a reinstatement date that it deems appropriate. The department may reinstate enrollment retroactively following a valid suspension, as it deems appropriate, but may not reinstate enrollment retroactively following a valid revocation.

(b) The department may not reinstate enrollment following a valid revocation under sub. (8)(a).

(c) If the department finds that that a suspension or revocation was invalid when issued, the department shall reinstate the enrollment retroactive to the date of the invalid suspension or revocation.

(10) HERD ADDITIONS. (a) No person may add a cervid to a herd enrolled in the status program under this section unless one of the following applies:

1. The cervid is a farm-raised deer that originates from another herd in this state that is enrolled under this section.

2. The cervid is a farm-raised deer that is imported in compliance with s. ATCP 10.55, and originates from a herd that is one of the following:

a. Enrolled in a state-recognized chronic wasting disease program that is at least equal to the program under this section.

b. Enrolled in a federal program that complies with federal uniform methods and rules.

(b) A person shall notify the department whenever that person adds, to a herd enrolled under this section, a farm-raised deer originating from a herd that has been enrolled under par. (a) for a shorter period than the receiving herd. The person shall give the notice within 14 days after the person adds the farm-raised deer to the enrolled herd. The notice shall identify all of the following:

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

2. The date on which the farm-raised deer was added to the herd.

3. The keeper and location of the farm-raised deer's herd of origin, and the date on which that herd was first enrolled in a program under par. (a).

(c) If a person adds a farm-raised deer to a herd that is enrolled in the herd status program under this section, the entire herd is deemed to be enrolled beginning on the later of the following dates:

1. The date specified in sub. (3).

2. The date on which the farm-raised deer's herd of origin was enrolled in a program under par. (a).

(11) NEW HERD; ENROLLMENT DATE. If a person assembles a new herd consisting solely of farm-raised deer from source herds that are already enrolled in a program under sub. (10)(a), the new herd is enrolled in the program under this section on the latest enrollment date assigned to any of those source herds if all the following apply:

(a) The herd keeper submits an enrollment application under sub. (2) within 90 days after the keeper acquires the first farm-raised deer to create the new herd, and the department accepts that enrollment application.

(b) The herd keeper complies with this section.

(c) The herd keeper includes the following information in the initial herd census report under sub. (2)(d), in addition to the information required under sub. (2)(d):

1. The official individual identification of every farm-raised deer in the new herd, including those less than one year old.

2. The source herd from which each farm-raised deer in the new herd originated, including the address of the source herd, the name and address of the source herd keeper, and the livestock premises code if any for the source herd premises.

3. The date on which each farm-raised deer was added to the new herd.

(d) The herd keeper conducts a chronic wasting disease test, according to s. ATCP 10.52, on any farm-raised deer in the new herd that dies or is killed or slaughtered before the herd is enrolled under this section. This paragraph does not apply to a farm-raised deer that is less than 16 months old.

(e) The herd is not kept at a location where a prior herd was depopulated because of exposure to or infection with chronic wasting disease.

(f) The farm-raised deer in the new herd were moved in compliance with ss. ATCP 10.55 and 10.56.

ATCP 10.54 Farm-raised deer; identification. (1) OFFICIAL INDIVIDUAL IDENTIFICATION. (a) Whenever a veterinarian does any of the following to a farm-raised deer, the veterinarian shall identify the farm-raised deer with an official individual identification unless the farm-raised deer already bears an official individual identification:

1. Vaccinates, identifies or tests a farm-raised deer in order to complete a certificate of veterinary inspection or other official document or certification.

2. Tests the farm-raised deer for any disease identified in s. ATCP 10.03.

(c) A keeper of farm-raised deer shall identify each of the following farm-raised deer with an official individual identification unless that farm-raised deer already bears an official individual identification:

1. Each farm-raised deer that the person receives from another person.

2. Each farm-raised deer that the person ships or delivers to another person.

3. Each farm-raised deer that the person moves from one farm-raised deer herd to another.

4. Each farm-raised deer that the person moves between locations that are registered under one registration certificate under s. ATCP 10.46(4)(b).

(d) Whenever an animal dealer or animal market operator receives any farm-raised deer, the animal dealer or animal market operator shall immediately identify that farm-raised deer with an official official individual identification unless the farm-raised deer already bears an official individual identification or is backtagged for slaughter under sub. (2).

(e) No animal dealer or animal market operator may deliver a farm-raised deer to the custody of any other person unless that farm-raised deer bears an official individual identification or is backtagged for slaughter under sub. (2).

(f) No person may remove, alter or tamper with the official individual identification given to any farm-raised deer, except as approved by the department or the federal bureau.

(2) SLAUGHTER IDENTIFICATION. (a) Whenever an animal trucker, animal dealer, animal market operator or slaughtering establishment operator receives any farm-raised deer for slaughter, or for sale or shipment to slaughter, that recipient shall immediately identify that farm-raised deer with an official backtag or other official slaughter identification approved by the department unless the farm-raised deer already bears official slaughter identification.

(b) *Record of receipt.* Whenever any person under par. (a) receives a farm-raised deer for slaughter, or for sale or shipment to slaughter, that recipient shall immediately record the following information related to that farm-raised deer:

1. The official slaughter identification under par. (a).

2. The date on which that recipient received the farm-raised deer.

3. The name and address of the person from whom that recipient received the farm-raised deer.

(c) A person who is required to keep records under par. (b) shall do all of the following:

1. Retain each record for at least 5 years.

2. Make the records available to the department, upon request, for inspection and copying.

ATCP 10.55 Farm-raised deer; imports. (1) GENERAL. No person may import a farm-raised deer into this state without an import permit under s. ATCP 10.07(2). Imports of farm-raised deer shall comply with this section.

NOTE: See also ss. ATCP 10.81 (importing circus, rodeo, racing and menagerie animals) and 10.84 (importing wild animals).

(2) CERTIFICATE OF VETERINARY INSPECTION; REQUIREMENT. (a) Except as provided in par. (b), a valid certificate of veterinary inspection shall accompany every farm-raised deer imported into this state.

(b) A certificate of veterinary inspection is not required under par. (a) for a farm-raised deer imported directly to a slaughtering establishment for slaughter if all the following apply:

1. The farm-raised deer is accompanied by a completed federal bureau form VS 1-27.

NOTE: Federal bureau form VS 1-27 must be completed by an accredited veterinarian, an authorized state animal health official or the federal bureau.

2. The farm-raised deer, if at least 16 months old, is tested for chronic wasting disease after being slaughtered. Testing shall comply with test standards in s. ATCP 10.52.

(3) CERTIFICATE OF VETERINARY INSPECTION; CONTENTS. A certificate of veterinary inspection under sub. (2)(a) shall include all of the following:

(a) A tuberculosis certification under sub. (4).

(b) A report of compliance with brucellosis testing requirements specified, in the brucellosis uniform methods and rules, for interstate movement of farm-raised deer.

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(c) If the import occurs in 2006, one of the following statements or a substantially similar statement:

1. **"All cervids identified on this certificate originate from a farm-raised herd whose members have all been born in the herd or kept in the herd for at least 12 months. No cervids have been added from any outside source, nor has the herd been exposed to cervids from any outside source, during the past 12 months. No cervid in the herd has been diagnosed with, or shown clinical signs of, chronic wasting disease in the past 5 years. There has been no epidemiological evidence of chronic wasting disease in the herd during the past 5 years. The herd has been enrolled for the past 3 years in a state-recognized chronic wasting disease program that is at least equal to the program under s. ATCP 10.53, Wis. Adm. Code. The herd keeper keeps complete herd records, including records of all deaths and causes of death during the past 5 years, and makes these records available to state animal health officials."**

2. **"All cervids identified on this certificate originate from a farm-raised herd enrolled for the past 5 years under a state-recognized chronic wasting disease program that is at least equal to the program under s. ATCP 10.53, Wis. Adm. Code."**

(d) If the import occurs in 2007, one of the following statements or a substantially similar statement:

1. **"All cervids identified on this certificate originate from a farm-raised herd whose members have all been born in the herd or kept in the herd for at least 12 months. No cervids have been added from any outside source, nor has the herd been exposed to cervids from any outside source, during the past 12 months. No cervid in the herd has been diagnosed with, or shown clinical signs of, chronic wasting disease in the past 5 years. There has been no epidemiological evidence of chronic wasting disease in the herd during the past 5 years. The herd has been enrolled for the past 4 years in a state-recognized chronic wasting disease program that is at least equal to the program in s. ATCP 10.53, Wis. Adm. Code. The herd owner keeps complete herd records, including records of all deaths and causes of death during the past 5 years, and makes these records available to state animal health officials."**

2. "All cervids identified on this certificate originate from a farm-raised herd enrolled for the past 5 years under a state-recognized chronic wasting disease program that is at least equal to the program under s. ATCP 10.53, Wis. Adm. Code."

(e) If the import occurs after December 31, 2007, the following statement or a substantially similar statement:

"All cervids identified on this certificate originate from a herd enrolled for the past 5 years under a state-recognized chronic wasting disease program that is at least equal to the program under s. ATCP 10.53, Wis. Adm. Code."

(4) TUBERCULOSIS STATUS. A certificate of veterinary inspection under sub. (2)(a) shall certify one of the following:

(a) The farm-raised deer originates from a herd that qualifies as an accredited tuberculosis-free herd under s. ATCP 10.49(1)(a).

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

(c) The farm-raised deer satisfies all of the following requirements:

1. It originates from a herd that qualifies as a tuberculosis qualified herd, based on a whole herd test completed at least 181 days but not more than 365 days prior to the import date.

2. It has tested negative on a tuberculosis test conducted not more than 90 days prior to the import date.

(d) The farm-raised deer satisfies all of the following requirements:

1. It has tested negative on 2 tuberculosis tests conducted 90 to 150 days apart and within 240 days prior to the import date.

2. It has been continuously isolated since the first tuberculosis test, in a manner that prevents it from contracting tuberculosis from other cervids.

(5) POST-IMPORT TESTING. The owner of a farm-raised deer imported from a tuberculosis modified accredited state shall do all the following, unless the farm-raised deer is imported directly to a slaughtering establishment for slaughter:

(a) Test the farm-raised deer for tuberculosis at least 90 days but not more than 120 days after it is imported.

(b) Confine the farm-raised deer to the premises where it is first received in this state unless one of the following applies:

1. The farm-raised deer tests negative for tuberculosis under par. (a).

2. The farm-raised deer is imported directly to an exhibition in this state, and is returned directly from that exhibition to its state of origin.

ATCP 10.56 Moving farm-raised deer in Wisconsin. (1) CERTIFICATE OF VETERINARY INSPECTION REQUIRED. A valid certificate of veterinary inspection shall accompany

every farm-raised deer that is moved from a herd in this state, except that no certificate of veterinary inspection is required for any of the following:

(a) A farm-raised deer moved directly to slaughter, if all the following apply:

1. The farm-raised deer is accompanied by a completed federal bureau form VS 1-27, or a department permit under s. ATCP 10.08(3).

NOTE: Federal bureau form VS 1-27 may be completed by an accredited veterinarian, an authorized state animal health official or the federal bureau.

2. The farm-raised deer, if at least 16 months old, is tested for chronic wasting disease after being slaughtered. Testing shall comply with test standards in s. ATCP 10.52.

(b) A farm-raised deer moved, pursuant to a permit under s. 10.08(3), between institutions that are accredited by the American association of zoological parks and aquariums.

(c) A farm-raised deer moved between 2 locations that are covered by the same registration certificate under s. ATCP 10.46(3)(b).

(2) CERTIFICATE OF VETERINARY INSPECTION; CONTENTS. A certificate of veterinary inspection under sub. (1)(a) shall be signed by a Wisconsin certified veterinarian who is the herd veterinarian for the herd of origin. The certificate shall include all of the following:

(a) The tuberculosis certification under sub. (3).

(b) The chronic wasting disease certification under sub. (4).

(3) TUBERCULOSIS CERTIFICATION. A certificate of veterinary inspection under sub. (1)(a) shall certify one of the following:

(a) The farm-raised deer originates from an accredited tuberculosis-free herd under s. ATCP 10.49.

(b) The farm-raised deer originates from a herd that qualifies as a tuberculosis qualified herd under s. ATCP 10.49, based on a whole herd test completed within the preceding 365 days.

(c) The farm-raised deer meets all of the following requirements:

1. It originates from a tuberculosis monitored herd under s. ATCP 10.49.

2. It has tested negative on a tuberculosis test conducted no more than 90 days prior to the movement date.

3. It has been continuously isolated since the test under subd. 2., in a manner that prevents it from contracting tuberculosis from other cervids.

(d) The farm-raised deer meets all of the following requirements:

1. It has tested negative on 2 tuberculosis tests conducted 90 to 270 days apart, and within 360 days prior to the movement date.

2. It has been isolated since the first test under subd. 1., in a manner that prevents it from contracting tuberculosis from other cervids.

NOTE: The department offers a pamphlet describing suggested bio-security measures to prevent the transmission of tuberculosis. You may obtain a copy by calling (608) 224-4872, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(e) It is being moved, pursuant to a department permit under s. ATCP 10.08(3), to a tuberculosis isolation and testing facility for which the department has issued a permit under s. ATCP 10.46(14).

(4) CHRONIC WASTING DISEASE CERTIFICATION. A certificate of veterinary inspection under sub. (1)(a) shall certify that the farm-raised deer originates from a herd that meets all of the following requirements:

(a) It has shown no clinical signs of chronic wasting disease in the past 12 months.

(b) It has been enrolled in the chronic wasting disease herd status program under s. ATCP 10.53 for at least the following number of years:

1. Three years if the farm-raised deer is being moved in 2006, and is not being moved from premises where a herd of farm-raised deer has been depopulated because of chronic wasting disease.

2. Four years if the farm-raised deer is being moved in 2007, and is not being moved from premises where a herd of farm-raised deer has been depopulated because of chronic wasting disease.

3. Five years if the farm-raised deer is being moved after December 31, 2007, or is being moved from premises where a herd of farm-raised deer has been depopulated because of chronic wasting disease.

Subchapter VIII

FISH

ATCP 10.60 Definitions. In this subchapter:

(1) "Fish farm" means a facility at which a person hatches fish eggs or holds live fish. "Fish farm" does not include a wild source.

(2) "Food processing plant" means a facility that is required to be licensed under s. 97.29, Stats.

(3) "Operator" means a person who owns or controls a fish farm. "Operator" includes the operator's employees and agents.

(4) "Ornamental fish" means goldfish, koi, tropical freshwater fish that cannot survive in temperatures below 38°F, saltwater fish, and other fish that the department designates in writing.

NOTE: You may obtain a current list of fish designated as "ornamental fish" by contacting the department at the following address:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911
Phone: (608) 224-4872

As the department adds fish to the list, it will also initiate rules to update sub. (4) accordingly.

(5) "Qualified fish health inspector" means an individual who qualifies under s. ATCP 10.67(1).

(6) "Qualified laboratory" means a laboratory that qualifies under s. ATCP 10.67(2).

(7) "Retail food establishment" means a facility that is required to be licensed under s. 97.30, Stats.

(8) "Restaurant" means a facility that is required to be licensed under s. 254.64, Stats.

(9) "Salmonid" means fish or fish eggs of the family that includes trout, salmon, grayling, char, Dolly Vardon, whitefish, cisco and inconnu.

(10) "Untreated water" means water that has not been rendered free of pathogens by a method approved by the department.

(11) "Wild source" means waters of the state that are not registered as fish farms, or waters outside this state that are not fish farms.

NOTE: The Wisconsin department of natural resources is considered a "person" for purposes of this subchapter. *See* s. ATCP 10.01(77).

ATCP 10.61 Fish farms. (1) REGISTRATION CERTIFICATE REQUIRED. Except as provided in sub. (2), no person may operate a fish farm for any of the following purposes without an annual registration certificate from the department for that fish farm:

(a) Hatching fish eggs or holding live fish for any of the following purposes:

1. Sale or distribution.

2. Introduction into the waters of the state.

3. Fishing.

4. Use as bait or fertilizer.

5. Use as human food or animal feed.

6. Education, demonstration or research.

(b) Holding live fish or fish eggs owned by another person.

NOTE: A Wisconsin department of natural resources (DNR) fish stocking permit is needed to stock fish into the waters of the state. However, a DNR fish stocking permit is not needed to stock fish into a fish farm registered under sub. (2). *See* s. 29.736, Stats.

A DNR sport fishing license is not required to fish at a registered fish farm. Persons fishing at a registered fish farm do not need to comply with season, size or bag limits. *See* s. 29.001(27), Stats.

Toxicants required for fish farming operations may be used in self-contained fish rearing facilities (as defined in s. 29.001(76), Stats.) if there is no discharge from the facility, or if the discharge of the chemical is allowed under a Wisconsin pollutant discharge elimination system (WPDES) permit. A DNR aquatic pesticide use permit is required in other cases. *See* ss. 29.088(2)(g), 29.601(5)(b) and 283.31, Stats.

Pesticide applications must comply with ch. ATCP 29, administered by the department of agriculture, trade and consumer

protection. Pesticide applications may also be subject to other federal, state and local regulations.

(2) EXEMPTIONS. A person may do any of the following without a registration certificate under sub. (2):

(a) Hold, rear, sell or distribute live ornamental fish, or hatch the eggs of ornamental fish, unless the ornamental fish or fish eggs are commingled with non-ornamental fish or fish eggs or are reared for bait, human food or animal feed.

(b) Hold or rear live fish, or hatch fish eggs, in a fully enclosed building solely for purposes of display or research within that building, provided that they are not commingled with fish or fish eggs that will be used for any other purposes and the facility does not discharge to waters of the state any untreated water used to hold those fish or fish eggs.

(c) Exhibit live fish in a public forum for not more than 15 days in a calendar year, or for a longer period of time that the department authorizes in writing for a specific exhibit.

(d) Hold live fish or fish eggs for not more than 30 days at a food processing plant, retail food establishment or restaurant pending slaughter or sale to consumers at that facility, provided that they are not commingled with fish or fish eggs that will be used for other purposes and the facility does not discharge to waters of the state any untreated water used to hold or process those fish or fish eggs.

(e) Transport live fish or fish eggs to or from a fish farm.

(f) Operate as a bait dealer licensed under s. 29.509, Stats., provided that the person does not hatch fish eggs or rear fish for any purpose other than for retail sale as bait.

(3) TYPE 1 OR TYPE 2 REGISTRATION CERTIFICATE. (a) Except as provided in par. (b), a person required to hold a fish farm registration certificate under sub. (1) may hold either a type 1

or type 2 registration certificate. Each registration certificate shall bear a livestock premises code.

(b) A person may not sell, trade or distribute live fish or fish eggs from a fish farm without a type 2 registration certificate, except that a person holding a type 1 registration certificate may do any of the following:

1. Allow fishing at the fish farm, including public fishing for a fee.

2. Sell, trade or distribute live fish or fish eggs to a food processing plant, retail food establishment or restaurant at which the fish or fish eggs are held for not more than 30 days pending slaughter or sale to consumers at that facility, provided that the facility does not discharge to waters of the state any untreated water used to hold or process those fish or fish eggs.

3. Move live fish between type 1 fish farms which that person operates in this state.

NOTE: A person holding a type 1 registration certificate may, at any time during the registration year, convert that certificate to a type 2 certificate by paying the additional fee under sub. (7).

(4) ANNUAL EXPIRATION DATE. An annual fish farm registration certificate under sub. (1) expires on December 31 of each year.

(5) PERSONS OPERATING 2 OR MORE FISH FARMS. A person who operates 2 or more fish farms shall obtain a separate registration certificate under sub. (1) for each fish farm. A person may obtain annual registration certificates for 2 or more fish farms by filing a single annual application under sub. (6) and paying a single annual fee under sub. (7). There is no additional charge for additional fish farms. A registration certificate is not transferable between persons or locations.

NOTE: A person registering 2 or more fish farms may choose to register those fish farms as type 1 or type 2 fish farms. The applicant

submits only one annual application and pays only one annual fish farm registration fee. There is no additional charge to register additional fish farms on the same application form. If any of the fish farms is registered as a type 2 fish farm, the applicant must pay the type 2 registration fee.

(6) APPLYING FOR A REGISTRATION CERTIFICATE. To obtain an annual fish farm registration certificate under sub. (1), a fish farm operator shall file an application with the department on a form provided by the department. An operator may, by filing a single application form, obtain registration certificates for 2 or more fish farms. An application shall include all of the following:

(a) The name, address and telephone number of the fish farm operator.

(b) The location of each fish farm for which the operator seeks a registration certificate. The location shall include the county, town, section number and fire number of the fish farm.

(c) For each fish farm under par. (b), a statement indicating whether the operator seeks a type 1 or type 2 registration certificate.

(d) The fees required under sub. (7).

(e) The name, address and telephone number of the individual responsible for administering each of the fish farms under par. (b) on behalf of the operator, if the individual administering that fish farm is not the operator.

(f) The species of fish hatched or kept at each fish farm under par. (b).

(g) A description of each fish farm under par. (b), including fish farm facilities and activities. The application shall disclose whether the fish farm operator engages in any of the following activities:

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

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

(h) Additional information, if any, required under s. ATCP 17.02(4) for purposes of livestock premises registration.

(i) Other relevant information required by the department.

NOTE: You may obtain a fish farm registration form by contacting the department at the following address:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911
Phone: (608) 224-4872

A fish farm operator may also need certain permits from the Wisconsin department of natural resources (DNR). Contact DNR to find out about DNR permit requirements.

(7) REGISTRATION FEES. (a) Except as provided in par. (b), an operator shall pay the following annual fee to obtain registration certificates for one or more fish farms:

1. A total nonrefundable fee of $25 if the fish farms are all type 1 fish farms.

2. A total nonrefundable fee of $50 if any of the fish farms is a type 2 fish farm.

(b) The following persons are exempt from registration fees under this subsection:

1. A bona fide scientific research organization that is operating a fish farm solely for the purpose of scientific research.

2. A primary or secondary school.

3. The state of Wisconsin and its agencies.

(c) A fish farm operator shall pay the full annual registration fee for a fish farm registered for less than a full calendar year.

(d) An applicant for an annual fish farm registration certificate under sub. (1) shall pay, in addition to the annual registration fee prescribed by this subsection, a surcharge equal to the amount of that fee if the department determines that, within 365 days prior to submitting an application, the applicant operated a fish farm without a registration certificate in violation of sub. (1) or (3)(b). Payment of the surcharge does not relieve the applicant of any other penalty or liability that may result from the violation, nor does it constitute evidence of a violation.

NOTE: Under s. 93.21(5)(b), Stats., a person who files a late application for renewal of a registration certificate must pay, in addition to the fee prescribed under sub. (7), an additional fee equal to 20 percent of that registration fee.

(8) ACTION ON REGISTRATION APPLICATION. The department shall grant or deny a registration application within 30 business days after the department receives a complete application under sub. (6).

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

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

(b) Violating applicable provisions of ch. 95, Stats. or this chapter.

(c) Violating the terms of the registration certificate.

NOTE: A fish farm operator adversely affected by the denial, suspension or revocation of a fish farm registration certificate may request a hearing under s. 227.42, Stats., and ch. ATCP 1. The department will not deny registration to a new owner of a fish farm merely because ownership has changed.

(10) RECORDS. (a) A fish farm operator shall keep all of the following records related to fish or fish eggs that the operator ships from or receives at the fish farm:

1. The name, address, fish farm registration number, and livestock premises code if any, of the person from whom the operator received, or to whom the operator delivered fish or fish eggs.

2. The date on which the operator received or delivered the fish or fish eggs.

3. The location at which the operator received or delivered the fish or fish eggs.

4. The species, quantity and size of fish or fish eggs received or delivered.

5. Any import permit or health certificate required under s. ATCP 10.62.

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

(11) FISH SOURCE. (a) No person selling or distributing fish or fish eggs may misrepresent, directly or by implication, the source or disposition of those fish or fish eggs.

(b) A person transporting fish or fish eggs from a fish farm shall have documentary evidence showing that the person obtained those fish from that fish farm. Evidence may include a bill of sale, bill of lading, import permit, health certificate, certificate of veterinary inspection or other document which identifies the fish farm.

ATCP 10.62 Fish imports. (1) IMPORT PERMIT REQUIRED. (a) Except as provided in sub. (2), no person may import live fish or fish eggs into this state for any of the following purposes without a written import permit from the department that covers all of the imported fish or fish eggs:

1. Introducing the fish or fish eggs into waters of the state.

2. Using the fish or fish eggs as bait.

3. Holding the fish or hatching the fish eggs at a fish farm for which a registration certificate is required under s. ATCP 10.61(1).

4. Selling or distributing the fish or fish eggs for any of the purposes listed under subds. 1. to 3.

(b) An import permit under par. (a) expires one year from the date on which it is issued, unless the department specifies an earlier expiration date in the permit. A permit is not transferable between importers. A permit does not authorize any of the following:

1. An import shipment that violates the terms of the permit.

2. An import shipment that is not covered by a valid health certificate under sub. (3)(f).

(c) An import permit under par. (a) shall include all of the information required under sub. (3). A complete copy of the import permit shall accompany every import shipment under par. (a).

NOTE: If a single import permit covers 2 or more import shipments, a copy of the permit must accompany each shipment. A person importing any of the following must also obtain an import permit from the Wisconsin department of natural resources (DNR):

- Live fish or fish eggs of species not native to Wisconsin. *See* s. 29.735(1), Stats.

- Live rough fish or rough fish eggs, except goldfish, dace and suckers. *See* s. 29.407(4), Stats.

An application for an import permit under this section also serves as an application for a DNR import permit. The department will forward the permit application to DNR if DNR permit requirements apply.

Under s. 29.736, Stats., no person may use imported fish or fish eggs to stock waters of the state without a stocking permit from DNR (unless the stocking is subject to an exemption under s.

29.736, Stats.). An import permit application under this section does not serve as an application for a DNR stocking permit.

(2) EXEMPTIONS. No permit is required under sub. (1) to import any of the following:

(a) Live ornamental fish or the eggs of ornamental fish, unless the ornamental fish or fish eggs are commingled with non-ornamental fish or fish eggs, or are reared for bait, human food or animal feed.

(b) Live fish or fish eggs that will be held for the remainder of their lives in fully enclosed buildings solely for purposes of display or research, provided that all of the following apply:

1. The fish or fish eggs are not commingled with fish or fish eggs that are held or used for other purposes.

2. No untreated water used to hold the fish or fish eggs is discharged to waters of the state.

(c) Live fish or fish eggs imported directly to a food processing plant, retail food establishment or restaurant where they will be held for not more than 30 days pending slaughter or sale to consumers at that facility, provided that all of the following apply:

1. The fish or fish eggs are not commingled with fish or fish eggs that are held or used for other purposes.

2. The receiving facility does not discharge to waters of the state any untreated water used to hold or process the fish or fish eggs.

(d) Live fish or fish eggs that are directly imported by the Wisconsin department of natural resources.

(3) IMPORT PERMIT; CONTENTS. An import permit under sub. (1) shall include all of the following:

(a) The name, address and telephone number of the importer to whom the permit is issued.

NOTE: The importer may or may not be the import recipient, or the operator of the import source. The importer is the person who owns the imported fish or fish eggs when the import shipment enters this state.

(b) Identification of the fish farm or wild source from which the importer may import live fish or fish eggs under the permit. Identification of a fish farm source shall include all of the following:

1. The name and address of the fish farm operator.

2. The address, and the livestock premises code if any, of the fish farm.

(c) A description of the fish or fish eggs that the permit holder may import from the source identified under par. (b). The description shall include the species of fish or fish eggs, the quantity of each species, and the size of each species.

(d) Identification of each person authorized to receive import shipments under the permit, including all of the following identification:

1. The recipient's name and address.

2. The address, and livestock premises code if any, of the premises in this state at which the recipient will take delivery of the imported fish or fish eggs.

3. The category in which the recipient qualifies under sub. (6). If a recipient qualifies under sub. (6) by holding a fish farm registration certificate under s. ATCP 10.61, a stocking permit under s. 29.736, Stats, Stats., or a bait dealer license under s. 29.509, Stats., the import

permit shall include the recipient's fish farm registration number, stocking permit number or bait dealer license number.

(e) The name and address of the fish hauler, if different from the importer.

(f) One or more valid health certificates under s. ATCP 10.65 that, together, cover all of the fish or fish eggs imported under the permit. A health certificate does not cover an import shipment that occurs after the health certificate expires.

(4) APPLYING FOR A PERMIT. A person shall apply for an import permit under sub. (1) on a form provided by the department. The application shall include all of the following:

(a) Permit information required under sub. (3), other than permit information added by the department.

(b) Original copies of health certificates required under sub. (3)(f), or duplicate copies if the applicant has previously filed original copies of the same certificates.

(c) A nonrefundable fee of $50.

NOTE: You may obtain an import permit application form by contacting the department at the following address:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911
Phone: (608) 224-4872

(5) ACTION ON PERMIT APPLICATION. The department shall grant or deny an application under sub. (4) within 30 days after the department receives a complete application. If the department denies the application, the department shall issue the denial notice in writing and shall state the reasons for the denial.

NOTE: A permit applicant may request a hearing on a denial notice, pursuant to s. 227.42, Stats., and ch. ATCP 1.

(6) IMPORT RECIPIENTS. A person may import live fish or fish eggs to the following persons, and no others, pursuant to an import permit under sub. (1):

(a) A person holding a current fish farm registration certificate, under s. ATCP 10.61, which authorizes that person to hold live fish or fish eggs of the type imported.

(b) The state of Wisconsin department of natural resources.

(c) A person holding a current fish stocking permit, under s. 29.736, Stats., which authorizes that person to stock live fish or fish eggs of the type imported.

(d) A person holding a current bait dealer license under s. 29.509, Stats., which authorizes that person to hold live fish or fish eggs of the type imported.

(e) Other persons identified by the department in the permit.

(7) IMPORT RECORDS REQUIRED. If a person is required to hold an import permit under sub. (1) for an import shipment of fish or fish eggs, that person shall keep all of the following records related to that import shipment:

(a) The import permit under sub. (1).

(b) The date of the import shipment.

(c) Identification of the fish farm or wild source from which the person imported the fish or fish eggs. Fish farm identification shall include all of the following:

1. The name and address of the fish farm operator.

2. The address, and the livestock premises code if any, of the fish farm.

(d) The species, quantity, and size or class of fish or fish eggs included in the import shipment.

(e) The following information related to the person who received the import shipment in this state:

1. The recipient's name and address.

2. The address, and livestock premises code if any, of the premises in this state at which the recipient took delivery of the import shipment.

3. The recipient's fish farm registration number under s. ATCP 10.61, stocking permit number under s. 29.736, Stats, or a bait dealer license number under s. 29.509, Stats., if relevant to the recipient's qualification under sub. (6).

(f) The name and address of the fish hauler, if different from the importer.

NOTE: An importer must keep records under sub. (7), regardless of whether the importer is located in this state or another state. The department may deny, suspend or revoke an import permit under sub. (1) if the importer fails to keep records, or fails to make them available to the department for inspection and copying upon request.

(8) IMPORT RECORDS; RETENTION AND AVAILABILITY. A person who is required to keep import records under sub. (7) shall retain those records for at least 5 years, and shall make them available to the department for inspection and copying upon request.

(9) IMPORTING DISEASED FISH. No person may import any live fish or fish eggs into this state if that person knows, or has reason to know, that those fish or fish eggs are infected or show clinical signs of any reportable disease under s. ATCP 10.66.

(10) SUSPENDING OR REVOKING AN IMPORT PERMIT. (a) The department may by written notice, without prior notice or hearing, suspend or revoke an import permit under sub. (1) for cause, including any of the following:

1. Filing an incomplete or fraudulent permit application, or misrepresenting any information on a permit application.

2. Violating applicable provisions of ch. 95, Stats. or this chapter.

3. Violating the terms of the import permit, or exceeding the import authorization granted by the permit.

(b) The state veterinarian may issue a notice under par. (a) on behalf of the department. A notice under par. (a) shall state the reasons for the suspension or revocation.

NOTE: A permit holder may request a hearing on the suspension or revocation of an import permit, pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a summary suspension or revocation under par. (a).

ATCP 10.63 Fish introduced into waters of the state. (1) VALID HEALTH CERTIFICATE REQUIRED. No person may introduce any fish or fish eggs into waters of the state unless those fish or fish eggs are covered by a valid health certificate under s. ATCP 10.65. A qualified fish health inspector shall issue the health certificate based on an inspection of the fish or fish eggs, or of the farm from which they originate. A health certificate does not cover an introduction that occurs after the health certificate expires.

NOTE: See also fish stocking regulations under s. 29.736, Stats.

(2) DISEASED FISH. No person may introduce live fish or fish eggs into waters of the state if that person knows, or has reason to know, that those fish or fish eggs are infected or show clinical signs of any reportable disease under s. ATCP 10.66.

ATCP 10.64 Fish moved within this state. (1) VALID HEALTH CERTIFICATE REQUIRED. No person may move any live fish or fish eggs between fish farms in this state unless those fish or fish eggs are covered by a valid health certificate under s. ATCP 10.65. A qualified fish health inspector shall issue the health certificate based on an inspection of the fish or fish eggs,

or of the farm from which they originate. A health certificate does not cover a movement that occurs after the health certificate expires.

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

ATCP 10.65 Fish health certificates. (1) GENERAL. A fish health certificate under s. ATCP 10.62(3)(f), 10.63(1) or 10.64(1) shall comply with this section.

(2) ISSUING A HEALTH CERTIFICATE. A qualified fish health inspector shall issue a fish health certificate on a form provided by the department, and shall file a copy of the health certificate with the department within 7 days after issuing the health certificate.

NOTE: To obtain a health certificate form, contact the department at the following address:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911
Phone: (608) 224-4872

(3) INSPECTION REQUIRED. A qualified fish health inspector shall issue a fish health certificate based on his or her personal inspection of one of the following, using appropriate inspection, sampling and diagnostic methods specified in the certificate form:

(a) An individual shipment of fish or fish eggs. The health certificate shall clearly identify the source and contents of the individual shipment. The description shall include the species of fish or fish eggs, the quantity of fish or fish eggs of each species, and the size of fish of each species.

(b) A fish farm. The fish health certificate shall include the name and address of the fish farm operator, the name and address of the fish farm, and the fish farm's livestock premises code if any.

NOTE: A certificate form that specifies inspection, sampling and diagnostic requirements under sub. (3) constitutes an order under s. 93.07(10), Stats., which is subject to review in a contested case hearing under ch. 227, Stats., and ch. ATCP 1 unless the department adopts those requirements by rule. If a fish health certificate does not comply with instructions on the certificate form, the health certificate is invalid.

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

1. Visible signs of contagious or infectious disease.

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

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

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

5. Other diseases, if any, specified on the certificate form.

(b) A fish health certificate issued under s. ATCP 10.63(1) or 10.64(1) shall certify that the fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all of the following:

1. Visible signs of contagious or infectious disease.

2. Whirling disease (*Myxobolus cerebralis*) if a shipment covered by the health certificate includes salmonids.

3. Other diseases, if any, specified on the certificate form.

(c) A fish health certificate shall include test results from a qualified laboratory to confirm the statements under pars. (a) and (b) if those test results are required by the certificate form.

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

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

(4) EXPIRATION DATE. (a) A health certificate based on an inspection under sub. (3)(a) expires 30 days after it is issued unless the department by written notice specifies a different expiration date.

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

(5) DEPARTMENT ACTION. (a) The department may, for cause, do any of the following by issuing written notice to the person who issued a fish health certificate:

1. Invalidate the health certificate.

2. Change the expiration date of the health certificate.

3. Impose conditions or limitations on the health certificate.

NOTE: In addition to giving the required notice under par. (a), the department will also attempt to notify other persons identified on the health certificate.

(b) Cause under par. (a) may include any of the following:

1. An apparent violation of this section.

2. Reasonable grounds to suspect that the health certificate may be inaccurate or unreliable.

3. New disease concerns that are not adequately addressed by the health certificate.

4. Special disease concerns related to the source from which the fish or fish eggs originate, and which are not adequately addressed by the health certificate.

ATCP 10.66 Fish diseases; reporting. (1) REPORT REQUIRED. Except as provided in sub. (2), a person who tests for or obtains credible diagnostic evidence of any of the following diseases in this state shall report that diagnosis or evidence to the department in writing, by mail, e-mail or fax, within 10 days after making the diagnosis or obtaining the evidence:

(a) Any aquatic animal disease that is foreign or exotic to Wisconsin.

(b) Channel catfish virus (CCV).

(c) Enteric septicemia of catfish (ESC).

(d) Infectious hematopoietic necrosis virus (IHN).

(e) White sturgeon iridovirus (WSI).

(f) Mycobacteriosis infection.

(g) Proliferative kidney disease (PKD).

(h) Streptococcus iniae.

(i) Viral hemorrhagic septicemia (VHS).

(j) Whirling disease (*Myxobolus cerebralis*, or WD).

(k) Spring Viremia of carp (SVC).

(L) Largemouth bass virus.

(2) EXEMPTIONS. (a) Subsection (1) does not require a person to report a diagnosis made by, or a diagnostic evidence received from, the department, the Wisconsin veterinary diagnostic laboratory, or the Wisconsin department of health and family services.

(b) A person is not required to make a report under sub. (1) if another person reports the same information under sub. (1) or (2).

NOTE: For example, if a qualified fish health inspector submits a test sample to a laboratory and receives a positive test result for a disease identified under sub. (1), the inspector is not required to report the test result to the department if the laboratory does so.

(3) NOTICE TO THE DEPARTMENT OF NATURAL RESOURCES. If the department determines that a disease reported under sub. (1) may present a threat to fish or other aquatic animals in waters of the state, the department shall notify the department of natural resources of the report contents.

ATCP 10.67 Fish health inspectors and laboratories. (1) QUALIFIED FISH HEALTH INSPECTORS. (a) The following individuals are qualified fish health inspectors, for purposes of this subchapter, unless disqualified under par. (b):

1. A Wisconsin certified veterinarian who has completed a fish health inspection training program approved by the department.

2. For purposes of an action taken under this chapter outside this state, any accredited veterinarian.

3. An individual who is currently certified by the American fisheries society as a fish health inspector or fish pathologist, and who has completed fish health inspection training approved by the department.

4. An individual who is currently authorized by a state to conduct official fish health inspections in that state, and who has completed a fish health inspection training program approved by the department.

(b) The department may for cause, by written notice and without prior notice or hearing, disqualify an individual from acting as a qualified fish health inspector under this subchapter. Cause may include a violation of this subchapter, or the issuance of unreliable health certificates under this subchapter. The state veterinarian may issue a disqualification notice on behalf of the department. The notice shall specify the cause for which it is issued.

NOTE: An individual disqualified under sub. (1)(b) may request a hearing on the disqualification, pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a summary disqualification.

(2) QUALIFIED LABORATORIES. (a) The following laboratories are qualified laboratories, for purposes of this subchapter, unless disqualified under par. (c):

1. A laboratory approved by the federal bureau for purposes of disease testing related to interstate movement of fish or fish eggs.

2. A laboratory approved by the department for purposes of disease testing related to compliance with this subchapter, including imports of fish or fish eggs.

3. A federal or state veterinary diagnostic laboratory.

NOTE: You may obtain information related to qualified laboratories by contacting the department at the following address:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911
Phone: (608) 224-4872

(b) A laboratory operator may request department approval under par. (a)2. The department may require documentation to show that the laboratory is qualified to test fish and fish eggs for relevant diseases. The department shall approve or disapprove a laboratory within 30 days after the department receives the approval request or, if the department requests documentation under this paragraph, within 30 days after the department receives all of the requested documentation.

(c) The department may for cause, by written notice and without prior notice or hearing, disqualify a laboratory from acting as a qualified laboratory under this subchapter. Cause may include a violation of this subchapter, a record of incorrect test results under this subchapter, or other material evidence that the laboratory is not qualified. The state veterinarian may issue a disqualification notice on behalf of the department. The notice shall specify the cause for disqualification.

NOTE: The operator of a laboratory disqualified under sub. (1)(b) may request a hearing on the disqualification, pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a summary disqualification.

(3) MISREPRESENTATION. No person may misrepresent any of the following, directly or by implication:

(a) That an individual is a qualified fish health inspector.

(b) That a laboratory is a qualified laboratory.

(c) Any relevant matters related to a fish health inspection or laboratory test under this subchapter.

Subchapter IX

SHEEP

ATCP 10.68 Sheep; brucella ovis-free flock. (1) INITIAL CERTIFICATION. The department may certify a flock of sheep as a certified brucella ovis-free flock if the flock owner provides proof that all rams in the flock over 6 months old have tested negative for brucella ovis in 2 successive enzyme linked immune serum assay (ELISA) tests, or other tests approved by the department. The tests shall be conducted at least 45 days but not more than 60 days apart.

(2) RENEWAL. The department may renew a certification under sub. (1) if, within 14 months after the last certification date, the flock owner submits the results of another flock test showing that all rams in the flock have tested negative for brucella ovis. If a herd owner fails to meet the deadline under this subsection, certification expires and may not be reinstated except by the procedure under sub. (1).

(3) REVOCATION. The department may by written notice to the flock owner, without prior notice or hearing, summarily revoke a flock certification under this section if any ram in the flock tests positive for brucella ovis. The state veterinarian may issue the revocation notice on behalf of the department.

NOTE: A flock owner affected by a revocation notice under sub. (3) may request a hearing under s. 227.42, Stats., and ch. ATCP 1. A request for a hearing does not automatically stay a summary suspension or revocation.

(4) HANDLING REACTORS. If a ram tests positive for brucella-ovis, the flock owner shall do one of the following:

(a) Segregate and castrate the ram, under department supervision.

(b) Ship the ram directly to a slaughtering establishment for slaughter, pursuant to a completed federal bureau form VS 1-27 or a department permit under s. ATCP 10.03(8).

NOTE: Federal bureau form VS 1-27 must be completed by an accredited veterinarian, an authorized state animal health official or the federal bureau.

(5) STATUS OF INDIVIDUAL ANIMALS. No ram qualifies as a member of a brucella ovis-free flock unless at least one of the following applies:

(a) The ram was included in the initial certification under sub. (1).

(b) The ram originates from another brucella ovis-free flock.

(c) The ram has been in the flock for at least 60 days, and was in the flock at the time of the last flock test for brucella-ovis.

(d) The ram was born to a flock member.

(6) FLOCK ADDITIONS. No ram may be added to a brucella ovis-free flock unless at least one of the following applies:

(a) The ram originates from another brucella ovis-free flock, and was included in the last flock test of that flock.

(b) The ram tests negative for brucella ovis within 30 days before entering the brucella ovis-free flock, and again within 45 to 60 days after entering the flock.

ATCP 10.69 Sheep imports. (1) Except as provided in sub. (2), no person may import a sheep into this state unless the sheep is accompanied by a valid certificate of veterinary inspection. The certificate shall include the official individual identification of the sheep.

(2) A certificate of veterinary inspection is not required under sub. (1) for any of the following:

(a) A sheep imported directly to a slaughtering establishment for slaughter.

(b) A sheep imported directly to a veterinary facility for treatment, provided that the sheep is returned to its place of origin immediately following treatment and there is no change of ownership while the sheep is in this state.

(c) A sheep returning directly to its place of origin in this state following treatment in a veterinary facility outside this state, provided that the sheep was shipped directly to the veterinary facility and there was no change of ownership while the sheep was outside the state for veterinary treatment.

ATCP 10.70 Moving sheep in Wisconsin. (1) Except as provided in sub. (2), no person may sell or move a sheep within this state unless that sheep bears an official individual identification.

(2) Subsection (1) does not apply to any of the following:

(a) A neutered sheep under 12 months old.

(b) A sheep under 12 months old that is shipped directly to a slaughtering establishment for slaughter.

Subchapter X

GOATS

ATCP 10.73 Goats; brucellosis-free herd certification. (1) INITIAL CERTIFICATION. The department may certify a herd of goats as a brucellosis-free herd if the herd owner provides proof that all goats over 6 months old have tested negative for brucellosis in 2 consecutive brucellosis tests conducted at least 10 months apart, but not more than 14 months apart.

(2) RENEWAL. The department may renew a certification under sub. (1) if, within 14 months after the last certification date, the herd owner submits proof that the herd has again tested negative for brucellosis in a herd test that included all goats over 6 months old. If a herd

owner fails to meet the deadline under this subsection, certification expires and may not be reinstated except by the procedure under sub. (1).

(3) TEST PROCEDURE. Testing under this section shall comply with the brucellosis uniform methods and rules.

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(4) REVOCATION. The department may by written notice to the herd owner, without prior notice or hearing, summarily revoke a certified brucellosis-free herd certification if any goat in the herd is found positive for brucellosis. The state veterinarian may issue a revocation notice on behalf of the department.

NOTE: A herd owner may request a hearing on a revocation under sub. (4), pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a revocation.

ATCP 10.74 Goats; tuberculosis-free herd. (1) INITIAL CERTIFICATION. The department may certify a herd of goats as an accredited tuberculosis-free herd if the herd qualifies for that certification under the tuberculosis uniform methods and rules.

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

Wisconsin Department of Agriculture,

Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

(2) MAINTAINING CERTIFICATION. To maintain a herd certification under sub. (1), a herd owner shall comply with applicable requirements in the tuberculosis uniform methods and rules.

(3) SUSPENDING OR REVOKING CERTIFICATION. (a) The department may by written notice to the herd owner, without prior notice or hearing, summarily suspend or revoke a herd certification under sub. (1) if any of the following occur:

1. A goat in the herd tests positive for tuberculosis.

2. The herd owner fails to comply with sub. (2).

(b) The state veterinarian may issue a summary suspension or revocation notice under par. (a). The notice shall state the reason for the suspension or revocation.

NOTE: A herd owner affected by a suspension or revocation notice under sub. (3) may request a hearing under s. 227.42, Stats., and ch. ATCP 1. A request for a hearing does not automatically stay a summary suspension or revocation.

ATCP 10.75 Goats; Johne's disease. The state program for Johne's disease in goats is equivalent to the program for bovine animals in ss. ATCP 10.15 to 10.19, except that test eligible animals in the goat program shall be 18 months of age or older.

ATCP 10.76 Goat imports. (1) CERTIFICATE OF VETERINARY INSPECTION. (a) Except as provided in par. (b), no person may import a goat into this state unless the goat is accompanied by a valid certificate of veterinary inspection. The certificate shall include the official individual identification of the goat.

(b) A certificate of veterinary inspection is not required under par. (a) for any of the following:

1. A goat imported directly to a slaughtering establishment for slaughter.

2. A goat imported directly to a veterinary facility for treatment, provided that the goat is returned to its place of origin immediately following treatment and there is no change of ownership while the goat is in this state.

3. A goat returning directly to its place of origin in this state following treatment in a veterinary facility outside this state, provided that the goat was shipped directly to the veterinary facility and there was no change of ownership while the goat was outside the state for veterinary treatment.

(2) IMPORTS FROM TUBERCULOSIS MODIFIED ACCREDITED STATES. (a) No person may import a goat from a tuberculosis modified accredited state, other than to a slaughtering establishment for slaughter, unless all of the following apply:

1. The goat is accompanied by a valid certificate of veterinary inspection. The certificate shall include the import permit number under subd. 2., the whole herd tuberculosis test result under subd. 3., and the individual test result under subd. 4.

2. The goat is imported pursuant to an import permit under s. ATCP 10.07(2).

3. The goat originates from a herd that has tested negative on a whole herd tuberculosis test conducted within 12 months prior to the import date. The whole herd test shall include every goat that is at least 12 months old.

4. The goat has tested negative on a tuberculosis test conducted within 60 days prior to the import date.

NOTE: Federal bureau rules for interstate shipment of animals may specify a different time period for tuberculosis testing prior to interstate shipment. An importer must comply with federal bureau rules. However, compliance with federal bureau rules does not excuse a violation of subd. 4.

(b) A goat from a tuberculosis modified accredited state may not be imported to an animal market.

(c) A goat imported from a modified accredited state may not be removed from the premises where it is first received in this state unless one of the following applies:

1. The goat test negative for tuberculosis under par. (d).

2. The goat is shipped directly from the premises to a slaughtering establishment for slaughter.

3. The goat is imported directly to an exhibition in this state, and is returned directly from that exhibition to its state of origin.

(d) The owner of a goat imported from a tuberculosis modified accredited state shall have the goat tested for tuberculosis not less than 60 days nor more than 90 days after it is imported.

ATCP 10.77 Moving goats in Wisconsin. (1) Except as provided in sub. (2), no person may sell or move a goat within this state unless that goat bears an official individual identification.

(2) Subsection (1) does not apply to any of the following:

(a) A neutered goat under 12 months old.

(b) A goat under 12 months old that is shipped directly to a slaughtering establishment for slaughter.

Subchapter XI

OTHER ANIMALS

ATCP 10.80 Dogs and domestic cats; imports. (1) No person may import any dog or domestic cat into this state unless it is accompanied by a valid certificate of veterinary inspection. The certificate shall indicate all of the following:

(a) Whether the dog or cat has been vaccinated for rabies by a licensed veterinarian.

(b) The date on which the dog or cat was last vaccinated for rabies.

(c) The date on which the dog or cat is due to be re-vaccinated for rabies.

(2) If an imported dog or cat has not been vaccinated by a licensed veterinarian, or if the dog or cat is due for revaccination when it enters this state, the owner shall have the dog or cat vaccinated by a licensed veterinarian by the later of the following dates:

(a) The date that is 30 days after the dog or cat enters this state.

(b) The date on which the dog or cat reaches 5 months of age.

(3) A rabies vaccination under this section shall comply with label instructions, age standards and time standards approved by the federal bureau for the type of vaccine used.

ATCP 10.81 Circus, rodeo, racing and menagerie animals; imports. (1) PERMIT REQUIRED. (a) Except as provided in par. (b), no person may import any circus, rodeo, racing or menagerie animal into this state without a written permit from the department under s. ATCP 10.07(2).

(b) No permit is required under par. (a) to import greyhounds for lawful racing in this state, provided that the importer complies with s. ATCP 10.80.

(2) PERMIT CONDITIONS. A permit under sub. (1) is subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

Wisconsin Department of Agriculture,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. An invertebrate imported in compliance with ss. 94.01 and 94.03, Stats., and ch. ATCP 21.

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

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

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

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

(a) Prairie dogs.

(b) Any of the following rodents from Africa:

1. Tree squirrels.

2. Rope squirrels.

3. Dormice.

4. Gambian giant pouched rat.

5. Brush-tailed porcupine.

6. Striped mice.

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

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

(b) One of the following applies:

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

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

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

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

Subchapter XII

FAIRS AND EXHIBITIONS

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

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

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

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

1. Conduct a daily inspection of the exhibited animals.

2. Review information under sub. (2)(b) on behalf of the organizer.

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

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

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

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

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

1. The exhibitor's name and address.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) EQUINE ANIMALS. (a) Except as provided in par. (b), no person may exhibit any equine animal at a fair or exhibition unless the exhibitor documents one of the following:

1. The animal has tested negative on an equine infectious anemia test conducted during the calendar year in which the animal is exhibited.

2. The animal, if exhibited on or before January 31, has tested negative for equine infectious anemia during the preceding calendar year.

(b) Paragraph (a) does not apply to a nursing foal accompanying its dam if the dam has tested negative for equine infectious anemia according to par. (a).

(7) SHEEP. No person may exhibit a sheep at a fair or exhibition unless the exhibitor documents that the sheep bears official individual identification as required in s. ATCP 10.70.

(8) GOATS. No person may exhibit a goat at a fair or exhibition unless the exhibitor documents that the goat bears official individual identification as required in s. ATCP 10.77.

Subchapter XIII

ENFORCEMENT

ATCP 10.89 Quarantines. (1) QUARANTINE ORDER. (a) The department may, without prior notice or hearing, issue an order quarantining domestic animals or captive wild animals in this state for any of the following purposes:

1. To prevent, suppress, control or eradicate contagious, infectious or communicable diseases that may affect animals, or that may be transmitted from animals to humans.

2. To prevent the movement or commingling of animals pending further testing, diagnosis, traceback or investigation related to known or suspected disease.

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

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

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

(a) Personal service.

(b) Certified mail.

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

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

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

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

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

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

(d) The reason or justification for the quarantine.

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

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

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

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

ATCP 10.90 Temporary animal hold order. (1) DEPARTMENT MAY ISSUE ORDER. The department may issue a temporary animal hold order whenever the department has reason to believe that animals may have been illegally imported, or may have been exposed to an infectious, contagious or communicable disease. A temporary animal hold order may prohibit the movement of animals for up to 90 days while the department investigates the suspected illegal import or disease exposure. The department may issue the order without prior notice or hearing. The department may, for good cause, extend the order for up to 90 days.

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

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

(b) A description of the animals covered by the order.

(c) A description of the premises where the animals are to be held.

(d) The reason or justification for the order.

(e) The duration of the order, and all terms and conditions applicable to the order.

(f) Notice that a person adversely affected by the order may request a hearing under sub. (5).

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

(a) Delivering the order, in person or by certified mail, to a person having custody or control of the animals covered by the order.

(b) Posting the order at 2 conspicuous places on the premises where the animals are kept.

(4) PROOF OF SERVICE. The department may prove service under sub. (3) by means of an affidavit or certified mail return receipt.

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

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

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

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

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

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

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

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

(c) The reason or justification for the order.

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

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

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

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

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

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

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

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

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

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

1. Animals, including animals in transit.

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter ATCP 10

APPENDIX A

Diseases Reported Within One Day

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

Chapter ATCP 10
APPENDIX B

Diseases Reported Within 10 Days

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

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

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

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

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

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

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

Lagomorph diseases
Myxomatosis
Rabbit haemorrhagic disease

Swine diseases
Enterovirus encephalomyelitis
Porcine cysticercosis
Trichinellosis

Bee diseases
Acariosis of bees
American foulbrood
European foulbrood
Nosemosis of bees
Varroosis

Diseases of other animal species
Leishmaniosis

SECTION 3. Chapter ATCP 11 is repealed.

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

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

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

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

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

(a) Direct contact with other animals.

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

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

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

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

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

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

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

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

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

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

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

(a) The animal's official eartag number.

(b) The animal's breed association tattoo.

(c) The animal's breed association registration number.

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

(e) The official breed registration lip tattoo number of an equine animal that uniquely identifies the equine animal.

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

1. A complete and accurate description of the equine animal's breed, coloration and distinguishing markings.

2. The equine animal's sexual status.

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

1. The microchip number uniquely identifies the animal.

2. The microchip is implanted in the animal.

3. The person having custody of the animal has a microchip reader that can read the microchip number.

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

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

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

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

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

(m) A tattoo number issued by the department.

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

(o) Other identification approved by the department.

SECTION 10. ATCP 12.01(27) is amended to read:

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

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

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

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

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

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

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

ATCP 12.02(7)(a) Violation of ch. 95, Stats., ch. ATCP 10~~, ch. ATCP 11~~ or this chapter.

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

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

ATCP 12.02(10) DISEASE TESTING PRIOR TO MOVEMENT FROM THE MARKET. If ch. ATCP 10 ~~or 11~~ requires disease testing of an animal before the animal is moved from an animal market, the market operator shall keep that animal at the market premises until the results of the test are known.

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

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

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Madison, WI 53708-8911

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

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

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

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

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

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

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

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

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

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Trade and Consumer Protection

Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

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

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

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

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

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

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

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

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

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

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

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

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

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

Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

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

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

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

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

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

NOTE: See also s. ATCP ~~11.22~~ 10.31.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dated this _____ day of _____, _____.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By: _____
Rodney J. Nilsestuen, Secretary