

## Clearinghouse Rule 25-058

DATCP Docket: 22-R-13

Clearinghouse Rule:

### THE DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION'S PROPOSED ORDER TO ADOPT PERMANENT RULES

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#### PROPOSED ORDER

The Wisconsin Department of Agriculture, Trade and Consumer Protection proposes an order *to repeal* ATCP 12.01 (2), (4), (5), (8r), (8y), (9), (10), (12), (12m), (12p), and (20) (d) and (e), 12.02 (8) (i), (11) (title), (intro.), and (a), 12.03 (10), 12.04 (9) (title) and (a), 12.045 (6) (b) 2. (Note), and 12.06 (1s) (g); *to renumber and amend* ATCP 12.02 (11) (b) and (c), and 12.04 (9) (b); *to amend* ATCP 12.01 (7), (8x), (19) (a), (20) (a) and (c) 1., (24m), and (25), 12.02 (2) (a) and (c), (3) (a), (4) (a) 1. to 3., (8) (c), (g), and (L), (9) (a) (intro.) and 4., and (9m) (a), 12.03 (4) (a), (5) (a), (9a) (b) and (j), and (9m) (a), 12.04 (2) (b) 1., (c) 2., and (d), (3) (a), (4) (a), (8) (f), and (8m) (a), 12.045 (1) (title), (a), and (b), (2) (title) and (a) (intro.) and 3., (3) (a) and (b), and (6) (intro.) and (b) 1. and 2., 12.05 (1) (a) and (b) 1., (2) (b) 1., and (3), 12.06 (1m) (c), (f), (g), (i), (1s) (d), and (f), 12.08 (1) (a), and (28); *to repeal and recreate* ATCP 12.01 (5) and (11), 12.06 (1m) (a) and (b), (1s) (a) and (b), and 12.08 (8); and *to create* ATCP 12.01 (8g), (19) (a) (Note), (20) (a) 1. and 2. and (c) 4., and (24g), 12.03 (1) (e), (2) (g) and (h), and (9) (L), 12.05 (1) (a) 1. to 4., 12.06 (1m) (bg), (br), (c) 1. and 2., (cm), (i) 1. to 5., and (L), and (1s) (f) 1. to 5., *relating to* animal markets, dealers, and truckers, including fees, and affecting small businesses.

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

**Statutes Interpreted:** Wis. Stat. §§ 95.68 (2m) (b), (4), and (8), 95.69 (2m), (4), and (8), and 95.71 (5) and (8)

**Statutory Authority:** Wis. Stat. §§ 95.68 (2m) (b), (4), and (8), 95.69 (2m), (4), and (8), and 95.71 (5) and (8)

### ***Explanation of Agency Authority***

Wis. Stat. § 95.68 (2m) (b) authorizes the Department to promulgate rules exempting groups or persons from the licensing requirement of animal markets or animal transport vehicles. Wis. Stat. § 95.68 (4) authorizes the Department to charge fees for the licensing of animal markets and the reinspection of animal markets. Wis. Stat. § 95.68 (8) authorizes the Department to promulgate rules related to animal markets. Wis. Stat. § 95.69 (2m) authorizes the Department to promulgate rules exempting groups or persons from the licensing requirement of animal dealers or animal transport vehicles. Wis. Stat. § 95.69 (4) authorizes the Department to charge fees for the licensing of animal dealers and the reinspection of animal dealers. Wis. Stat. § 95.69 (8) authorizes the Department to promulgate rules related to animal dealers. Wis. Stat. § 95.71 (5) authorizes the Department to charge fees for the licensing of animal truckers, registration of animal transport vehicles, and the reinspection of animal truckers. Wis. Stat. § 95.71 (8) authorizes the Department to promulgate rules related to animal truckers.

### ***Related Statutes and Rules***

Wis. Stat. ch. 93 relating to the Department of Agriculture, Trade and Consumer Protection, Wis. Stat. ch. 95 relating to animal health, and Wis. Admin. Code ch. ATPC 12 relating to animal markets, dealers, and truckers.

### ***Plain Language Analysis***

#### **Fees**

The proposed rule modifies and increases fees for animal markets, animal dealers, and animal truckers. Most fees in this rule were last increased in 2009 (CR 07-61). Over time, standard costs have continued to increase. The associated program revenue appropriation (appropriated by Wis. Stat. § 20.115 (2) (ha)) no longer has adequate revenue to recover costs. DATCP is not able to reduce expenditures to the level of current revenues without resulting in a failure to fulfill statutory requirements under Wis. Stat. chs. 93 and 95.

The following table shows the current and proposed fee amounts.

## ATCP 12 Fee Proposals

Program Area	Fee Description	Interval (Years)	Current Fee	Proposed Fee
Animal Markets	Registration: Animal Market Class A	1	420.00	7,430.00
	Registration: Animal Market Class A to B	1	420.00	770.00
	Registration: Animal Market Class B	1	220.00	770.00
	Registration: Animal Market Class E	1	280.00	975.00
	Late Fee: Animal Market Class A	NA	84.00	1,486.00
	Late Fee: Animal Market Class B	NA	44.00	154.00
	Late Fee: Animal Market Class E	NA	56.00	195.00
	Surcharge: Animal Market Class A	NA	100.00	100.00
	Surcharge: Animal Market Class B	NA	100.00	100.00
	Surcharge: Animal Market Class E	NA	100.00	100.00
	Reinspection: Animal Market Class A	NA	150.00	465.00
	Reinspection: Animal Market Class B	NA	150.00	465.00
	Reinspection: Animal Market Class E	NA	150.00	465.00
Animal Dealers	Registration: Animal Dealer	1	220.00	670.00
	Late Fee: Animal Dealer	NA	44.00	134.00
	Surcharge: Animal Dealer	NA	100.00	100.00
	Reinspection: Animal Dealer	NA	150.00	465.00
Animal Truckers	Registration: Animal Trucker	1	60.00	370.00
	Late Fee: Animal Trucker	NA	12.00	74.00
	Surcharge: Animal Trucker	NA	100.00	100.00
	Reinspection: Animal Trucker	NA	150.00	465.00
	Registration: Animal Transport Vehicle	1	20.00	70.00
	Late Fee: Animal Transport Vehicle	NA	5.00	14.00
	Surcharge: Animal Transport Vehicle	NA	100.00	100.00

The proposed fees would ensure recovery of annual program costs and would gradually eliminate the projected negative cash balance over a period of years. Without the proposed fee increase, the appropriation would operate in a negative cash balance until a different change occurs, such as the creation of an alternative funding source or a statutory change. The Department would report the negative cash balance to the Joint Committee on Finance.

### Program

The proposed rule also modifies ch. ATCP 12 for improvements and updates.

#### *General*

Minor language changes are made throughout ch. ATCP 12 for updates, clarity, and consistency. For example, “USDA” is standardized to “U.S. department of agriculture” throughout the chapter.

Language is added to the license applications to require the name of an individual as authorized license contact.

The current requirement to provide adequate food, water, shelter, bedding, and pen space is amended to mirror language in Wis. Stat. s. 951.13 and 951.14. The current requirement to remove market bovine calves less than 12 weeks old from the animal market within 24 hours of sale is amended to apply to any animals under 12 weeks old. The current rule requires that animal markets remove these animals within 24 hours, and the proposed rule adds this language to the requirements for animal dealers as well.

The requirement to comply with federal regulations when moving cattle interstate is amended to apply to any livestock.

### *Definitions*

Definitions are amended for updates and clarity. Unnecessary definitions for terms that are not used in ch. ATCP 12 are repealed. Additional terms are defined for clarity and consistency. The definition of official individual identification for bovines is updated to reflect current USDA requirements. The definition of official individual identification for equines is updated to allow more flexibility. The definition of shipment to slaughter is amended to clarify that a licensed animal dealer is allowed to move purchased animals from a licensed animal market to the dealer's premises and then to a licensed slaughtering establishment, as long as the animals are not commingled with animals that are not in shipment to slaughter.

### *Animal Markets*

The proposed rule amends class B markets to allow 12 sales per year, rather than the current 4. Entities who hold sales 5 to 12 times per year, who would currently have to license as class A, would instead license as class B. This change influences the fee impacts, as the class B license fee is lower than the class A license fee.

The current requirement for animal markets to be equipped with an animal chute and head gate, except for markets used exclusively to sell equine animals or wild animals, is amended to apply only to animal markets that sell farm-raised deer or bovine animals, except for fawns and baby calves.

### *Animal Dealers*

Language is added to clarify that engaging in the exchange of livestock, including for the purposes of rescue or rehabilitation, is included in the animal dealer license requirement. A license exemption is added for a person who trains or rehabilitates horses and retains ownership of the horses for over 90 days. A license exemption is also added for a person who solely delivers livestock or wild animals from out of state to a Wisconsin slaughtering establishment and does not receive any animals within this state, similar to a current license exemption for animal truckers.

### *Animal Truckers*

A license exemption is added for a person who is solely engaged in hauling animals on an incidental basis in connection with a slaughtering establishment, which is operated by that person and does not ordinarily involve the sale of animals. The current exemption for a person who solely transports livestock or wild animals from out of state to a Wisconsin slaughtering establishment is amended for clarity.

#### *Animal Transport Vehicles*

Where appropriate, language is amended to refer directly to the annual registration, rather than the sticker. Requirements for the display of information on the vehicle is amended to allow more flexibility.

#### *Identification of Livestock*

The current exemptions to bovine identification requirements are divided into subunits for clarity. The current definition of feeder cattle is merged into the list of exemptions, because it is the only place the term is used. The exemption for calves under 6 months is amended to be calves under 700 pounds, because pounds is easier to know, measure, or estimate than months. The updated exemption of 700 pounds includes more calves than the current exemption, because a 700 pound calf is typically closer to roughly 10 months old.

Where appropriate, language regarding commingling animals is changed to mixing animals. Commingling has a specific definition that is not applicable in these instances.

Identification requirements for equine animals are amended to be consistent with other species.

#### *Records: General*

Records requirements are divided into subunits for clarity. Records requirements regarding locations are updated for clarity and to allow the use of a GPS location as an alternative to an address. A requirement is added to record the name and address of the person with the final bid on the animal that was purchased.

Death records requirements are amended to remove the apparent cause of death, and replace it instead with the date of death, whether the animal was found dead or euthanized, and any official identification on the animal.

#### *Records: Markets and Dealers*

Exemptions are added to current identification records requirements, to exempt the requirement if shipment to slaughter occurs or when the animal is purchased for another licensed animal dealer who retains the record, and to allow the use of the scrapie flock identification number issued by USDA in place of individual identification for sheep and goats. If the animal leaves the market for shipment to slaughter, a signed statement by the buyer or purchaser must be recorded to confirm that the animal is shipping to slaughter.

The current requirement to record the species, age, and sex of the animal is made to apply to all animals, and not just those without official individual identification. The requirement is also amended to allow age class in place of age, and to require the approximate weight of bovine animals.

Language regarding the recording of a certificate of veterinary inspection is amended for clarity to include movement documents that are required under chs. ATCP 10 or ATCP 12.

The current requirement to record bovine and swine animals' breed or class is amended to apply to any animal. The classification of crossbreed beef and dairy animals is changed from being classified as beef breed to dairy breed, to reflect current federal classifications.

#### *Records: Truckers*

For clarity, the requirement to record the number of animals is amended to the quantity of animals. The requirement to record the age of animals is amended to allow age class in place of age.

The requirement to record the owner of each animal is removed.

#### *Prohibited Conduct*

Due to proposed changes to the records requirements to allow age class in place of age, age class is also added to the current prohibition of knowingly making a false report or statement to the department concerning the age of livestock. Age class is also added to the current prohibition of misrepresenting to any person the age of any animal.

Where practical, general requirements and prohibitions are removed from their individual sections and merged into s. ATCP 12.08 for clarity and consistency.

Current prohibitions that do not allow a person to commingle animals of different species in the same vehicle or enclosure are merged and amended to be less restrictive. The merged and amended language instead just prohibits holding animals that are not of a comparable size in the same pen or animal transport vehicle, unless the animals are segregated, or separated by a rigid barrier, to prevent injury.

### ***Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations***

The United States Department of Agriculture administers federal regulations related to the interstate movement of animals, particularly with respect to certain major diseases. States regulate intrastate movement and imports into the state. The fees and rules included in this rule draft do not duplicate or conflict with any federal fees or regulations.

### ***Summary of Comments Received during Preliminary Comment Period and at Public Hearing on Statement of Scope***

The Department held a preliminary public hearing on the statement of scope on March 26, 2024, with comments accepted through April 1, 2024. In addition to publication in the Administrative Register, the Department also sent an email notice to licensees on March 18, 2024. The public hearing was a hybrid, combining attendance in-person at the DATCP building and remotely via zoom, with both internet access and telephone access. There were two attendees at the hearing, and both stated that they did not have comments at that time. No written comments were received.

### ***Comparison with Rules in Adjacent States***

Programs in adjacent states (Iowa, Michigan, Minnesota, Illinois) are similar to Wisconsin, as all are based on federal standards. Neighboring states primarily fund these types of programs through general program revenue (GPR), therefore they have lower fees than Wisconsin's current fees. While Wisconsin's program fees are collected from a small number of licensees, these critical programs have impacts and benefits across animal health, animal industries, and public health.

#### **Iowa**

In Iowa, a livestock market permit is \$50 per year. The livestock dealer and livestock market agent permits are \$10 per year. A bull breeder license is \$20 every two years. A livestock dealer or order buyer permit is \$50 per year. A feeder pig dealer agent permit is \$6 every two years. A poultry buyer's license is \$6 every two years. A pig dealer's agent permit is \$3 per year. A sheep dealer license is \$10 every two years. (Section 21-66, Iowa Administrative Code)

#### **Michigan**

In Michigan, an action Class I is \$400 per year. A buying station (Class II) is \$250 per year. The remaining fees are waived for veterans: A dealer (Class III) is \$50 per year. An agent broker (Class III) is \$50 per year. A collection point (Class III) is \$50 per year. A trucker (Class IV) is \$25 per year. (Chapter 287, Michigan Statutes)

#### **Minnesota**

In Minnesota, a livestock market agency and public stockyard is \$300 per year. A livestock dealer is \$100 per year. A livestock dealer agent is \$50 per year. (Section 17A.04, Minnesota Statutes)

#### **Illinois**

In Illinois, a livestock auction market license is \$200 per year. The livestock dealer license is \$25 for a new license, \$10 for the annual renewal, as well as \$10 for each location in addition to the first location, and \$5 for each employee. A feeder swine dealer license is \$25, the renewal is \$10, and there is a fee of \$5 for each employee. There is no fee for a slaughter livestock buyer's license, just a requirement to submit an annual report. (Sections 225 ILCS 640 and 645, Illinois Statutes)

### ***Summary of Factual Data and Analytical Methodologies***

The program revenue (PR) appropriation (appropriated by Wis. Stat. § 20.115 (2) (ha)) does not have adequate revenue to recover costs. The appropriation is projected to have a negative cash balance at the end of Fiscal Year 2025. The appropriation includes the programs in this proposed rule, which are contained in Admin. Code ch. ATPC 12. The appropriation also includes programs contained in Admin. Code ch. ATPC 10, which are being evaluated under a separate statement of scope (SS 014-24).

Based on current projections for the timeline of the rule process, the proposed rule would become effective by the middle of Fiscal Year 2027. The cash balance of the appropriation is projected to be -\$1,159,000 at the beginning of Fiscal Year 2027. The table below shows the financial status of the full appropriation (includes both ch. ATPC 10 and ch. ATPC 12 programs).

**Program Revenue Appropriation Financial Status (20.115 (2) (ha))**

	FY24 Actuals	FY25 Estimates	FY26 Estimates	FY27 Estimates
Beginning Cash Balance	471,417	343,848	(380,161)	(1,159,144)
Total Revenue	385,622	375,476	375,476	375,476
FTE Salaries	755,363	787,110	826,466	859,525
LTE Salaries	32,649	10,234	10,746	11,176
Fringe	343,495	334,104	350,809	364,841
Supplies & Services	491,989	350,836	368,378	383,113
SEG Funding (20.115 (2) (q))	(483,758)	(382,800)	(401,940)	(418,018)
GPR Funding (20.115 (2) (a))	(626,547)	-	-	-
Total Expenses	513,191	1,099,485	1,154,459	1,200,637
Net Income	(127,569)	(724,009)	(778,983)	(825,161)
Ending Cash Balance	343,848	(380,161)	(1,159,144)	(1,984,305)

In past years, there was funding available in a related general program revenue (GPR) appropriation (appropriated by Wis. Stat. § 20.115 (2) (a)) to help cover the costs of these programs. That funding is no longer available due to increased costs in the GPR appropriation, as well as decreased federal funding for programs that now need to be funded by the GPR appropriation. There has also been a decrease in the PR appropriation's program revenue in recent years. A portion of these program costs is supported by a related segregated fund revenue (SEG) appropriation (appropriated by Wis. Stat. § 20.115 (2) (q)), as shown in the table above.

Expenses in the PR appropriation, and this fee analysis, only include program costs, such as licensing, inspection, and program management. The expenses do not include costs related to disease responses. For example, the fee analysis does not include staff activities related to positive detections of tuberculosis or chronic wasting disease. Disease response activities, such as quarantining, depopulating, testing, and surveillance are funded by the GPR appropriation.

The Department is not able to reduce expenditures to the level of current revenues without resulting in a failure to fulfill statutory requirements. Pursuant to Wis. Stat. chs. 93 and 95, the Department is responsible for determining and employing the most efficient and practical means for the prevention, suppression, control, and eradication of communicable diseases among



animals, to protect the health of animals and humans in this state. This important work also prevents losses to livestock and animal industries.

With regards to the programs included in this fee rule proposal, the Department is also required to register and regulate animal markets, animal dealers, and animal truckers. These programs are critical for animal health, human health, and animal industries.

Most fees in this rule were last increased in 2009 (CR 07-061) and have not been increased in the sixteen years since.

The following table shows the financial breakdown by each program. The left side shows each program, the fees within each program, the number of years in the license cycle, and the quantity of licensees or charges. The middle section shows the current fee amounts and an annual revenue total. The right side shows the rule proposal, including the percentage change, the proposed fee amount, and an annual revenue total. Underneath the fees for each program is a summary of the program revenue, SEG funding, expense, and gain or loss of each program.

## ATCP 12 Program Fees

Program Area	Fee Description	Interval (Years)	Quantity	Current		Proposed		
				Current Fee	Annual Total	% Change	Proposed Fee	Annual Total
Animal Markets	Registration: Animal Market Class A	1	16	420.00	6,720	1669%	7,430.00	118,880
	Registration: Animal Market Class A to B	1	15	420.00	6,300	83%	770.00	11,550
	Registration: Animal Market Class B	1	21	220.00	4,620	250%	770.00	16,170
	Registration: Animal Market Class E	1	3	280.00	840	248%	975.00	2,925
	Late Fee: Animal Market Class A	NA	-	84.00	-	1669%	1,486.00	-
	Late Fee: Animal Market Class B	NA	3	44.00	132	250%	154.00	462
	Late Fee: Animal Market Class E	NA	2	56.00	112	248%	195.00	390
	Surcharge: Animal Market Class A	NA	-	100.00	-	0%	100.00	-
	Surcharge: Animal Market Class B	NA	-	100.00	-	0%	100.00	-
	Surcharge: Animal Market Class E	NA	-	100.00	-	0%	100.00	-
	Reinspection: Animal Market Class A	NA	1	150.00	150	210%	465.00	465
	Reinspection: Animal Market Class B	NA	-	150.00	-	210%	465.00	-
	Reinspection: Animal Market Class E	NA	-	150.00	-	210%	465.00	-
	Program Revenue:				18,874		Revenue:	150,842
Animal Dealers	SEG Funding:				50,399		SEG Funding:	50,399
	Expense:				180,074		Expense:	180,074
	Gain(Loss):				(110,801)		Gain(Loss):	21,167
	Registration: Animal Dealer	1	258	220.00	56,760	205%	670.00	172,860
	Late Fee: Animal Dealer	NA	18	44.00	792	205%	134.00	2,412
Animal Truckers	Surcharge: Animal Dealer	NA	6	100.00	600	0%	100.00	600
	Reinspection: Animal Dealer	NA	2	150.00	300	210%	465.00	930
	Program Revenue:				58,452		Revenue:	176,802
	SEG Funding:				58,561		SEG Funding:	58,561
	Expense:				209,355		Expense:	209,355
Animal Truckers	Gain(Loss):				(92,342)		Gain(Loss):	26,008
	Registration: Animal Trucker	1	332	60.00	19,920	517%	370.00	122,840
	Late Fee: Animal Trucker	NA	20	12.00	240	517%	74.00	1,480
	Surcharge: Animal Trucker	NA	4	100.00	400	0%	100.00	400
	Reinspection: Animal Trucker	NA	1	150.00	150	210%	465.00	465
	Registration: Animal Transport Vehicle	1	1,001	20.00	20,020	250%	70.00	70,070
	Late Fee: Animal Transport Vehicle	NA	20	5.00	100	180%	14.00	280
	Surcharge: Animal Transport Vehicle	NA	5	100.00	500	0%	100.00	500
	Program Revenue:				41,330		Revenue:	196,035
	SEG Funding:				64,380		SEG Funding:	64,380
	Expense:				230,169		Expense:	230,169
	Gain(Loss):				(124,459)		Gain(Loss):	30,246

In addition to increases to fee amounts, the fee proposals also include changing the rule language to allow class B markets to hold sales up to 12 times per year. The current limit for class B is 4 times per year. This means that markets that hold 5-12 sales per year are currently licensed as class A and under the proposed rule would instead license as class B.

Both current and proposed late fees are 20% of the applicable license fee, which is set by Wis. Stat. § 93.21 (5) (b). Both current and proposed surcharges are \$100, which is set by Wis. Stat. § 95.68 (5) (a).

For the purposes of the fee analysis, the SEG funding is distributed to the programs that would require the greatest fee increases, and among those programs is distributed based on the proportion of expense in each program. The SEG is distributed this way to reduce the highest fee increases by as much as possible, given the available funding.

The following table shows the total for fees in ch. ATCP 12.

### ATCP 12 Proposal Estimates

	Current	Proposed	Change
Program Revenue	118,656	523,679	405,023
SEG Funding	173,340	173,340	-
Expense	619,598	619,598	-
Gain(Loss)	(327,602)	77,421	405,023

The proposed fees would ensure recovery of annual program costs and would gradually eliminate the projected negative cash balance over a period of years. Without the proposed fee increase, the appropriation would operate in a negative cash balance until a different change occurs, such as the creation of an alternative funding source or a statutory change. The Department would report the negative cash balance to the Joint Committee on Finance.

Neighboring states primarily fund these types of programs through GPR, therefore they have lower fees than Wisconsin's current fees. While Wisconsin's program fees are collected from a small number of licensees, these critical programs have impacts and benefits across animal health, animal industries, and public health.

#### *Analysis and Supporting Documents used to Determine Effect on Small Business or in Preparation of an Economic Impact Analysis*

The proposed rule would impact animal markets, animal dealers, and animal truckers. There are currently:

- 16 class A markets
- 15 class A markets that would become class B under the proposed rule
- 21 class B markets (not including the 15 above)
- 3 class E markets
- 258 animal dealers
- 332 animal truckers
- 1,001 animal transport vehicles

The proposed rule would also impact animal health, animal industries, and public health. While Wisconsin's program fees are collected from a small number of licensees, these critical programs have impacts and benefits across animal health, animal industries, and public health.

The Department held a preliminary public hearing on the statement of scope on March 26, 2024, with comments accepted through April 1, 2024. In addition to publication in the Administrative Register, the Department also sent an email notice to licensees on March 18, 2024. The public hearing was a hybrid, combining in-person attendance at the DATCP building and remotely via zoom, with both internet access and telephone access.

#### *Fiscal Estimate and Economic Impact Analysis*

The Fiscal Estimate and Economic Impact Analysis is attached.

### *Effect on Small Business*

The proposed rule increases fees for animal markets, animal dealers, and animal truckers. Most or all affected entities are small businesses, pursuant to the definition under Wis. Stat. § 227.485 (2) (c). The economic impact could be significant for individual entities. Pursuant to Wis. Stat. § 227.22 (2) (e), the rule applies to small businesses on the first day of the 3<sup>rd</sup> month commencing after the date of publication of the rule. Based on current projections for the timeline of the rules process, the proposed rule would become effective for all entities by the middle of Fiscal Year 2027 (prior to the renewal in June 2027).

The following table shows the quantity of licensees or charges, the number of years in the license cycle, the current and proposed fee amounts, the dollar change, and the percentage change.

#### **ATCP 12 Fee Proposals**

Program Area	Fee Description	Interval (Years)	Quantity	Current Fee	Proposed Fee	\$ Change	% Change
Animal Markets	Registration: Animal Market Class A	1	16	420.00	7,430.00	7,010.00	1669%
	Registration: Animal Market Class A to B	1	15	420.00	770.00	350.00	83%
	Registration: Animal Market Class B	1	21	220.00	770.00	550.00	250%
	Registration: Animal Market Class E	1	3	280.00	975.00	695.00	248%
	Late Fee: Animal Market Class A	NA	-	84.00	1,486.00	1,402.00	1669%
	Late Fee: Animal Market Class B	NA	3	44.00	154.00	110.00	250%
	Late Fee: Animal Market Class E	NA	2	56.00	195.00	139.00	248%
	Surcharge: Animal Market Class A	NA	-	100.00	100.00	-	0%
	Surcharge: Animal Market Class B	NA	-	100.00	100.00	-	0%
	Surcharge: Animal Market Class E	NA	-	100.00	100.00	-	0%
	Reinspection: Animal Market Class A	NA	1	150.00	465.00	315.00	210%
	Reinspection: Animal Market Class B	NA	-	150.00	465.00	315.00	210%
Animal Dealers	Reinspection: Animal Market Class E	NA	-	150.00	465.00	315.00	210%
	Registration: Animal Dealer	1	258	220.00	670.00	450.00	205%
	Late Fee: Animal Dealer	NA	18	44.00	134.00	90.00	205%
	Surcharge: Animal Dealer	NA	6	100.00	100.00	-	0%
Animal Truckers	Reinspection: Animal Dealer	NA	2	150.00	465.00	315.00	210%
	Registration: Animal Trucker	1	332	60.00	370.00	310.00	517%
	Late Fee: Animal Trucker	NA	20	12.00	74.00	62.00	517%
	Surcharge: Animal Trucker	NA	4	100.00	100.00	-	0%
	Reinspection: Animal Trucker	NA	1	150.00	465.00	315.00	210%
	Registration: Animal Transport Vehicle	1	1,001	20.00	70.00	50.00	250%
	Late Fee: Animal Transport Vehicle	NA	20	5.00	14.00	9.00	180%
	Surcharge: Animal Transport Vehicle	NA	5	100.00	100.00	-	0%

The Department's Regulatory Review Coordinator may be contacted by:

Email at [Bradford.Steinel@wisconsin.gov](mailto:Bradford.Steinel@wisconsin.gov)

Telephone at (608) 405-0370

The Regulatory Flexibility Analysis is attached.

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***Place Where Comments are to Be Submitted and Deadline for Submission:***

Comments must be received on or before October 15, 2025, to be included in the record of rule-making proceedings. Submit comments:

**By mail to:**

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

**By email to:** [angela.fisher1@wisconsin.gov](mailto:angela.fisher1@wisconsin.gov)

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RULE TEXT

1 SECTION 1. ATPC 12.01 (2), (4), and (5) are repealed.

2 SECTION 2. ATPC 12.01 (5) is repealed and recreated to read:

3 **ATPC 12.01 (5)** “Deliver” and “delivery” means to transfer by sale, exchange, or physical  
4 means.

5 SECTION 3. ATPC 12.01 (7) is amended to read:

6 **ATPC 12.01 (7)** “Diseased” means afflicted with ~~a contagious, infectious, or communicable~~  
7 ~~disease.~~ any of the following:

8 (a) A contagious disease, spread by contact, body secretions, or fomites.

9 (b) An infectious disease, caused by a pathogenic agent.

10 (c) A communicable disease, transmissible either directly or indirectly.

11 SECTION 4. ATPC 12.01 (8g) is created to read:

12 **ATPC 12.01 (8g)** “Employee” means a person working for an entity and who is provided a  
13 W-2 or 1099 tax form from that entity or is an immediate family member of the entity.

SECTION 5. ATCP 12.01 (8r) is repealed.

SECTION 6. ATCP 12.01 (8x) is amended to read:

**ATCP 12.01 (8x)** “Federal bureau” means the animal and plant health inspection service of ~~USDA the U.S. department of agriculture~~, or any other unit of ~~USDA the U.S. department of~~ agriculture, that is invested with authority to administer federal laws and regulations relating to animal disease control.

SECTION 7. ATCP 12.01 (8y), (9), and (10) are repealed.

SECTION 8. ATCP 12.01 (11) is repealed and recreated to read:

**ATCP 12.01 (11)** “Immediate family member”, as used in ch. 95, Stats., and this chapter, means a spouse, grandparent, parent, sibling, child, stepchild, grandchild, or the spouse of a grandparent, parent, sibling, child, stepchild, or grandchild.

SECTION 9. ATCP 12.01 (12), (12m), and (12p) are repealed.

SECTION 10. ATCP 12.01 (19) (a) is amended to read:

**ATCP 12.01 (19) (a)** The national uniform eartagging system developed by the federal bureau ~~in veterinary services memorandum no. 578.12, revised March 15, 2011. For species other than sheep and goats, the number consists of 8 or 9 digits, with the first 2 digits being the state of origin’s 2 digit code, followed by 2 or 3 letters, and then 4 numbers. For a bovine animal, only a 9 digit number is acceptable for use. For a sheep or goat, only an 8 digit number is acceptable for use, with the first 2 digits consisting of the state of origin’s 2 digit postal abbreviation, followed by 2 letters or 1 letter and 1 number, and then 4 numbers.~~

SECTION 11. ATCP 12.01 (19) (a) (Note) is created to read:

**ATCP 12.01 (19) (a) Note:** The national uniform eartagging system, developed under 9 CFR 86.1, is further explained in a U.S. department of agriculture document titled “Animal Disease

Traceability Official Animal Identification Device Standards (OAIDs)” accessible at:  
<https://www.aphis.usda.gov/sites/default/files/animal-id-device-standards.pdf>.

SECTION 12. ATCP 12.01 (20) (a) is amended to read:

**ATCP 12.01 (20) (a)** For bovine, ~~an official ear tag attached to the animal.~~ any of the following:

SECTION 13. ATCP 12.01 (20) (a) 1. and 2. are created to read:

**ATCP 12.01 (20) (a) 1.** If applied prior to November 5, 2024, an official ear tag as defined under sub. (19).

**2.** If applied on or after November 5, 2024, an official ear tag as defined under sub. (19) that is able to be read both visually and electronically.

SECTION 14. ATCP 12.01 (20) (c) 1. is amended to read:

**ATCP 12.01 (20) (c) 1.** A written or graphic description ~~by a licensed and accredited veterinarian~~ sufficient to identify the individual equine including all of the following:

SECTION 15. ATCP 12.01 (20) (c) 4. is created to read:

**ATCP 12.01 (20) (c) 4.** Other identification approved by the department.

SECTION 16. ATCP 12.01 (20) (d) and (e) are repealed.

SECTION 17. ATCP 12.01 (24g) is created to read:

**ATCP 12.01 (24g)** “Receive” and “receipt” means to purchase, exchange, or take by physical means.

SECTION 18. ATCP 12.01 (24m) and (25) are amended to read:

**ATCP 12.01 (24m)** “Shipment to slaughter” means the movement of Wisconsin origin animals or animals that have met applicable Wisconsin import requirements, from licensed animal market premises or licensed animal dealer premises to a slaughtering establishment with

no change in ownership, other than a change in ownership to the licensed slaughtering establishment. A licensed animal dealer may move purchased animals from a licensed animal market to the licensed animal dealer's premises and then to a licensed slaughtering establishment. Animals may not be commingled with animals that are not in shipment to slaughter. The process of "shipment to slaughter" may not exceed 10 consecutive days.

(25) "Slaughtering establishment" means a facility to slaughter animals that is licensed and inspected by the department or by the ~~United States~~ U.S. department of agriculture. "Slaughtering establishment" includes all premises used in connection with a slaughter operation, including an intermediate livestock handling facility approved under s. ATPC 10.07 (5).

SECTION 19. ATPC 12.02 (2) (a) is amended to read:

**ATPC 12.02 (2) (a)** A person may apply for a ~~Class~~ class A, ~~Class~~ class B, or ~~Class~~ class E animal market license.

SECTION 20. ATPC 12.02 (2) (c) is amended to read:

**ATPC 12.02 (2) (c)** At a class B animal market, an operator may conduct livestock sales on any number of days during the license year but may hold livestock auctions on no more than ~~4~~12 days during the license year. An operator may not conduct any wild animal sales at a class B animal market.

SECTION 21. ATPC 12.02 (3) (a) is amended to read:

**ATPC 12.02 (3) (a)** The person's legal name, ~~and~~ any trade names under which the person does business as an animal market operator, and the legal name of an individual who is the authorized license contact.

SECTION 22. ATPC 12.02 (4) (a) 1., 2., and 3. are amended to read:



ATCP 12.02 (4) (a) 1. ~~\$420~~ \$7,430 for a class A license.

2. ~~\$220~~ \$770 for a class B license.

3. ~~\$280~~ \$975 for a class E license.

SECTION 23. ATCP 12.02 (8) (c) is amended to read:

ATCP 12.02 (8) (c) Provide adequate food, water, shelter, bedding, and pen space ~~for all~~  
~~animals held more than 12 hours~~ sufficient for the health of the animals.

SECTION 24. ATCP 12.02 (8) (g) is amended to read:

ATCP 12.02 (8) (g) Remove market animals from the animal market facility within 4 days  
after they enter the market, except as provided in sub. (10). The animal market operator shall  
remove ~~market bovine calves~~ animals less than 12 weeks old from the animal market within 24  
hours after the ~~calves~~ animals are sold.

SECTION 25. ATCP 12.02 (8) (i) is repealed.

SECTION 26. ATCP 12.02 (8) (L) is amended to read:

ATCP 12.02 (8) (L) Comply with 9 CFR Part 86 when moving ~~cattle~~ livestock interstate or  
releasing ~~cattle~~ livestock for interstate movement.

SECTION 27. ATCP 12.02 (9) (a) (intro.) is amended to read:

ATCP 12.02 (9) (a) Class A and ~~Class~~ class E animal markets shall meet the following  
construction requirements:

SECTION 28. ATCP 12.02 (9) (a) 4. is amended to read:

ATCP 12.02 (9) (a) 4. The animal market shall be equipped to adequately restrain animals  
without injury. Except for fawns and baby calves, if the animal market sells farm-raised deer or  
bovine animals, the animal market shall be equipped with an animal chute and head gate, ~~which~~

shall be adequate to restrain animals without injury. This requirement does not apply to an animal market used exclusively to sell equine animals or wild animals.

SECTION 29. ATCP 12.02 (9m) (a) is amended to read:

**ATCP 12.02 (9m) (a)** The department may charge, to the holder of a license under this section, a reinspection fee of ~~\$150~~ \$465 for a reinspection that the department makes to determine whether that person has corrected a previous violation of this chapter, or ch. 95, Stats., noted on a previous inspection report. The department may not charge a reinspection fee under this subsection for a routine or regularly scheduled inspection, or for an inspection that is required under this chapter.

SECTION 30. ATCP 12.02 (11) (title), (intro.), and (a) are repealed.

SECTION 31. ATCP 12.02 (11) (b) and (c) are renumbered 12.08 (29) and (30) and amended to read:

**ATCP 12.08 (29)** Accept delivery of livestock or wild animals from an unlicensed ~~animal trucker or animal market~~, animal dealer, or animal trucker if the operator knows or has reason to know that the ~~animal trucker or animal market~~, animal dealer, or animal trucker is unlicensed.

**(30)** Deliver livestock or wild animals to an unlicensed ~~animal trucker for transport or animal market~~, animal dealer, or animal trucker, if the operator knows or has reason to know that the ~~animal trucker or animal market~~, animal dealer, or animal trucker is unlicensed.

SECTION 32. ATCP 12.03 (1) (e) is created to read:

**ATCP 12.03 (1) (e)** Engage in the exchange of livestock for the purposes of rescue or rehabilitation.

SECTION 33. ATCP 12.03 (2) (g) and (h) are created to read:

127       **ATCP 12.03 (2) (g)** A person who solely delivers livestock or wild animals from out of state  
128 to a Wisconsin slaughtering establishment and does not receive any animals within this state for  
129 delivery in this state or out of this state.

130       **(h)** A person who trains or rehabilitates horses and retains ownership of the horses for over 90  
131 days.

132       SECTION 34. ATCP 12.03 (4) (a) is amended to read:

133       **ATCP 12.03 (4) (a)** The person's legal name, ~~and~~ any trade names under which the person  
134 does business as an animal dealer, and the legal name of an individual who is the authorized  
135 license contact.

136       SECTION 35. ATCP 12.03 (5) (a) is amended to read:

137       **ATCP 12.03 (5) (a)** A person shall pay a basic nonrefundable annual fee of ~~\$220~~ \$670 for an  
138 animal dealer license under sub. (1).

139       SECTION 36. ATCP 12.03 (9) (b) is amended to read:

140       **ATCP 12.03 (9) (b)** Provide adequate food, water, shelter, bedding, and pen space ~~for all~~  
141 ~~animals held more than 12 hours~~ sufficient for the health of the animals.

142       SECTION 37. ATCP 12.03 (9) (j) is amended to read:

143       **ATCP 12.03 (9) (j)** Comply with 9 CFR Part 86 when moving ~~cattle~~ livestock interstate or  
144 releasing ~~cattle~~ livestock for interstate movement.

145       SECTION 38. ATCP 12.03 (9) (L) is created to read:

146       ATCP 12.03 (9) (L) Remove animals from the animal market facility within 4 days after they  
147 enter the market, except as provided in s. ATCP 12.02 (10). The animal dealer shall remove  
148 animals less than 12 weeks old from the animal market within 24 hours after the animals are  
149 purchased.

SECTION 39. ATCP 12.03 (9m) (a) is amended to read:

**ATCP 12.03 (9m) (a)** The department may charge, to the holder of a license under this section, a reinspection fee of ~~\$150~~ \$465 for a reinspection that the department makes to determine whether that person has corrected a previous violation of this chapter, or ch. 95, Stats., noted on a previous inspection report. The department may not charge a reinspection fee under this subsection for a routine or regularly scheduled inspection, or for an inspection that is required under this chapter.

SECTION 40. ATCP 12.03 (10) is repealed.

SECTION 41. ATCP 12.04 (2) (b) 1. is amended to read:

**ATCP 12.04 (2) (b) 1.** A person who is solely engaged in transporting livestock or wild animals that ~~he or she~~ the person owns.

SECTION 42. ATCP 12.04 (2) (c) 2. is amended to read:

**ATCP 12.04 (2) (c) 2.** Hauling animals on an incidental basis in connection with another business, such as a veterinary practice, a slaughtering establishment, or a stable operation, which is operated by that person and which does not ordinarily involve the sale of animals.

SECTION 43. ATCP 12.04 (2) (d) is amended to read:

**ATCP 12.04 (2) (d)** A person who solely transports livestock or wild animals from out of state to a Wisconsin slaughtering establishment and does not ~~transport any Wisconsin origin animals~~ receive any animals from within this state for delivery to any location in this state or out of this state.

SECTION 44. ATCP 12.04 (3) (a) is amended to read:

171       **ATCP 12.04 (3) (a)** The person's legal name, ~~and~~ any trade names under which the person  
172 does business as an animal trucker, and the legal name of an individual who is the authorized  
173 license contact.

174       SECTION 45. ATCP 12.04 (4) (a) is amended to read:

175       **ATCP 12.04 (4) (a)** A person shall pay a basic nonrefundable annual license of ~~\$60~~ \$370 for  
176 a license under sub. (1).

177       SECTION 46. ATCP 12.04 (8) (f) is amended to read:

178       **ATCP 12.04 (8) (f)** Provide adequate food, water, shelter, bedding, and pen space ~~for all~~  
179 ~~animals held more than 12 hours~~ sufficient for the health of the animals.

180       SECTION 47. ATCP 12.04 (8m) (a) is amended to read:

181       **ATCP 12.04 (8m) (a)** The department may charge, to the holder of a license under this  
182 section, a reinspection fee of ~~\$150~~ \$465 for a reinspection that the department makes to  
183 determine whether that person has corrected a previous violation of this chapter, or ch. 95, Stats.,  
184 noted on a previous inspection report. The department may not charge a reinspection fee under  
185 this subsection for a routine or regularly scheduled inspection, or for an inspection that is  
186 required under this chapter.

187       SECTION 48. ATCP 12.04 (9) (title) and (a) are repealed.

188       SECTION 49. ATCP 12.04 (9) (b) is renumbered ATCP 12.08 (31) and amended to read:

189       **ATCP 12.08 (31)** ~~No animal trucker may transport~~ Transport diseased or downer animals  
190 with healthy animals on the same animal transport vehicle, unless the entire load is transported  
191 directly to a slaughter establishment. If downer animals and other animals are transported to a  
192 slaughter establishment in the same animal transport vehicle, the downer animals shall be  
193 segregated, or separated by a rigid barrier, from the other animals to prevent injury.

SECTION 50. ATCP 12.045 (1) (title), (a), and (b) are amended to read:

**ATCP 12.045 (1) ANNUAL REGISTRATION ~~STICKER~~ REQUIRED.**

(a) No animal market operator, animal dealer, or animal trucker may operate an animal transport vehicle unless ~~each side of the vehicle bears one part of a 2-part annual vehicle registration sticker issued~~ the animal transport vehicle is registered by the department. An annual animal transport vehicle registration ~~sticker~~ expires on June 30.

(b) The department may issue an annual animal transport vehicle registration ~~sticker~~ under par. (a) to a licensed animal market operator, animal dealer, or animal trucker who owns or operates the vehicle. If a license holder owns ~~a~~ an animal transport vehicle operated by another license holder, the license holder that owns the vehicle shall obtain the vehicle registration ~~sticker~~ under par. (a). If a license holder operates an animal transport vehicle owned by a non-license holder, the license holder that operates that vehicle shall obtain the vehicle registration ~~sticker~~ under par. (a) as the registrant.

SECTION 51. ATCP 12.045 (2) (title) and (a) (intro.) and 3. are amended to read:

**ATCP 12.045 (2) APPLYING FOR A REGISTRATION ~~STICKER~~.**

(a) A person shall apply for ~~a~~ an animal transport vehicle registration ~~sticker~~ under sub. (1) on a form provided by the department. The person may submit the application with the person's annual license application under s. ATCP 12.02, 12.03, or 12.04. The application shall include all of the following:

3. Identification of each animal transport vehicle for which the person seeks a registration ~~sticker~~.

SECTION 52. ATCP 12.045 (3) (a) is amended to read:

ATCP 12.045 (3) (a) A person shall pay a non-refundable annual fee of ~~\$20~~ \$70 for each animal transport vehicle registration ~~sticker~~ under this section.

SECTION 53. ATCP 12.045 (3) (b) and (6) (intro.) are amended to read:

ATCP 12.045 (3) (b) A person shall pay a registration fee surcharge of \$100 if the department determines that, within 365 days prior to submitting a registration application under sub. (2), the person operated an animal transport vehicle without a registration ~~sticker~~ in violation of sub. (1).

(6) The following requirements apply to every animal transport vehicle for which a registration ~~sticker~~ is required under sub. (1):

SECTION 54. ATCP 12.045 (6) (b) 1. and 2. are amended to read:

- ATCP 12.045 (6) (b) 1. The power unit, ~~both sides.~~
2. The animal transport vehicle, ~~in close proximity to the current registration sticker, on both sides of the vehicle.~~

SECTION 55. ATCP 12.045 (6) (b) 2. (Note) is repealed.

SECTION 56. ATCP 12.05 (1) (a) is amended to read:

ATCP 12.05 (1) (a) *Official individual identification.* Whenever an animal dealer or animal market operator receives a bovine animal, the animal dealer or market operator shall immediately record the animal's official individual identification. If a bovine animal has no official individual identification at the time of receipt, the animal dealer or market operator shall immediately identify the animal with an official individual identification. This paragraph does not apply to ~~steers, calves under 6 months old, feeder cattle, or bovine animals that are backtagged for slaughter under par. (b) 1.~~ any of the following:

SECTION 57. ATCP 12.05 (1) (a) 1., 2., 3., and 4. are created to read:

239       **ATCP 12.05 (1) (a) 1.** Steers.

240       **2.** Calves under 700 pounds.

241       **3.** Feeder cattle, which means bovine animals, other than dairy breed females, kept for the  
242 sole purpose of feeding prior to slaughter, which are not more than 18 months old as evidenced  
243 by the absence of permanent teeth, and whose sexual status is one of the following:

244       **a.** Non-spayed female that is not parturient or post-parturient.

245       **b.** Spayed heifer.

246       **c.** Steer.

247       **4.** Bovine animals that are backtagged for slaughter under par. (b) 1.

248       SECTION 58. ATCP 12.05 (1) (b) 1. and (2) (b) 1. are amended to read:

249       **ATCP 12.05 (1) (b) 1.** Whenever an animal dealer, animal market operator, or animal trucker  
250 receives any bovine animal for sale or shipment to slaughter, that person shall immediately  
251 identify the animal with an official back tag and record the back tag number, unless the bovine  
252 animal is a steer or already identified according to par. (a). If a bovine animal is already  
253 identified according to par. (a), or backtagged at the time of receipt, the person receiving the  
254 animal shall record its official identification or back tag number. This paragraph does not apply  
255 to an animal trucker that picks up any bovine animals from a farm premises and takes the bovine  
256 animals directly to a slaughtering establishment without ~~commingling~~ mixing with bovine  
257 animals from other farms.

258       **(2) (b) 1.** Whenever an animal dealer, animal market operator, or animal trucker receives any  
259 sow, boar, or stag for sale or shipment to slaughter, that person shall immediately identify that  
260 swine with an official back tag or premises identification ear tag and record the back tag or ear  
261 tag number, if the swine is not already identified according to par. (a). If a sow, boar, or stag is



already identified according to par. (a), or backtagged or tagged with a premises identification ear tag at the time of receipt, the person receiving the swine shall record its official identification, back tag, or ear tag number. This subdivision does not apply to an animal trucker that picks up any swine from a farm premises and takes the swine directly to a slaughtering establishment without ~~commingling~~ mixing with swine from other farms.

SECTION 59. ATCP 12.05 (3) is amended to read:

**ATCP 12.05 (3) IDENTIFICATION OF EQUINE ANIMALS.** Whenever an animal dealer or animal market operator receives any equine animal, the animal dealer or market operator shall immediately record the official identification of that equine animal. If an equine animal has no official individual identification when received by an animal dealer or market operator, the animal dealer or market operator shall ~~have a licensed and certified veterinarian prepare a description of that equine animal according to~~ immediately identify that equine animal with an official individual identification under s. ATCP 12.01 (20) (c).

SECTION 60. ATCP 12.06 (1m) (a) and (b) repealed and recreated to read:

**ATCP 12.06 (1m) (a)** All of the following information regarding where the animal was received from:

1. The address or GPS location to five decimal places of the location from where the person received the animal.

2. The name of the person from whom the animal was received.

3. The address of the person from whom the animal was received, if different from subd. 1.

4. The date of receipt.

**(b)** All of the following information regarding where the animal was delivered to:

1. The address or GPS location to five decimal points of the location to where the person delivered the animal.

2. The name of the person to whom the animal was delivered.

3. The address of the person to whom the animal was delivered, if different from subd. 1.

4. The date of delivery.

SECTION 61. ATCP 12.06 (1m) (bg) and (br) are created to read:

**ATCP 12.06 (1m) (bg)** The name and address of the person with the final bid on the animal that was purchased, if different from the person under par. (b).

**(br)** The name of the animal trucker who transported the animal, both to the place of receipt and the place of delivery, if any.

SECTION 62. ATCP 12.06 (1m) (c) is amended to read:

**ATCP 12.06 (1m) (c)** The animal's official individual identification number, if official identification is required under ch. ATCP 10 or this chapter. ~~If the animal has no official individual identification and is not required to bear official individual identification under ch. ATCP 10 or this chapter, the record shall identify the species, age, and sex of the animal. , except~~  
when any of the following apply:

SECTION 63. ATCP 12.06 (1m) (c) 1. and 2. and (cm) are created to read:

**ATCP 12.06 (1m) (c) 1.** Shipment to slaughter occurs or when the animal is purchased for another licensed animal dealer who retains the record.

**2.** The animal is a sheep or goat and the scrapie flock identification number issued by the U.S. department of agriculture is recorded.

**(cm)** The species, age or age class, approximate weight if the animal is a bovine, and sex of the animal.

SECTION 64. ATCP 12.06 (1m) (f) is amended to read:

**ATCP 12.06 (1m) (f)** A copy of any certificate of veterinary inspection ~~if required to accompany the animal~~ or movement documents required under this chapter or ch. ATCP 10. An animal market veterinarian may keep the certificate copy for the animal market operator.

SECTION 65. ATCP 12.06 (1m) (g) is amended to read:

**(g)** The animal's breed or class ~~if the animal is a bovine animal or swine.~~ If a bovine animal is a crossbreed of beef and dairy animals, the animal shall be classified as a ~~beef~~ dairy breed.

SECTION 66. ATCP 12.06 (1m) (i) is amended to read:

**(i)** A death record if the animal dies in the person's custody. The record shall ~~indicate the apparent cause of death, the place and manner of carcass disposition, and the name and address of any person to whom the carcass was delivered.~~ include all of the following:

SECTION 67. ATCP 12.06 (1m) (i) 1., 2., 3., 4., and 5. are created to read:

**ATCP 12.06 (1m) (i) 1.** Date of death.

**2.** Whether the animal was found death or euthanized.

**3.** Any official identification on the animal.

**4.** Manner of carcass disposition.

**5.** The name and address of any person to whom the carcass was delivered.

SECTION 68. ATCP 12.06 (1m) (L) is created to read:

**ATCP 12.06 (1m) (L)** If the animal leaves the market for shipment to slaughter, a signed statement by the buyer or purchaser confirming that the animal is shipping to slaughter.

SECTION 69. ATCP 12.06 (1s) (a) and (b) are repealed and recreated to read:

**ATCP 12.06 (1s) (a)** All of the following information regarding where the animal was received from:

1. The address or GPS location to five decimal places of the location from where the person received the animal.

2. The name of the person from whom the animal was received.

3. The address of the person from whom the animal was received, if different from subd. 1.

4. The date of receipt.

(b) All of the following information regarding where the animal was delivered to:

1. The address or GPS location to five decimal points of the location to where the person delivered the animal.

2. The name of the person to whom the animal was delivered.

3. The address of the person to whom the animal was delivered, if different from subd. 1.

4. The date of delivery.

SECTION 70. ATCP 12.06 (1s) (d) is amended to read:

**ATCP 12.06 (1s) (d)** The ~~number~~ quantity and general description of the animals including species, age or age class, and sex of the animals in the shipment.

SECTION 71. ATCP 12.06 (1s) (f) is amended to read:

**ATCP 12.06 (f)** A death record if the animal dies in the animal trucker's custody. The record shall ~~indicate the apparent cause of death, the place and manner of carcass disposition, and the name and address of any person to whom the carcass was delivered.~~ include all of the following:

SECTION 72. ATCP 12.06 (1s) (f) 1., 2., 3., 4., and 5. are created to read:

**ATCP 12.06 (1s) (f) 1.** Date of death.

2. Whether the animal was found dead or euthanized.

3. Any official identification on the animal.

4. The manner of carcass disposition.

5. The name and address of any person to whom the carcass was delivered.

SECTION 73. ATCP 12.06 (1s) (g) is repealed.

SECTION 74. ATCP 12.08 (1) (a) is amended to read:

**ATCP 12.08 (1) (a)** The ownership, identification, age or age class, vaccination status, test status, or health status of livestock; ~~or~~.

SECTION 75. ATCP 12.08 (8) is repealed and recreated to read:

**ATCP 12.08 (8)** Hold animals that are not of a comparable size in the same pen or animal transport vehicle, unless the animals are segregated, or separated by a rigid barrier, to prevent injury.

SECTION 76. ATCP 12.08 (28) is amended to read:

**ATCP 12.08 (28)** Misrepresent to any person the age or age class, identity, origin, or disease status of any animal, or of the herd from which the animal originates.

EFFECTIVE DATE. This rule is effective on the first day of the month commencing after the date of publication, as provided under Wis. Stat. § 227.22 (2) (intro.). The rule applies to small businesses on the first day of the 3rd month commencing after the date of publication of the rule, as provided under Wis. Stat. § 227.22 (2) (e).

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(END OF RULE TEXT)

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Dated this   7   day of   August  , 2025

WISCONSIN DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

  
By: Randy Romanski, Secretary