

CR 91-46

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STATE OF WISCONSIN)
)
DEPARTMENT OF AGRICULTURE,) ss.
)
TRADE AND CONSUMER PROTECTION)


OCT 15 1991
3:40 pm
Revisor of Statutes
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Dennis J. Carr, Administrator, Animal Health Division, State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of said Division, do hereby certify that the annexed order amending sections Ag 11.01(27), Ag 11.02(1)(a)(intro), and Ag 11.02(3)(i); and creating sections Ag 10.01(15j), (15m), (17m), and (61m), Ag 10.66, Ag 11.01(18j), (18m), (20m), (70m), (85), Ag 11.02(3)(j), Ag 11.53(2)(cm), Ag 11.55 and Ag 11.56, Wisconsin Administrative Code, relating to tuberculosis testing requirements for import and movement of cervidae, requiring identification of individual cervids and prohibiting commingling captive cervidae with bovine animals, was duly approved and adopted by the Department on October 10, 1991.

I further certify that said copy has been compared by me with the original on file in the Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Department offices in the city of Madison, this 10th day of October, 1991.


Dennis J. Carr, Administrator
Animal Health Division



12-1-91

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OCT 15 1991

Final Order
10/9/91

Revisor of Statutes
Bureau

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

1 The state of Wisconsin department of agriculture, trade and
2 consumer protection adopts the following order to amend Ag
3 11.01(27), Ag 11.02(1)(a)(intro), and Ag 11.02(3)(i); and to
4 create Ag 10.01(15j), (15m), (17m), and (61m), Ag 10.66, Ag
5 11.01(18j), (18m), (20m), (70m), (85), Ag 11.02(3)(j), Ag
6 11.53(2)(cm), Ag 11.55 and Ag 11.56 relating to tuberculosis
7 testing requirements for import and movement of cervidae,
8 requiring identification of individual cervids and prohibiting
9 the commingling captive cervidae with bovine animals.

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

Statutory authority:

ss. 93.07(1), 95.19(3) and 95.20, Stats. (tuberculosis testing); ss. 93.07(1) and 95.38(3), Stats. (identification of individual animals)

Statutes interpreted:

ss. 95.19, 95.20, 95.22 and 95.25, Stats. (tuberculosis testing); s. 95.31 and 95.36, Stats. (indemnities); s. 95.38, Stats. (identification of individual animals); s. 95.45, Stats. (interstate health certificates)

This rule establishes procedures for identifying and controlling bovine tuberculosis (tuberculosis) in captive cervidae (singular cervid) -- e.g., deer, elk, moose, caribou, reindeer or musk deer. It also imposes import requirements to prevent the importation of cervidae infected with tuberculosis. It imposes restrictions on intrastate movement of captive cervidae to prevent the possible spread of tuberculosis and prohibits commingling captive cervidae with bovine animals.

Tuberculosis is a serious potential threat to Wisconsin's dairy and livestock industries. The disease is not species specific and may spread from one species to another if a diseased animal comes in contact with another animal. A cervid infected with tuberculosis can spread the disease to other domestic livestock including cattle. Tuberculosis can also be transmitted from animals to humans.

Tuberculosis testing of cervidae

Under this rule, no person may keep a herd of cervidae in this state unless that person reports the existence and location of the herd to the department of agriculture, trade and consumer protection (department). Every captive herd must be made available to the department for tuberculosis testing upon request.

If cervidae are tested for tuberculosis, the test must be conducted by an accredited veterinarian, an employe of the department or an employee of the animal and plant health inspection service of the United States department of agriculture. Any veterinarian who conducts a tuberculosis test on a cervid is required to report the test result to the department within 10 days after obtaining the test result. The veterinarian is required to report a positive reaction to any tuberculosis test immediately by telephone or other rapid means, and must then confirm the report in writing within 10 days.

A test report must be in writing, on a form provided by the department. The report must include the individual identification of the animal tested, and any other information requested by the department. Report forms may only be used for their intended purpose, and a copy of the form must be provided to the animal owner. The only person permitted to sign a tuberculosis test report is a veterinarian.

Any veterinarian who tests a cervid for tuberculosis is required to identify the animal with an official eartag, unless the animal already has an official individual identification. Either an official eartag or a breed association tattoo which uniquely identifies the animal will qualify as an official individual identification. If an official eartag is used, it must be inserted in the animal's right ear.

Handling of tuberculosis reactors

Within 24 hours after a cervid is classified as a tuberculosis reactor, the animal must be identified for destruction by inserting an official reactor eartag, bearing a serial number, in the animal's left ear.

Cervidae classified as a suspect must either be held for 90

days and retested using the comparative cervical test, or sacrificed and necropsied. If the cervid is sacrificed and necropsied, the necropsy must be conducted by, or in the presence of, a state or federal veterinary medical officer. If the cervid is retested, the comparative cervical test must be conducted by a state or federal veterinary medical officer.

The rule prohibits payment of an indemnity for the destruction of any cervid because of tuberculosis if any of the following conditions exist:

1. A reactor is not slaughtered within 15 days after it is identified by a reactor tag, unless the department extends the deadline for slaughter. The deadline for slaughter cannot be extended by more than 15 days.

2. The owner failed to clean and disinfect the premises within 15 days after the reactors were slaughtered, unless the department extended the deadline for cleaning and disinfecting the premises. The deadline for cleaning and disinfecting cannot be extended by more than 15 days.

3. The claim is not accompanied by a report of slaughter certified by a department or federal veterinarian.

The rule limits the amount of indemnity which the state can pay. If the department has recommended depopulation of the herd but agrees to work with the herd owner to try to eradicate the disease by a test and remove method, the department may not pay indemnities which, in the aggregate, exceed the amount of indemnity which would have been paid had the herd been depopulated initially.

Interstate shipment of cervidae

Under current rules animals imported into Wisconsin must be accompanied by a valid interstate health certificate or certificate of veterinary inspection. This rule clarifies that the interstate health certificate requirement applies to all cervidae, and it requires each imported cervid to be assigned an official individual identification number. Under this rule, no person may import a cervid into Wisconsin without reporting the import shipment to the department at least 5 days before the import shipment occurs.

Under this rule, the interstate health certificate accompanying an imported cervid must include a report of negative tuberculosis tests. This must include a negative tuberculosis test on the animal to be imported and on all animals over 6 months of age in the animal's herd of origin. The tests must be conducted using the cervical method, unless the department has authorized another method in writing.

Each imported cervid must be tested within 60 days before the animal enters the state. All animals over 6 months of age in

the imported animal's herd of origin must be tested within 12 months before the animal is imported. The herd of origin is defined to be either the herd into which the animal was born, or the herd in which the animal spent the last 6 months before being imported into Wisconsin.

If any animal in a herd of cervidae has a response to the tuberculosis test, no animal from that herd of origin may be imported into Wisconsin, except to a licensed slaughter establishment for slaughter.

Pre-import tuberculosis testing is not required for animals imported directly to a licensed slaughter establishment for slaughter or for animals less than 6 months of age. If a wild cervid is imported under permit to a zoo, or as circus or menagerie animal, the animal's wild "herd of origin" need not be tested prior to import. However, the department will not issue an import permit for a zoo, circus or menagerie cervid unless the individual cervid tests negative for tuberculosis within 90 days before a permit application is filed.

Intrastate shipment of cervidae

No captive cervid may be moved within this state unless the cervid is accompanied by a certificate of veterinary inspection or an interstate health certificate signed by an accredited veterinarian. The certificate must state that the animal being moved has tested negative for tuberculosis within 90 days prior to the move. Animals are exempt from these requirements if any of the following applies:

1. The animal is shipped directly to a licensed slaughter establishment for slaughter.
2. The animal is moved directly between 2 premises, both of which are owned or operated by the animal owner.
3. The animal is moved directly from one zoo to another zoo.
4. The animal is less than 6 months of age.

RULEMAKING ORDER

SECTION 1. Ag 10.01(15j) is created to read:

Ag 10.01 (15j) "Cervical test" means a test, used in cervidae to detect the presence of bovine tuberculosis, which involves injection of 0.1 ml. (or 5,000 international units) of United States department of agriculture contract PPD Bovis tuberculin in the midcervical region, and which is read by

1 observation and palpation 72 hours after injection, plus or minus
2 6 hours.

3 SECTION 2. Ag 10.01(15m) is created to read:

4 Ag 10.01(15m) "Cervid" is the singular form of the plural
5 "Cervidae". "Cervidae" means members of the family of animals
6 which includes deer, elk, moose, caribou, reindeer and the sub-
7 family musk deer.

8 SECTION 3. Ag 10.01(17m) is created to read:

9 Ag 10.01(17m) "Comparative cervical test" means a
10 tuberculosis test conducted in suspect cervidae by a state or
11 federal veterinary medical officer, who is specifically approved
12 to conduct the test.

13 SECTION 4. Ag 10.01(61m) is created to read:

14 Ag 10.01(61m) "Single cervical test" means a tuberculosis
15 test, used in herds of cervidae with known exposure to
16 mycobacterium bovis, which is conducted using 0.2 ml. (10,000
17 international units) of United States department of agriculture
18 PPD Bovis tuberculin, or 0.1 ml (10000 international units) of
19 special double strength tuberculin.

20 SECTION 5. Ag 10.66 is created to read:

21 Ag 10.66 CERVIDAE; TUBERCULOSIS TESTING. (1) HERD
22 IDENTIFICATION. No person may keep a herd of cervidae in this
23 state unless that person has reported the existence of the herd
24 to the department. The report shall identify the herd location,
25 the number and type of animals in the herd, the name and address
26 of the herd owner, and the name and address of the local herd

1 custodian if other than the owner.

2 (2) AVAILABILITY FOR TESTING. The owner or custodian of
3 each herd of cervidae shall make the herd available to the
4 department for tuberculosis testing upon request.

5 (3) WHO MAY TEST. No person, except the following, may
6 conduct a tuberculosis test on a cervid in this state:

7 (a) An accredited veterinarian.

8 (b) An employe of the department or the federal bureau.

9 (4) VETERINARIAN TO FILE REPORT. A veterinarian who
10 conducts a tuberculosis test on any cervid shall report the test
11 result to the department within 10 days after the veterinarian
12 obtains the test result. A positive reaction to any tuberculosis
13 test shall be reported immediately by telephone or other rapid
14 means, and shall be confirmed by a written report to the
15 department within 10 days.

16 (5) REPORT FORM. A veterinarian shall submit a
17 tuberculosis test report under sub. (4) in writing, on a form
18 provided by the department. The report shall include the
19 official individual identification of the animal tested, and any
20 other information required by the department. Report forms shall
21 be used only for their intended purpose. A copy of each
22 tuberculosis test report shall be provided to the animal owner.
23 No person other than a veterinarian may sign a tuberculosis test
24 report.

25 (6) IDENTIFYING TESTED CERVIDAE. If a veterinarian
26 conducts a tuberculosis test on a cervid which does not yet have

1 an official individual identification, the veterinarian shall
2 identify the animal by inserting an official eartag in the
3 animal's right ear at the time of testing. An official eartag
4 shall conform to the 9-character national uniform eartagging
5 system. A breed association tattoo which uniquely identifies the
6 animal may serve as official individual identification in lieu of
7 an official eartag.

8 (7) CLASSIFICATION OF TESTED CERVIDAE. Each cervid tested
9 for tuberculosis shall be classified either negative, suspect or
10 reactor.

11 (a) A cervid tested by the cervical test shall be classified
12 either negative or suspect. Any response, irrespective of size,
13 detected by palpation or visually will cause the animal to be
14 classified as a suspect.

15 (b) A cervid tested by the comparative cervical test shall
16 be classified either negative or reactor. Any cervid having
17 equal sized avian and bovine responses or predominantly bovine
18 responses shall be classified as a reactor.

19 (c) A cervid tested by the single cervical test shall be
20 classified either negative or reactor. Any response,
21 irrespective of size, detected by palpation or visually will
22 cause the animal to be classified as a reactor.

23 (8) TUBERCULOSIS REACTORS AND SUSPECTS. (a) Within 24 hours
24 after a cervid is classified as a reactor, the cervid shall be
25 identified for destruction by inserting an official reactor
26 eartag, bearing a serial number, in the animal's left ear.

1 (b) Individual cervidae classified as suspect shall be
2 handled in either of the following ways:

3 1. The suspect cervid may be held for 90 days, at which time
4 a comparative cervical test shall be performed by a state or
5 federal veterinary medical officer.

6 2. The suspect cervid may be sacrificed, provided that the
7 animal must receive a complete necropsy by, or in the presence
8 of, a state or federal veterinary medical officer. Tissue
9 samples for histopathological examination and culture shall be
10 collected and submitted to the national veterinary services
11 laboratories, irrespective of whether suspicious tuberculous
12 lesions are found.

13 (c) Every cervid, over 6 months of age, in a herd which
14 includes animals classified as suspect shall be tested for
15 tuberculosis, using the method specified in writing by the
16 department.

17 (9) TUBERCULOSIS INDEMNITY. (a) No indemnity may be paid
18 under s. 95.31, Stats., for tuberculosis in cervidae if any of
19 the conditions under s. 95.36, Stats., apply, or if any of the
20 following conditions apply:

21 1. A reactor is slaughtered more than 15 days after it is
22 identified by a reactor tag as provided in sub (8), unless the
23 department for good cause extends the deadline for slaughter.
24 The deadline for slaughter may not be extended by more than 15
25 days.

26 2. The claimant failed to clean and disinfect the premises

1 within 15 days after the reactors were slaughtered, unless the
2 department, for good cause, extended the deadline for cleaning
3 and disinfecting the premises. The deadline may not be extended
4 by more than 15 days.

5 3. The claim for indemnities is not accompanied by a
6 report of slaughter certified by a department or federal
7 veterinarian.

8 (b) If the department recommends depopulation of a herd of
9 cervidae but agrees to a test and remove program to try to
10 eradicate tuberculosis in the herd, the department shall not pay
11 indemnities in the aggregate which exceed the amount which would
12 have been paid had the herd been depopulated initially.

13 SECTION 6. Ag 11.01 (18j) is created to read:

14 Ag 11.01(18j) "Cervical test" means a test, used in
15 cervidae to detect the presence of bovine tuberculosis, which
16 involves injection of 0.1 ml. (or 5,000 international units) of
17 United States department of agriculture contract PPD Bovis
18 tuberculin in the midcervical region, and which is read by
19 observation and palpation 72 hours after injection, plus or minus
20 6 hours.

21 SECTION 7. Ag 11.01(18m) is created to read:

22 Ag 11.01(18m) "Cervid" is the singular form of the plural
23 "Cervidae". "Cervidae" means members of the family of animals
24 which includes deer, elk, moose, caribou, reindeer and the sub-
25 family musk deer.

26 SECTION 8. Ag 11.01(20m) is created to read:

1 Ag 11.01(20m) "Comparative cervical test" means a
2 tuberculosis test conducted in suspect cervidae by a state or
3 federal veterinary medical officer, who is specifically approved
4 to conduct the test.

5 SECTION 9. Ag 11.01(27) is amended to read:

6 Ag 11.01(27) "Exotic ruminant" means a ruminant not native
7 to Wisconsin. "Exotic ruminant" includes llamas and other
8 camelids, but does not include bovine animals and cervidae.

9 SECTION 10. Ag 11.01 (70m) is created to read:

10 Ag 11.01 (70m) "Single cervical test" means a tuberculosis
11 test, used in herds of cervidae with known exposure to
12 mycobacterium bovis, which is conducted using 0.2 ml. (10,000
13 international units) of United States department of agriculture
14 PPD Bovis tuberculin, or 0.1 ml (10000 international units) of
15 special double strength tuberculin.

16 SECTION 11. Ag 11.01(85) is created to read:

17 Ag 11.01(85) "Zoo" or "zoological park" means any park,
18 building, cage, enclosure, or other structure or premise in which
19 a live animal or animals are kept for public exhibition or
20 viewing, regardless of whether admission or other consideration
21 is paid by the viewer.

22 SECTION 12. Ag 11.02(1)(a)(intro.) is amended to read:

23 Ag 11.02(1)(a)(intro) Identification of each animal covered
24 by the certificate. Official individual identification is
25 required for bovine animals, swine, equine animals, sheep, and
26 goats and cervidae. Official individual identification is not

1 required for any of the following, provided that the certificate
2 clearly identifies the shipment destination and the number of
3 animals included in the shipment:

4 SECTION 13. Ag 11.02(3)(j) is created to read:

5 Ag 11.02(3)(j) Cervidae.

6 SECTION 14. Ag 11.53(2)(cm) is created to read:

7 Ag 11.53(2)(cm) Every cervid shall be tested and found
8 negative on a tuberculosis test conducted within 90 days before a
9 permit application is filed with the department. Notwithstanding
10 s. Ag 11.55(1)(a) and (2), tuberculosis tests are not required
11 for all members of the cervid's herd of origin if the cervid is
12 imported under permit from a native wild population to a zoo or
13 zoological park or as a circus or menagerie animal under this
14 section.

15 SECTION 14. Ag 11.55 is created to read:

16 Ag 11.55 CERVIDAE IMPORT REQUIREMENTS. (1) INTERSTATE HEALTH
17 CERTIFICATE REQUIRED. No person may import a cervid into this
18 state unless the cervid is accompanied by a valid interstate
19 health certificate or certificate of veterinary inspection. The
20 certificate shall comply with s. Ag 11.02, and shall also include
21 the following information:

22 (a) A report of negative tuberculosis tests under sub. (2).

23 (b) The confirmation number assigned by the department
24 under sub. (4).

25 (2) TUBERCULOSIS TESTS. (a) Requirement. Except as provided
26 under par. (d) or s. Ag. 11.53(2)(cm), no person may import a

1 cervid into this state unless both the following conditions are
2 met:

3 1. The cervid tests negative on a tuberculosis test
4 conducted not more than 60 days before the cervid enters this
5 state.

6 2. The cervid comes directly from a herd of origin under
7 par. (c), and all animals over 6 months of age in the herd of
8 origin test negative on a tuberculosis test conducted within 12
9 months before the imported cervid enters this state.

10 (b) Method of testing. Notwithstanding s. Ag 11.01(81), the
11 tuberculosis test required under par. (a) shall be a cervical
12 test, unless the department authorizes another test method in
13 writing.

14 (c) Herd of origin. A herd of origin, for purposes of par.
15 (a)2, means a herd into which the cervid was born, or a herd in
16 which the cervid spent at least the last 6 months before being
17 imported into Wisconsin.

18 (d) Exemptions. Tuberculosis tests are not required under
19 par. (a) for any of the following:

20 1. A cervid imported directly to a licensed slaughter
21 establishment for slaughter.

22 2. A cervid less than 6 months old.

23 (3) ANIMAL FROM SUSPECT HERD MAY NOT BE IMPORTED. If any
24 animal in the herd of origin of any cervid has a response to any
25 tuberculosis test, no cervid from that herd of origin may be
26 imported into this state, except to a licensed slaughter

1 establishment for slaughter.

2 (4) REPORT OF INTENDED IMPORT. No person may import a
3 cervid into this state unless that person reports the proposed
4 import to the department at least 5 days before the cervid is
5 imported. The department shall confirm filing of the report by
6 issuing a confirmation number, which must be included on the
7 certificate issued under sub. (1). Confirmation of the report
8 does not authorize import of the cervid, unless the cervid is
9 accompanied by a health certificate, as required by sub. (1).

10 SECTION 16. Ag 11.56 is created to read:

11 Ag 11.56 KEEPING AND MOVING CERVIDAE WITHIN WISCONSIN. (1)
12 HEALTH CERTIFICATE REQUIRED FOR MOVEMENT. Except as provided
13 under sub. (2), no person may move any cervid between locations
14 in this state unless the cervid is accompanied by a certificate
15 of veterinary inspection or an interstate health certificate
16 signed by an accredited veterinarian. The certificate shall
17 state that the cervid tested negative for tuberculosis within 90
18 days prior to the move, using the cervical test.

19 (2) EXEMPTIONS. Sub. (1) does not apply if any of the
20 following conditions are met:

21 (a) The cervid is shipped directly to a licensed slaughter
22 establishment for slaughter.

23 (b) The cervid is moved directly between 2 premises, both of
24 which are owned or operated by the cervid owner.

25 (c) The cervid is moved directly from a zoo or zoological
26 park to another zoo or zoological park.


1 (d) The cervid is less than 6 months old.

2 (3) COMMINGLING WITH BOVINE ANIMALS PROHIBITED. No person
3 may cause or allow cervidae to commingle with bovine animals on
4 the same premises or in the same building, enclosure or vehicle.
5 Cervidae and bovine animals kept in an outside environment on the
6 same premises are not commingled if direct contact between the
7 species is precluded by double fencing between adjoining pastures
8 for each specie.

9 SECTION 15. EFFECTIVE DATE. The rules contained in this
10 order shall take effect on the first day of the month following
11 publication in the Wisconsin administrative register, as provided
12 in s. 227.22(2) (intro), Stats.

Dated this 10 day of OCTOBER, 1991.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION


Dr. Dennis Carr, DVM
Administrator
Animal Health Division

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