

Chapter ATCP 11

ANIMAL MOVEMENT

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Note: Chapter Ag 11 as it existed in December 31, 1990 was repealed and a new ch. Ag 11 was created effective January 1, 1991; Chapter Ag 11 was renumbered ch. ATCP 11 under s. 13.93 (2m) (b) 1, Stats., Register, April, 1993, No. 478.

Subchapter I — Definitions

ATCP 11.01 Definitions. As used in this chapter:

(1) "Accredited tuberculosis-free herd" means a herd of cattle or goats which is certified as tuberculosis-free by one of the following:

(a) The department under s. ATCP 10.17 or 10.62.

(b) The authorized animal health agency of the state in which the herd is located, under standards comparable to s. ATCP 10.17 or 10.62.

(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.

(3) "Anaplasmosis" means the infectious disease of cattle caused by *Anaplasma marginale*.

(4) "Anaplasmosis-free herd" means a herd of cattle which is certified as anaplasmosis-free by one of the following:

(a) The department under s. ATCP 10.18.

(b) The authorized animal health agency of the state in which the herd is located, under standards comparable to s. ATCP 10.18.

(5) "Anaplasmosis test" means the complement fixation test or other anaplasmosis diagnostic test which is approved by the department and conducted at a laboratory approved by the department or the federal bureau.

(6) "Approved equine quarantine station" means a facility approved by the department under s. ATCP 11.32 to receive equine animals imported from foreign countries in which contagious equine metritis has been reported.

(7) "Approved feed lot" means a feedlot which holds an approved feedlot permit under s. ATCP 11.14.

(8) "Approved veal lot" means a veal lot which holds an approved veal lot permit under s. ATCP 11.13.

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

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

(11) "Bovine animal" means cattle or American bison of any age or sex.

(12) "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.

(13) "Brucellosis test" means:

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- (a) For bovine animals, a blood serum agglutination test, a particle concentration fluorescent immuno assay (PCFIA), or approved supplemental tests conducted according to procedures approved by the department.
- (b) For swine, the swine brucellosis card test, the blood serum agglutination test, or approved supplemental tests conducted according to procedures approved by the department.
- (14) "Bull" means an uncastrated sexually mature male bovine animal.
- (15) "Calf" means a sexually immature bovine animal of either sex.
- (16) "Cattle" means any of the various animals of the domesticated genus *Bos*.
- (17) "Certificate of veterinary inspection" means a written certificate prepared by an accredited veterinarian in compliance with s. ATCP 11.02 (2).
- (18) "Certified brucellosis-free herd" means a herd of cattle or goats which is certified as brucellosis-free by one of the following:
- (a) The department under s. ATCP 10.14 or 10.61.
- (b) The authorized animal health agency in the state where the herd is located, under standards comparable to s. ATCP 10.14 or 10.61.
- (18i) "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 observation and palpation 72 hours after injection, plus or minus 6 hours.
- (18m) "Cervid" is the singular form of the plural "Cervidae". "Cervidae" means members of the family of animals which includes deer, elk, moose, caribou, reindeer and the sub-family musk deer.
- (19) "Commingled" means kept or brought together with other animals in any environment which permits direct physical contact between the animals.
- (20) "Communicable" means transmissible either directly or indirectly.
- (20m) "Comparative cervical test" means a tuberculosis test conducted in suspect cervidae by a state or federal veterinary medical officer, who is specifically approved to conduct the test.
- (21) "Contagious" means spread by contact, body secretions or fomites.
- (22) "Cow" means a female bovine animal after first calving.
- (23) "Department" means the state of Wisconsin department of agriculture, trade and consumer protection.
- (24) "Equine animal" means a horse, mule, zebra, donkey or ass.
- (24p) "Equine infectious anemia," otherwise known as EIA or swamp fever, means the contagious and infectious disease of equine animals caused by a non-oncogenic retrovirus.
- (24q) "Equine infectious anemia test" means a test approved by the department, and conducted at a department laboratory or a laboratory approved by the federal bureau, to determine whether an animal is infected with equine infectious anemia.
- (25) "Equine market" means a market which is open to the public for marketing or trading in equine animals for any purpose.
- (26) "Exotic disease" means any communicable, contagious or infectious disease of livestock or poultry not known to exist in Wisconsin.
- (27) "Exotic ruminant" means a ruminant not indigenous to Wisconsin. "Exotic ruminant" includes llamas and other camelids, but does not include bovine animals and cervidae.
- (28) "Exposed" means subjected to a causative agent which may cause the exposed animal to contract a contagious, infectious or communicable disease.
- (29) "Fair" means a state fair, county or district fair, exhibition, show, exposition, rodeo or trail ride.
- (30) "Federal bureau" means the animal and plant health inspection service of the United States department of agriculture, or any other unit of that department which may be vested with authority to administer federal laws and regulations relating to animal disease control.
- (31) "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 postparturient.
- (b) Spayed heifer.
- (c) Steer.
- (32) "Feeder swine" means swine, excluding boars, weighing less than 175 pounds and kept for the sole purpose of feeding for slaughter.
- (33) "Flock" means one of the following, as the context requires:
- (a) All of the poultry on one farm, except that any group of poultry which has been segregated from other poultry for a period of at least 21 days may, at the discretion of the department, be considered a separate flock.
- (b) Any group of sheep maintained on common ground for any purpose; or 2 or more groups of sheep, under common ownership or supervision, whose members intermingle between groups even if the groups are geographically separated.
- (34) "Foreign disease" means any communicable, contagious or infectious disease of livestock and poultry not known to exist in the United States.

(35) "Hatchery" means premises used to hatch poultry, including buildings, incubators, hatchers and auxiliary equipment.

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

(37) "Herd" means either of the following:

(a) A group of animals maintained on common ground for any purpose.

(b) Two or more groups of animals of the same species, under common ownership or supervision, whose members intermingle between groups even if the groups are geographically separated.

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

(39) "Interstate health certificate" means a written health certificate prepared by an accredited veterinarian in compliance with s. ATCP 11.02 (1).

(40) "Leukosis" means the condition of cattle caused by bovine type C oncovirus manifested by the presence of bovine leukosis virus antibodies, which may result in lymphosarcoma or lymphocytosis.

(41) "Livestock" means farm animals including bovine animals, sheep, goats, swine and horses.

(42) "Livestock dealer" has the meaning specified under s. 95.70 (1) (a), Stats., and includes any person who leases livestock to others.

(43) "Livestock dealer premises" means any location where a livestock dealer keeps, receives or sells livestock, or conducts livestock transactions, and which is owned, leased, or controlled by the livestock dealer.

(44) "Livestock market" has the meaning specified under s. 95.70 (1) (b), Stats.

(45) "Livestock trucker" has the meaning specified under s. 95.70 (1) (c), Stats.

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

(47) "Mastitis" means a contagious and infectious disease of bovine animals, manifested by inflammation of the mammary gland, which is caused by a variety of microorganisms.

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

(49) "Mycoplasmosis" means a disease of poultry caused by *Mycoplasma gallisepticum*.

(50) "National poultry improvement plan" means the national poultry improvement plan established by the federal bureau.

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

(52) "Official back tag" means an identification back tag, approved by the federal bureau, that conforms to the 8-character alpha-numeric national uniform backtagging system.

Note: Examples of official back tags include the official Wisconsin bovine back tag and the official Wisconsin swine back tag.

(53) "Official ear tag" means an identification ear tag, approved by the federal bureau, that conforms to the 9-character alpha-numeric national uniform ear tagging system.

Note: The official ear tag uniquely identifies each individual animal with no duplication of the alpha-numeric identification, regardless of the materials or colors used. Examples of official ear tags include the official Wisconsin identification tag, the official U.S.D.A. Wisconsin vaccination tag, and the official Wisconsin swine ear tag.

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

(a) The animal's official ear tag number.

(b) The animal's breed association tattoo.

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

(d) Other identification approved by the department.

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

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

(57) "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.

(58) "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.

(58m) "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 days.

(59) "Paratuberculosis" means the infectious and communicable disease of domestic ruminants, commonly known as Johne's disease, which is caused by *Mycobacterium paratuberculosis*.

(60) "Paratuberculosis reactor" means a ruminant which has a positive fecal culture for *Mycobacterium paratuberculosis*, or which is positive to any other test approved by the department for identification of paratuberculosis.

(61) "Part 78 market" means a licensed livestock market which is approved by the department and the federal bureau to receive cattle in interstate commerce, pursuant to s. ATCP 11.12 and 9 CFR 78.

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(62) "Part 76 market" means a licensed livestock market which is approved by the department and the federal bureau to receive swine in interstate commerce, pursuant to s. ATCP 11.21 and 9 CFR 76.

(63) "Person" includes any individual, corporation, partnership, association or firm.

(64) "Poultry" means domesticated fowl, including chickens, turkeys, waterfowl, and game birds, except doves and pigeons, which are bred for the primary purpose of producing eggs or meat.

(65) "Pseudorabies" means the contagious, infectious and communicable disease of livestock and other animals which is caused by the pseudorabies herpes virus, and which is also known as Aujeszky's disease, mad itch, or infectious bulbo-paralysis.

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

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

(68) "Qualified pseudorabies negative herd" means a herd of swine which is certified as being pseudorabies negative by one of the following:

(a) The department under s. ATCP 10.30.

(b) The authorized animal health agency in the state where the herd is located, under standards comparable to s. ATCP 10.30.

(69) "Racing animal" means a greyhound or other racing canine, and equine animals which participate in organized races such as county, district, or state fairs, or other organized racing events where cash, points, or awards are given as prizes.

(70) "Reactor" means an animal which has reacted positively in a conclusive diagnostic test for an infectious, contagious or communicable disease.

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

(71) "Slaughtering establishment" means a slaughtering establishment which is subject to licensing by the department, or inspection by the United States department of agriculture. "Slaughtering establishment" includes all premises used in connection with a slaughter operation.

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

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

(74) "State veterinarian" means the administrator of the animal health division of the department, or a veterinarian who is authorized by the administrator to act on his or her behalf.

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

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

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

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

(79) "Test mare" means a mare which is used in determining the disease status of stallions with respect to contagious equine metritis.

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

(81) "Tuberculosis test" means an approved screening test or confirmatory test to determine whether an animal may be infected with tuberculosis. "Tuberculosis test" includes a caudal fold test or a comparative cervical test.

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

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

(a) The department under s. ATCP 10.33.

(b) The authorized animal health agency of the state in which the herd is located, under standards comparable to s. ATCP 10.33.

(84) "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.

(85) "Zoo" or "zoological park" means any park, building, cage, enclosure, or other structure or premise 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.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; emerg. cr. (18j), (18m), (20m) and (70m), eff. 3-18-91; cr. (18j), (18m), (20m), (70m) and (85), am. (27), Register, November, 1991, No. 431, eff. 12-1-91; am. (27), r. and recr. (58), cr. (58m), Register, September, 1993, No. 453, eff. 10-1-93; cr. (24p) and (24q), Register, January, 1994, No. 457, eff. 2-1-94.

Subchapter II — General Provisions

ATCP 11.02 Interstate health certificate; certificate of veterinary inspection. (1) INTERSTATE HEALTH CERTIFICATE. An interstate health certificate is a written certificate, signed by an accredited veterinarian, which is issued to facilitate the movement of animals. An interstate health certificate contains health information related to one or more animals which are specifically identified on the certificate. An interstate health certificate issued under this chapter shall include all of the following:

(a) Identification of each animal covered by the certificate. Official individual identification is required for bovine animals, swine, equine animals, sheep, goats and cervidae. Official individual identification is not required for any of the following, provided that the certificate

clearly identifies the shipment destination and the number of animals included in the shipment:

- 1. Poultry.
- 2. Veal calves or steers originating from a brucellosis-free or class A state.
 - (b) The species, breed, sex and age of the animal.
 - (c) The name and address of the person shipping the animal, and the location from which the animal is shipped.

(d) The name and address of the person receiving the animal, and the location at which the animal will be received.

(e) Any specific health information, including information related to herd of origin, vaccination status or diagnostic test results, which is required for the import or movement of the animal under this chapter.

(f) Other information required by this chapter.



swine, all breeding swine in the herd shall be tested. In herds with more than 10 but no more than 35 breeding swine, the sample group shall include at least 10 breeding swine. In herds with 36 or more breeding swine, the sample group shall include at least 30 breeding swine or 30% of the breeding swine, whichever is less.

(8) GARBAGE-FED SWINE; IMPORT PROHIBITED. Swine which have fed on raw commercial garbage may not be imported into this state for slaughter or any other purpose. Swine which have fed on cooked commercial garbage may not be imported into this state except under a special import permit under s. ATCP 11.03.

(9) LABORATORY IMPORT PERMIT. (a) The department may issue a permit to a laboratory operator, authorizing the import of micro pigs directly to the laboratory if all of the following conditions are met:

1. The laboratory is engaged in bona fide scientific research, studies or tests involving the micro pigs.
2. The micro pigs are imported to the laboratory in a closed, biologically controlled environment which keeps the pigs biologically isolated from other swine.
3. While in the laboratory, the micro pigs are confined so that they are biologically isolated from other swine.
4. The laboratory operator euthanizes all of the micro pigs at the end of the study, test or experiment, and disposes of all carcasses in a manner which prevents biological exposure to other swine.

(b) If the laboratory operator contracts with any other person to import micro pigs to the laboratory, the laboratory operator shall ensure that import requirements under par. (a) are met.

(c) An applicant for a permit under par. (a) shall submit a written application to the department. The department shall grant or deny a permit application within 20 business days after it receives a complete application.

(d) An import permit remains in effect until suspended or revoked by the department. A permit is not transferable to another laboratory operator or location.

(e) The department may inspect laboratory facilities and records to ensure compliance with permit conditions.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; cr. (1) (b) (3), (2) (b) 6, (3) (b) 4 and 5, (4) (b) 3, (5) (b) 4 and (9), Register, September, 1993, No. 453, eff. 10-1-93.

ATCP 11.21 Part 76 market. (1) APPROVAL REQUIRED. No swine market operator may receive interstate shipments of swine as a part 76 market unless the market is specifically approved by the department and the federal bureau as a part 76 market, and is operated in compliance with 9 CFR 76.

Note: This section does not require every swine market operator to operate as a part 76 market. However, under s. ATCP 11.20, swine imported to a part 76 market are exempt from certain import restrictions and pre-import testing requirements until they leave the part 76 market. These exemptions do not apply unless the receiving market is specifically approved as a part 76 market. Regardless of whether a swine market is approved as a part 76 market, it must be licensed by the department under s. 95.70, Stats., and s. ATCP 12.02.

(2) REMOVING IMPORTED SWINE FROM PART 76 MARKET; GENERAL. No person may remove any imported swine

from a part 76 market to any other location in this state unless all applicable import requirements under s. ATCP 11.20 are met. Moving any swine from a part 76 market to any other location in this state constitutes importation of that swine for purposes of s. ATCP 11.20. A part 76 market operator is responsible for ensuring that all applicable import requirements under s. ATCP 11.20 are met before any swine is released from the market.

(3) REMOVING IMPORTED FEEDER SWINE FROM PART 76 MARKET. No imported feeder swine may be removed from a part 76 market except to a licensed slaughter establishment for slaughter, or to a farm to finish feeding prior to slaughter. Swine which are commingled with imported feeder swine at a part 76 market are also considered imported feeder swine under this subsection.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

ATCP 11.22 Slaughter swine identification. (1) BACK TAG REQUIRED. Except as provided under sub. (3), if a livestock trucker, livestock market operator, stockyard operator or slaughtering establishment operator receives any sow, boar or stag for slaughter, or for sale or shipment to slaughter, that person shall identify the swine with an official backtag at the time of receipt and make a corresponding record of the identification under sub. (2). The backtag shall be affixed to the swine between the ear and the shoulder, below the topline. If a sow, boar or stag is already backtagged at the time of receipt, the person receiving the swine shall record the backtag number and other information required under sub. (2).

(2) RECORDKEEPING. (a) Every person who is required to backtag swine or keep records of swine receipts under sub. (1) shall record the following information:

1. The number of the official backtag applied to each sow, boar or stag. If a sow, boar or stag is already backtagged at the time of receipt, the person receiving the swine under sub. (1) shall record that official backtag number.
2. The date on which each sow, boar or stag was received and identified under this section.
3. The name and address of the person from whom the sow, boar or stag was received.
4. The class of sow, boar or stag received.

(b) Records under par. (a) shall be held for a period of 2 years and shall be made available to the department for inspection and copying upon request.

(3) LOW-VOLUME SLAUGHTER ESTABLISHMENTS; EXEMPTION. The department may, by written notice, exempt a slaughtering establishment from the backtagging requirement under sub. (1) if all of the following conditions are met:

- (a) The slaughtering establishment receives all of its swine directly from producers.
- (b) The slaughtering establishment can identify the herd of origin of every swine slaughtered, whether or not the swine are individually identified upon receipt.

(c) The slaughtering establishment slaughters not more than 100 swine per day for not more than 5 days per week.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

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ATCP 11.23 Swine; intrastate movement. (1) BRUCELLOSIS TEST. (a) *Requirement.* Except as provided under par. (b), no person may move within this state any boar over 5 months old intended for breeding, unless the boar tests negative on a brucellosis test conducted not more than 30 days prior to the intrastate movement and the boar is accompanied by a report of the test.

(b) *Exemptions.* A pre-movement brucellosis test is not required under par. (a) for any of the following:

1. A boar originating from a validated brucellosis-free herd.
2. A boar moved directly to a licensed slaughter establishment for slaughter.
3. A boar moved to the premises of a livestock dealer or livestock market if the dealer or market operator complies with the testing requirement under par. (a) before the boar is moved from those premises.
4. A boar moved between 2 premises, both of which are owned or operated by the owner of the boar.

(2) PSEUDORABIES TEST. (a) *Requirement.* Except as provided under par. (b), no person may move within this state any of the following swine, unless the swine tests negative on a pseudorabies test conducted not more than 30 days prior to the intrastate movement and the swine is accompanied by a report of the test:

1. A sow or boar intended for breeding, if the sow or boar is more than 5 months old or weighs more than 175 pounds.
2. Any swine moved to a swine growth performance test station.
3. Any swine removed from a swine growth performance test station, unless removed under written authorization from the department.
4. Any swine weighing more than 100 pounds which originates from a high pseudorabies incidence area, as determined by the department, if the department has notified the herd owner of its determination in writing.

(b) *Exemptions.* A pre-movement pseudorabies test is not required under par. (a) for any of the following:

1. A sow or boar under par. (a) 1, or any swine under par. (a) 2, originating from a qualified pseudorabies negative herd.
2. A swine moved directly to a licensed slaughter establishment for slaughter.
3. A swine moved to the premises of a livestock dealer or livestock market if the dealer or market operator complies with the testing requirement under par. (a) before the swine is moved from those premises.
4. A sow or boar under par. (a) 1 moved between 2 premises, both of which are owned or operated by the owner of the sow or boar.

(c) *Test reports.* If a pseudorabies test is required for any swine under this subsection, a report of the test shall accompany the swine when it is moved. 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 2 years, and make them available to the department for inspection and copying upon request.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1) (a) and (2) (a) (intro.), Register, September, 1993, No. 453, eff. 10-1-93.

Subchapter V — Equine Animals

ATCP 11.30 Equine animals; import. (1) INTERSTATE HEALTH CERTIFICATE. (a) *Requirement.* Except as provided under par. (b), no person may import any equine animal into this state unless the animal is accompanied by a valid interstate health certificate or certificate of veterinary inspection issued not more than 30 days before the animal enters this state. The certificate shall comply with applicable requirements under s. ATCP 11.02, and shall also include the following information:

1. Official individual identification of the equine animal.
2. A report of a negative test for equine infectious anemia conducted not more than 6 months before the animal enters this state, unless the animal is exempt from testing under sub. (2).

(b) *Exemptions.* Neither an interstate health certificate nor a certificate of veterinary inspection is required under par. (a) for any of the following:

1. An equine animal imported directly to a licensed equine slaughter establishment for slaughter.
2. An equine animal imported directly to an equine market that holds a permit under s. ATCP 11.31 (1) if, pursuant to a prior written agreement between the importer and the equine market operator under s. ATCP 11.31 (2), the equine animal is received at the equine market solely for sale and direct shipment to slaughter.
3. An equine animal imported directly to a veterinary facility for treatment, provided that the importer notifies the department before the animal enters this state and the animal returns to the place of origin immediately after treatment.

(2) EQUINE INFECTIOUS ANEMIA; TEST. (a) *Requirement.* Except as provided under par. (b), no person may import any equine animal into this state unless the animal tests negative on an equine infectious anemia test conducted not more than 6 months before the animal enters this state.

(b) *Exemptions.* A pre-import test is not required under par. (a) for either of the following:

1. A nursing foal accompanying its dam.
2. An animal imported directly to an equine market that holds a permit under s. ATCP 11.31 (1), provided that the equine market operator complies with s. ATCP 11.31 (3).

(3) MARES OR STALLIONS IMPORTED FROM FOREIGN COUNTRIES; CONTAGIOUS EQUINE METRITIS. No mare or stallion may be imported into this state from a foreign country in which contagious equine metritis has been reported unless the mare or stallion is imported directly to an approved equine quarantine station in compliance with s. ATCP 11.32 (1).

(4) CIRCUS, RODEO, RACING AND MENAGERIE ANIMALS; IMPORT. No equine animal which is a circus, rodeo, racing or menagerie animal may be imported into this state without an import permit from the department, as provided under s. ATCP 11.53.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1) (a) (intro), 2. and (2) (a), Register, January, 1994, No. 457, eff. 2-1-94.

ATCP 11.31 Equine markets. (1) PERMIT REQUIRED. No person may operate an equine market, other than a licensed livestock market, without a permit from the department. Application for a permit shall be made on a form provided by the department, and shall include all relevant information requested by the department. The department shall grant or deny an application within 30 days after it receives a complete application.

(2) RECEIPT OF IMPORTED EQUINE ANIMAL. Except as provided under s. ATCP 11.30 (1) (b), no equine market may receive an equine animal imported from outside this state unless the equine animal is accompanied by a valid interstate health certificate or certificate of veterinary inspection. If an equine animal is received solely for sale and direct shipment to slaughter, pursuant to a prior written agreement between the importer and the equine market operator under s. ATCP 11.30 (1) (b) 2, the written agreement shall identify the animal and the date of receipt by the market operator. Slaughter animals shall be kept separate from all other equine animals at an equine market, and shall be shipped directly to a licensed equine slaughtering establishment for slaughter within 10 days after they are received at the equine market.

(3) TESTING FOR EQUINE INFECTIOUS ANEMIA. If an imported equine animal is not accompanied by a report of a negative test for equine infectious anemia under s. ATCP 11.30 (2), the imported equine animal shall be bled for an equine infectious anemia test within 48 hours after the animal is received at the equine market. The blood samples shall be tested in compliance with s. ATCP 11.30 (2). The imported equine animal may not be removed from the equine market, or commingled with any other equine animal at the equine market, until it tests negative for equine infectious anemia. This paragraph does not apply to a nursing foal accompanying its dam, or an equine animal which is received for slaughter in compliance with sub. (2).

(4) IMPORTED EQUINE ANIMALS WHICH TEST POSITIVE FOR EQUINE INFECTIOUS ANEMIA. An imported equine animal which tests positive for equine infectious anemia shall be:

(a) Destroyed on the premises within 10 days after the test results become known; or

(b) Branded under department supervision with a distinctive brand approved by the department, and shipped directly to an approved slaughtering establishment for slaughter within 10 days after the test results become known.

(5) RECORDKEEPING. (a) The operator of an equine market shall keep complete and accurate records, including:

1. A record of every equine animal received at the market, and the disposition of that animal.

2. All certificates of veterinary inspection and interstate health certificates.

3. All test results.

4. All written agreements under sub. (2).

(b) Records under par. (a) shall be retained for at least 2 years, and shall be made available for inspection and copying by the department upon request.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

ATCP 11.32 Equine quarantine station. (1) STALLIONS OR MARES IMPORTED FROM FOREIGN COUNTRIES; RECEIPT AT APPROVED EQUINE QUARANTINE STATION. (a) No person may receive in this state any stallion or mare which is imported from a foreign country in which contagious equine metritis has been reported unless both of the following requirements are met:

1. The stallion or mare is imported directly to an approved equine quarantine station in a sealed vehicle. The vehicle shall be sealed at a federally approved quarantine station by a federally approved agent. The vehicle seal shall not be removed except by an authorized employe or agent of the department at the approved equine quarantine station.

2. The department authorizes the import shipment in advance, and the written authorization accompanies the import shipment.

(b) All equine animals, including test mares, which are received at an approved equine quarantine station shall be identified with a permanent individual identification of a type approved by the department.

(2) QUARANTINE; RELEASE. An imported stallion or mare received at an approved equine quarantine station under sub. (1) is automatically quarantined until the quarantine is released by the department in writing. A quarantined equine animal may not be removed from the quarantine station premises, or allowed in contact with other equine animals on the premises. Contact between a quarantined equine animal and a test mare is permitted, but only pursuant to a written agreement with the department under sub. (5). A test mare which has been in contact with an imported quarantined stallion is also quarantined until the quarantine is released by the department in writing.

(3) APPROVED EQUINE QUARANTINE STATION; PERMIT. No person may operate an approved equine quarantine station without an annual permit from the department. A permit expires on June 30 of each year. Application for a permit shall be made on a form prescribed by the department. The department shall grant or deny a permit application within 90 days after it receives a complete application. Every application shall include:

(a) The name and mailing address of the applicant, and any trade or business name to be used by the applicant.

(b) A statement indicating whether the applicant is an individual, partnership, corporation, cooperative, or other business association or entity.

(c) The location of the equine quarantine station, specified by county, township and section.

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(d) The name and address of the accredited veterinarian who will perform all identification, handling, testing and treatment of equine animals at the approved equine quarantine station under procedures or protocols established by the department.

(e) Other relevant information required by the department.

(4) **CONSTRUCTION REQUIREMENTS; SANITARY OPERATION.** Approved equine quarantine stations shall be constructed and maintained to prevent contact between quarantined equine animals and any other equine animals on the premises, including test mares. An approved equine quarantine station shall be maintained in a clean and sanitary manner.

(5) **TESTING AND TREATMENT PROCEDURES; WRITTEN AGREEMENT.** Before any permit is issued for the operation of an approved equine quarantine station, the station operator and the accredited veterinarian designated under sub. (3) (d) shall enter into a written agreement with the department establishing procedures and protocols to be followed in the identification, handling, testing and treatment of equine animals quarantined at the station. The approved equine quarantine station shall be operated in compliance with the agreed procedures and protocols. Procedures and protocols shall be performed by the designated veterinarian except as otherwise authorized by the department.

(6) **RECORDKEEPING.** (a) The operator of an approved equine quarantine station shall keep complete and accurate records, including:

1. The identification, date of arrival, and date of removal of each imported equine animal received at the quarantine station.

2. The name and address of the owner of each equine animal received at the quarantine station, correlated with a specific identification of the equine animal.

3. A complete record of the procedures and protocols followed in conjunction with the identification, handling, testing and treatment of each imported equine animal.

(b) Records under par. (a) shall be retained for at least 2 years, and shall be made available for inspection and copying by the department upon request.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

ATCP 11.33 Movement sale or transfer of animals infected with equine infectious anemia. No person may knowingly move or transfer custody of an animal that has tested positive for equine infectious anemia, or that is subject to a quarantine under s. ATCP 10.41, without first obtaining a permit from the department. The department shall grant or deny a permit application within 5 days after the department receives a complete application in writing.

History: Cr. Register, January, 1994, No. 457, eff. 2-1-94.

ATCP 11.34 Sale or transfer of ownership of equine animals. (1) **TEST REQUIRED.** Except as provided under sub. (2), no person may sell or transfer ownership of any equine animal in this state unless the animal was tested for equine infectious anemia not more than 6 months before the Register, January, 1994, No. 457

animal is sold. If the equine animal tested positive, the person selling or transferring ownership of the equine animal must obtain a permit under s. ATCP 11.33 prior to the sale.

(2) **EXEMPTIONS.** A pre-sale or pre-transfer test is not required under sub. (1) for either of the following:

(a) A nursing foal accompanying its dam.

(b) An equine animal sold directly to an equine market or consigned to a livestock market for sale directly to slaughter, provided that if the equine is not sold to slaughter, the equine shall be tested prior to movement out of the market.

History: Cr. Register, January, 1994, No. 457, eff. 2-1-94.

Subchapter VI — Poultry

ATCP 11.40 Poultry Imports. (1) **IMPORT REQUIREMENTS.**

(a) No poultry or poultry eggs may be imported into this state unless they originate from flocks which are classified as "U.S. pullorum-typhoid clean" as provided in the national poultry improvement plan.

(b) Turkey poults less than 2 weeks of age may not be imported into this state unless they originate directly from hatcheries which hatch no eggs other than turkey eggs. Started poultry other than turkey poults may be imported if they originate from hatcheries which hatch no turkey eggs. Hatcheries shall comply with sanitation practices prescribed by the state of origin.

(c) All poultry, started poultry and poultry eggs for hatching imported into this state shall be accompanied by a certificate signed by the chief livestock official of the state of origin certifying that the poultry, started poultry or poultry eggs originate from flocks or hatcheries which comply with this section and s. ATCP 10.50, or an equivalent mandatory or voluntary program of the state of origin. Under a reciprocal agreement with a state having an equivalent voluntary or mandatory poultry disease control program, the department may approve alternative methods of certifying poultry and poultry eggs imported into this state.

(d) This subsection does not apply to poultry imported into this state which are consigned directly to a slaughtering establishment for immediate slaughter.

(2) **EXHIBITION.** No poultry except waterfowl may be exhibited at a fair or public exhibition unless the poultry comply with requirements under s. ATCP 11.62 (4).

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Subchapter VII — Other Animals

ATCP 11.50 Sheep Imports. No person may import a sheep into this state for any purpose except immediate slaughter unless the sheep is accompanied by a valid interstate health certificate or certificate of veterinary inspection. The certificate shall comply with s. ATCP 11.02, and shall state that the sheep originates from a flock which is free of foot rot and all other contagious and infectious diseases. No flock inspection is required for feeder lambs.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

ATCP 11.51 Goat imports. No person may import a goat into this state unless the goat is accompanied by a valid interstate health certificate or certificate of veterinary inspection which complies with s. ATCP 11.02.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

ATCP 11.52 Dogs and domestic cats; imports. No person may import any dog or domestic cat into this state unless it is accompanied by a valid interstate health certificate or certificate of veterinary inspection. The certificate shall comply with s. ATCP 11.02, and shall indicate whether the dog or cat has been vaccinated for rabies by a licensed veterinarian, the date of the last vaccination, and the date on which the dog or cat is due for revaccination or repeat vaccination. If the dog or cat has not been vaccinated by a licensed veterinarian, or if the dog or cat is due for revaccination or repeat vaccination when it enters this state, the owner shall have the dog or domestic cat vaccinated by a licensed veterinarian within 30 days after the dog or cat enters this state, or within 30 days after the dog or domestic cat reaches 4 months of age, whichever occurs later. Vaccinations shall comply with age and time standards and label instructions approved by the federal bureau for the type of vaccine used.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. Register, September, 1993, No. 453, eff. 10-1-93.

ATCP 11.53 Circus, rodeo, racing and menagerie animals; importation. (1) PERMIT REQUIRED. Except as provided under sub. (3), no person may import any circus, rodeo, racing, or menagerie animal into this state without an import permit from the department. A permit application shall be made on a form prescribed by the department, and shall include all relevant information required by the department. The department shall grant or deny a permit application within 20 business days after it receives a complete application. An import permit is valid for not more than 180 days.

(2) PERMIT CONDITIONS. A permit under sub. (1) is subject to the following conditions:

(a) Every animal shall be accompanied by a valid interstate health certificate or certificate of veterinary inspection. The certificate shall comply with s. ATCP 11.02, and shall contain the number of the import permit issued by the department under sub. (1).

(b) Every bovine animal shall have a negative brucellosis test conducted within 30 days prior to entry. The exemptions under s. ATCP 11.11 (3) (b) do not apply to circus, rodeo or menagerie animals.

(c) Every equine animal shall be tested and found negative for equine infectious anemia within 180 days before a permit application is filed with the department.

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

(d) All animals shall be isolated from noncircus, nonrodeo, and nonmenagerie 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.

(e) The importer shall notify the department of the locations at which animals will be exhibited in this state, and the dates when exhibition will occur. Notice shall be filed with the department within 15 days before the animals enter this state. This paragraph does not apply to racing animals or competitive pulling animals.

(3) Notwithstanding sub. (1), no import permit is required for greyhounds imported into this state for racing purposes, provided that the importer complies with s. ATCP 11.52.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; emerg. cr. (2) (cm), eff. 3-18-91; cr. (2) (cm), Register, November, 1991, No. 431, eff. 12-1-91; am. (1), cr. (3), Register, September, 1993, No. 453, eff. 10-1-93.

ATCP 11.54 Llamas and exotic ruminants; import. (1) HEALTH CERTIFICATE. No person may import a llama or other exotic ruminant into this state unless the ruminant is accompanied by a valid interstate health certificate of veterinary inspection. The certificate shall comply with s. ATCP 11.02, and shall contain the number of the import permit assigned by the department under sub. (2).

(2) IMPORT PERMIT. No person may import a llama or other exotic ruminant into this state without an import permit from the department. A permit application shall be made on a form prescribed by the department, and shall include all relevant information required by the department. The department shall grant or deny a permit application within 10 days after it receives a complete application.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

ATCP 11.55 Cervidae import requirements. (1) INTERSTATE HEALTH CERTIFICATE REQUIRED. No person may import a cervid into this state unless the cervid is accompanied by a valid interstate health certificate or certificate of veterinary inspection. The certificate shall comply with s. ATCP 11.02, and shall also include the following information:

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

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

(c) A report of a negative brucellosis test conducted not more than 30 days before the cervid enters this state.

(2) TUBERCULOSIS TESTS. (a) Requirement. Except as provided under par. (d) or s. ATCP 11.53 (2) (cm), no person may import a cervid into this state unless both the following conditions are met:

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

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

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

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

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

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

2. A cervid less than 6 months old.

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

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

History: Emerg. cr. eff. 3-18-91; cr. Register, November, 1991, No. 431, eff. 12-1-91; cr. (1) (c), Register, September, 1993, No. 453, eff. 10-1-93.

ATCP 11.56 Keeping and moving cervidae within Wisconsin. (1) **HEALTH CERTIFICATE REQUIRED FOR MOVEMENT.** Except as provided under sub. (2), no person may move any cervid between locations in 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 shall state that the cervid tested negative for tuberculosis within 90 days prior to the move, using the cervical test.

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

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

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

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

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

(e) The cervid is moved directly to an isolation and testing facility, provided that both the following conditions are met:

1. The isolation and testing facility is approved by the department. To obtain approval for an isolation and testing facility, the facility operator shall file a written application with the department. The department may inspect the facility to determine whether it provides secure isolation, and is otherwise adequate to serve as an isolation and

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testing facility. The department shall grant or deny an application for facility approval within 30 days after the department receives a complete application.

2. The cervid does not leave the approved isolation and testing facility until the cervid has tested negative for tuberculosis, or until the department issues a permit for movement under s. ATCP 11.60 (4).

(f) The cervid is a member of the species *odocoileus virginianus* (white-tailed deer), provided that the cervid has not commingled with cervidae of any other species during the 12 months preceding the intrastate movement.

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

History: Emerg. cr. eff. 3-18-91; cr. Register, November, 1991, No. 431, eff. 12-1-91; cr. (2) (e) and (f), am. (3), Register, September, 1993, No. 453, eff. 10-1-93.

Subchapter VIII — Movement and Exhibition

ATCP 11.60 Sale or movement of 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 which may cause the disease to spread to an animal owned by another person.

(2) **PARATUBERCULOSIS; SALE OR MOVEMENT OF INFECTED ANIMALS PROHIBITED.** Except as provided under sub. (4), no person may sell or move any animal which is infected with paratuberculosis, as determined by a fecal culture or by a department epidemiologist.

Note: This subsection does not prohibit the sale of an animal from a herd in which paratuberculosis has been detected, provided that the animal is not individually infected. However, all sales are subject to the prohibitions under sub. (1). In each contract for the sale of an animal, there is an implied warranty under s. 95.195, Stats., that the animal is not infected with paratuberculosis, unless the seller does one of the following:

1. Notifies the buyer in writing before the sale that the animal is not warranted as being uninfected with paratuberculosis.

2. Complies with paratuberculosis testing and disclosure requirements prescribed by department rule.

(3) **OTHER DISEASES; SALE OR MOVEMENT OF INFECTED OR EXPOSED ANIMALS PROHIBITED.** Except as provided under sub. (4), no person may sell or move any animal which is infected with or exposed to any of the following contagious or infectious diseases, or which the department

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

- (a) Anaplasmosis.
- (b) Anthrax.
- (c) Brucellosis.
- (d) Equine encephalomyelitis.
- (e) Foot and mouth disease.
- (f) Hog cholera.
- (g) Infectious stomatitis.
- (h) Mycoplasma gallisepticum.
- (i) Pseudorabies.
- (j) Psoroptic mange.
- (k) Pullorum.
- (l) Rabies.
- (m) Salmonellosis in poultry.
- (n) Sheep foot rot.
- (o) Swine dysentery.
- (p) Tuberculosis.
- (q) Vesicular exanthema.

Note: Animals infected with or exposed to other contagious or infectious diseases, not listed under this subsection, may be quarantined at the discretion of the department under s. ATCP 11.70. Animals infected with or exposed to equine infectious anemia are subject to quarantine under s. ATCP 10.41.

(4) PERMIT TO MOVE. The department may issue a permit allowing the movement of animals under sub. (3) or (4) for slaughter or other purposes prescribed by the department in the permit. Movement of animals is subject to all terms and conditions prescribed by the department 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.

(5) BRUCELLOSIS EXPOSED ANIMALS. (a) Except as provided under par. (c), a bovine animal shall be branded with the letter "S" on the left jaw prior to movement if any of the following applies:

1. The animal is part of a herd quarantined for brucellosis.
2. The animal has been in contact for 24 hours or longer with a brucellosis reactor.
3. The animal has had any contact with a brucellosis reactor if the reactor has aborted or calved within the past 30 days and has had a vaginal or uterine discharge.

(b) The "S" brand under par. (a) may not be less than 2 inches nor more than 3 inches high.

(c) This subsection does not apply to a brucellosis reactor branded in compliance with s. ATCP 11.10 (3) (b).

(6) TUBERCULOSIS REACTORS. Tuberculosis reactors shall be shipped directly to slaughter, pursuant to a per-

mit under sub. (4). The permit shall specify the place of slaughter.

(7) REPORT OF SLAUGHTER. An operator of a slaughtering establishment which receives an animal for slaughter under sub. (4) shall report to the department the description and results of any post-mortem examination of the animal. The report shall be filed within 7 days after the animal is received at the slaughtering establishment.

(8) PSEUDORABIES EXPOSED ANIMALS. (a) Swine that are infected with pseudorabies, or that are part of a herd under quarantine for pseudorabies, shall be held separate and apart from all other swine until slaughtered. A swine which comes in contact with infected swine or with swine from a quarantine herd shall be classified as "exposed" and may move only for slaughter, unless otherwise determined in writing by the department.

(b) Pseudorabies quarantined or exposed swine may not be moved except under a department permit which specifies the herd of origin and the place of destination. A separate permit shall accompany each movement until the animals are slaughtered. The department shall notify persons affected by the movement, as provided under s. ATCP 10.31 (6).

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (3) (intro.), Register, September, 1993, No. 453, eff. 10-1-93; r. (3) (e), renum. (3) (f) to (r) to be (3) (e) to (q), Register, January, 1994, No. 457, eff. 2-1-94.

ATCP 11.61 Removal of livestock from slaughtering establishments. 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.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

ATCP 11.62 Exhibitions and fairs. **(1) VETERINARIAN TO INSPECT LIVESTOCK.** If a fair or livestock exhibition in this state lasts for more than 24 hours, the sponsors of the fair or exhibition shall appoint a licensed veterinarian to conduct a daily inspection of all livestock at the fair or exhibition. The veterinarian shall also review all records and test results required by this section. If a fair or livestock exhibition lasts less than 24 hours, all records and test results required by this section shall be reviewed by a licensed veterinarian or by the show chairperson.

(2) SWINE. (a) No person may exhibit any swine at a fair or livestock exhibition unless the swine are accompanied by a certificate of veterinary inspection or an interstate health certificate signed by an accredited veterinarian. The certificate shall state that the herd of origin has been inspected on the farm and that no apparent disease has been present in the herd for the past 30 days.

(b) No person may exhibit any breeding swine at a fair or livestock exhibition unless the swine tests negative for pseudorabies in a pseudorabies test performed within 30 days prior to exhibition, or the swine originates from a qualified pseudorabies negative herd or a qualified pseudorabies negative grow-out herd in this state.

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(c) No person may exhibit any non-breeding swine at a fair or livestock exhibition unless at least 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 arrives, and the non-breeding swine is shipped directly from the fair or exhibition to a slaughtering establishment for slaughter.

2. The non-breeding swine tests negative for pseudorabies in a test performed within 30 days before the swine is exhibited.

3. The non-breeding swine originate from a qualified pseudorabies negative herd or a qualified negative pseudorabies grow-out herd in this state.

(3) **BOVINE ANIMALS.** (a) *Brucellosis test.* No person may exhibit any bovine animal at a fair or livestock exhibition unless it is accompanied by a report of a complete negative brucellosis test conducted within 90 days before the animal arrives at the fair or exhibition. This does not apply to:

1. Steers.

2. Male calves under 6 months of age, or female calves under the maximum age for vaccination for brucellosis.

3. Official vaccinates under 20 months of age if accompanied by an official vaccination report.

4. An animal which is documented as being a member of a certified brucellosis free herd.

Note: Bovine animals imported to this state for exhibition at a fair or livestock exhibition must also comply with applicable import requirements under s. ATCP 11.11. Bovine animals moved within this state must comply with applicable brucellosis testing requirements under s. ATCP 11.16.

(b) *Parasites and warts.* Bovine animals infected with mange, scab, ringworm or warts may not be exhibited at any fair or livestock exhibition. Animals found to be infected, or showing evidence of infection with mange, scabies, ringworm or warts after arrival at a fair or livestock exhibition shall be isolated from other animals susceptible to the disease, and shall be removed from the premises. This paragraph does not apply to animals showing evidence of ringworm or wart infection if, in the opinion of the veterinarian in charge of the fair or exhibition, the lesion or wart is inactive and not capable of transmitting the disease.

(4) **POULTRY.** No poultry, except waterfowl, may be exhibited at a fair or public exhibition unless one of the following applies:

(a) The poultry originate from a flock or state designated as "U.S. Pullorum-Typhoid Clean" under the national poultry improvement plan, or from a flock meeting equivalent standards.

(b) The poultry test negative for pullorum-typhoid on a test approved by the department within 90 days before the poultry arrive at the fair or exhibition. Testing is required only for sexually mature birds over 4 months of age. Turkeys may be tested for exhibition or fairs by the use of the negative plate test.

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(5) **HEALTH RECORDS.** Every person who exhibits livestock or poultry at a fair or exhibition in this state shall make available for inspection by the department, at the fair or exhibition, copies of all required health certificates and test reports. Copies of these documents may be filed with the show chairman or attending veterinarian, who shall ensure that the documents are available for inspection by the department.

(6) **EQUINE ANIMALS.** (a) No person may exhibit any equine animal at a fair or livestock exhibition unless the equine animal tests negative on an equine infectious anemia test within 6 months before being moved to the fair or livestock exhibition.

(b) The sponsors of a fair or livestock exhibition shall record the name and address of every person who owns an equine animal exhibited at the fair or exhibition. The sponsors shall keep the record for at least 2 years, and shall make it available to the department for inspection and copying upon request.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (2) (b), (c) (intro.), (3) (a) 2 and (4) (b), cr. (2) (c) 3, Register, September, 1993, No. 453, eff. 10-1-93; cr. (6), Register, January, 1994, No. 457, eff. 2-1-94.

Subchapter IX — Enforcement

ATCP 11.70 Quarantines. (1) **SUMMARY ACTION.** The department may summarily issue quarantine orders to control contagious, infectious or communicable diseases which may affect domestic or exotic animals in this state. No person may move any animal in violation of a quarantine order, or fail to comply with the terms and conditions of a quarantine order.

(2) **SERVICE OF NOTICE.** A quarantine order under this section 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 of a quarantine order may be proved by affidavit or by certified mail return receipt.

(4) **CONTENTS OF ORDER.** A quarantine order 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. A quarantine remains in effect until a written notice of release is issued by the department, unless the quarantine is set aside after review under sub. (6).

(6) REVIEW OF QUARANTINE. A person adversely affected by a quarantine may, within 30 days after the quarantine order is issued, 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 before the department under ch. 227, Stats. A request for hearing does not stay a quarantine order.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

ATCP 11.71 Destruction or removal of animals illegally imported. **(1) SUMMARY ACTION.** The department may summarily order the destruction or removal from this state of any animal imported into this state if either of the following applies:

(a) The owner or custodian of the animal fails to produce a valid certificate of veterinary inspection or an interstate health certificate, if a certificate is required under this chapter.

(b) The animal is imported in violation of this chapter, or in violation of any permit condition under this chapter.

(2) SERVICE OF NOTICE. An order under sub. (1) shall be served upon a person having custody or control of the animal affected by the order. The order may be served in person or by certified mail. Service may be provided 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.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

ATCP 11.72 Prohibited conduct. No persons may:

(1) Knowingly make any false report or statement to the department concerning:

(a) The ownership, identification, age, vaccination status, test status, or health status of livestock; or

(b) The purchase, sale or movement of livestock.

(2) Sell or move any animal in violation of s. ATCP 11.60, or in violation of a quarantine order under s. ATCP 10.70 or 11.70.

(3) Buy, sell, lease or exchange livestock in the name of any person other than a licensed livestock dealer, a licensed livestock market operator, or the person holding or acquiring an ownership or leasehold interest in the livestock.

(4) Transport any livestock without health certificates, permits, or other documents required by ch. ATCP 10 or this chapter.

(5) Fail or refuse, upon reasonable demand by an authorized agent of the department, to permit the examination of:

(a) Animals in transit; or

(b) Health or shipping documents or accompanying animals in transit.

(6) Fail to provide, within 10 days following the receipt of a written request from the department, any relevant report or document relating to the transportation of animals. The department may extend the compliance deadline under this subsection for good cause shown.

(7) 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.

(8) Cause or permit the commingling of different livestock species during transit.

(9) Advertise or claim to be licensed by the department, unless the advertisement or claim is true.

(10) Use or possess any unauthorized brand or tattoo device, or use or possess an official brand or official tattoo device without express authorization from the department.

(11) Park or store a vehicle containing animal remains or animal waste in any place where it creates a health hazard or a public nuisance.

(12) Deposit animal remains or animal waste in any place where the deposit creates a health hazard or a public nuisance.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.