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Chapter ATCP 10

ANIMAL DISEASES AND MOVEMENT

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Note: Chapter Ag 10 as it existed on December 31, 1990 was repealed and a new ch. Ag 10 was created effective January 1, 1991; Chapter Ag 10 was renumbered ch. ATCP 10 under s. 13.93 (2m) (b) 1., Stats., Register, April, 1993, No. 448. Chapter ATCP 10 as it existed on September 30, 2006 was repealed and a new chapter ATCP 10 was created Register September 2006 No. 609, effective 10−1−06.

Note: The Wisconsin department of agriculture, trade and consumer protection has adopted this chapter to interpret portions of ch. 95, Stats. Violations of this chapter may, among other things, subject the violator to penalties and remedies provided in s. 95.99, Stats. Nothing in this chapter constitutes a warranty, by the state of Wisconsin or the department, related to the health status of any animal.

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

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

Subchapter I — Definitions and General Provisions

ATCP 10.01 Definitions. In this chapter:

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

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

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

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

(a) Licensed to practice veterinary medicine.

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

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

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

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

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

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

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

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

(9) "Axillary tuberculosis test" means a test that is used to detect tuberculosis in South American camelids.

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

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

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

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

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

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

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

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

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

(a) The department under s. ATCP 10.51.

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

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

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

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

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

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

Note: The brucellosis uniform methods and rules are on file with the department, and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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

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

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

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

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

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

(a) The department under s. ATCP 10.68.

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

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

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

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

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

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

(26) "Chronic wasting disease test" means the immunohistochemistry (IHC) test, or another chronic wasting disease diagnostic test approved by the federal bureau and the department, used to determine whether an animal is infected with chronic wasting disease, and performed at a laboratory approved by the department or the federal bureau.

(27m) "Commercial swine" means a domestic hog but does not include members of the family suidae included under s. NR 16.11 (3).

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

(a) Direct contact with other animals.

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

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

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

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

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

(31m) "DHIA Technician" means a person approved by a service affiliate of the dairy herd improvement association to certify dairy farm production information.

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

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

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

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

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

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

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

(37) "Exhibition" means an organized fair, swap meet, rodeo, trail ride, show, or other organized event at which animals owned by different persons are brought together from different premises

and exhibited on the same premises. "Exhibition" does not include any of the following:

(a) An animal market.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Spayed heifer.

(c) Steer.

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

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

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

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

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

(a) All poultry on a farm.

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

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

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

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

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

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

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

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

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

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

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

(55m) "Immediate family member," as used in ch. 95, Stats., and this chapter, means a spouse, grandparent, parent, sibling, child, stepchild, grandchild, or the spouse of a grandparent, parent, sibling, child, stepchild, or grandchild.

(56) "Individual" means one of the following, as applicable:

(a) When used as a noun, a natural person.

(b) When used as an adjective, separate and distinct from all others.

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

(57m) "Intermediate livestock handling facility" means an off−premises facility owned or leased by a slaughtering establishment that is licensed by the department or that is subject to inspection by USDA. The "intermediate livestock handling facility" is used to unload and temporarily hold animals before the animals are delivered to the slaughtering establishment.

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

(59) "Johne's disease national program standards" means the program standards for the national voluntary Johne's disease control program, as published in federal bureau publication 91−45−016 (September 2010).

Note: The Johne's disease national program standards are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may be obtained by writing to the following address:

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

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

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

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

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

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

(63m) "M−branded" means branded with the letter "M" to signify imported from Mexico.

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

(65) "Menagerie animal" means a domestic or non−domestic animal kept as part of a collection of multiple species primarily for purposes of exhibition.

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

(67) "National poultry improvement plan" means the national poultry improvement plan and auxiliary provisions dated January 2011, 9 CFR 56, 145, 146, and 147, printed in USDA−APHIS publication 91−55−088.

Note: The national poultry improvement plan is on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. The department will provide free copies to Wisconsin flock owners upon request. A flock owner may request a copy by calling (608) 224−4877, by visiting the department website at http://datcp.wi.gov, or by writing to the following address:

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

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

(68m) "Net salvage value" means the salvage value plus any federal indemnities received by the owner.

Note: The net salvage value is used to calculate any state indemnities permissible under ss. 95.23 (1m), 95.25 (5), 95.26 (7), 95.27 (4), 95.31, and 95.37, Stats.

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

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

(70) "Official eartag" means an identification eartag approved by the federal bureau that bears an official individual identification number meeting the requirements of one of the following:

(a) The national uniform eartagging system developed by the federal bureau in veterinary services memorandum no. 578.12, revised March 15, 2011.

Note: A person may obtain a copy of the veterinary services memorandum by calling (608) 224−4878, by visiting the department website at: http://datcp.wi.gov/uploads/Animals/pdf/uniform_eartag_system_memo_578_12.pdf, or by writing to the following address:

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

(b) The animal identification number developed by the federal bureau in 9 CFR 86.1 consisting of 15 digits with the first 3 digits of 840.

(c) An identification system also approved by the department.

(71) "Official individual identification" means a set of identifying characters that is uniquely associated with an individual animal. A specific "official individual identification" and its placement on an animal is differentiated, in part, by animal species, and consists of one of the following:

(a) For bovine, an official eartag attached to the animal.

(b) For farm−raised deer, an official eartag attached to the animal.

(c) For equine, a written or graphic description by a licensed and accredited veterinarian sufficient to identify the individual equine including all of the following:

1. Name.
2. Age.
3. Breed.
4. Color.
5. Sexual status.
6. Distinctive markings.
7. Unique and permanent forms of identification, when present, including brands, tattoos, scars, cowlicks, blemishes, or biometric measurements.

(d) For poultry, a leg or wing band bearing a number that uniquely identifies the bird.

(e) For ratites, a leg band bearing a number that uniquely identifies the ratite.

(f) For swine weighing 80 pounds or less, a tattoo or eartag applied to the animal including a premises identification code issued by the department, or an official eartag attached to the animal.

(g) For breeding swine, one of the following:

1. An official eartag attached to the animal.
2. Ear notches for registered swine.
3. A unique tattoo or eartag applied to the animal including a unique premises identification code issued by the department provided that the animal also bears an individual identification number unique to that premises, or an official eartag attached to the animal.

(h) For goats and sheep, one of the following:

1. An official eartag attached to the animal.
2. A federal bureau approved microchip if implanted in the animal and if accompanied by the animal's registration documents in the animal owner's name or by a certificate of veterinary inspection with the implant number.
3. The animal's breed association or registration tattoo with the management number accompanied by registration documents in the animal owner's name.
4. A tattoo or eartag with a unique individual identification number for the animal's premises along with a tattoo or eartag of a unique flock identification number issued by the federal bureau.

(i) For all other animals, one of the following:

1. The animal's official eartag attached to the animal.
2. The animal's breed association tattoo.
3. The animal's breed association registration number as documented on the animal's registration certificate.
4. A registration freeze brand number that uniquely identifies the animal.
5. A microchip if the microchip number uniquely identifies the animal and the microchip is implanted in the animal.
6. A tattoo number issued by the department.
7. A unique premises identification code issued by the department, provided the animal also bears an individual identification number unique to that premises.
8. Other identification approved by the department.

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

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

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

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

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

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

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

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

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

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

(79) "Poultry" means domesticated fowl, including chickens, turkeys, and waterfowl, which are bred for the primary purpose of

exhibition or producing eggs or meat. "Poultry" does not include ratites.

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

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

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

Note: The pseudorabies national eradication standards are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may be obtained from:

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

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

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

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

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

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

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

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

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

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

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

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

(88m) "Salvage value," as used in ch. 95, Stats., means any monies received from any source for a condemned animal or animal parts by the owner of the condemned animal, other than federal government indemnities or state indemnities.

Note: The salvage value may include payments from livestock insurance or warranty programs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The department under s. ATCP 10.49.

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

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

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

(a) The department under s. ATCP 10.49.

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

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

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

(b) A single cervical tuberculin test or a comparative cervical tuberculin test for farm−raised deer.

(c) A TB stat−pak screening test when used with a confirmatory secondary dual path platform test for farm−raised deer that are white−tailed deer, red deer, elk, fallow deer, or reindeer.

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

Note: Under s. ATCP 10.82 (3), the department must approve tuberculosis tests used for different species of exotic ruminants.

(e) A test approved by the department.

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

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

(b) In the case of farm−raised deer, the uniform methods and rules for the national cervid tuberculosis eradication program dated January 22, 1999, as published in federal bureau publication 91−45−011 (January 22, 1999), as amended by federal register Volume 71, No. 81, effective April 21, 2006.

Note: The tuberculosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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

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

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

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

(a) The department under s. ATCP 10.29.

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

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

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

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

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

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−061: am. (106) (b) Register June 2008 No. 630, eff. 7−1−09; CR 07−107: cr. (31m) and (63m), am. (39) and (59), r. (71) (g) 3. Register November 2008 No. 635, eff. 12−1−08; CR 11−048: cr. (27m), (57m), am. (59), (65), (67), (90), (105) (b), cr. (105) (d) Register July 2012 No. 679, eff. 8−1−12; CR 13−058: r. (27), am. (37) (b), (42), (46) (intro.), cr. (55m), renum. (56) to (56) (intro.) and (a) and am., cr. (56) (b), (68m), renum. (70) to (70) (intro.) and (c) and am., cr. (70) (a), (b), r. and recr. (71), cr. (88m), renum. (105) (c) and (d) to (105) (d) and (e), cr. (105) (c) Register March 2014 No. 699, eff. 6−1−14.

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

(1) Livestock.

(2) Poultry.

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

(4) Ratites.

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

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

(7) Pet birds.

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06.

ATCP 10.03 Disease reporting. (1) A person who diagnoses or obtains credible diagnostic evidence of any disease identified in ch. ATCP 10 Appendix A, in an animal in this state, shall report that diagnosis or evidence to the department within one day after making the diagnosis or obtaining the evidence.

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

(3) A person may make a report under sub. (1) or (2) by telephone, by email, by fax, or by any other effective means of communication that ensures the report will reach the department within the applicable time limit set forth in this section. If the report is not initially in writing, the person shall confirm the report in writing by mail, e−mail, or fax within 10 days.

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

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

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

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

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; correction in (4) made under s. 13.92 (4) (b) 6., Stats., Register May 2011 No. 665; corrections in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register April 2013 No. 688; CR 13−058: am. (3) Register March 2014 No. 699, eff. 6−1−14; correction in (3) made under s. 35.17, Stats., Register March 2014 No. 699.

ATCP 10.04 Disease tests. (1) DUTY TO REPORT TEST RESULTS. (a) A veterinarian, qualified fish health inspector, certified veterinary technician, qualified chronic wasting disease test sampler, or DHIA technician who tests an animal in this state for any of the following diseases shall report the test results to the department, regardless of whether the test result is positive or negative:

1. Brucellosis.
2. Johne's disease.
3. Pseudorabies.
4. Tuberculosis.
5. Chronic wasting disease.
6. Viral hemorrhagic septicemia.

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

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

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

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

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

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

(4) DEPARTMENT ORDERED TESTING. If an animal is moved or imported without being tested according to this chapter or may be exposed to a disease identified in ch. ATCP 10 Appendix A or ch. ATCP 10 Appendix B, the department may order the testing performed, or may order that an authorized employee or agent of the

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http://docs.legis.wisconsin.gov/code/admin_code

department or the federal bureau perform the testing, at the owner's expense. Testing completed under a department order does not relieve any person from other penalties or remedies that may apply because of the illegal import or movement.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−107: am. (1) (title) and (a) (intro.), cr. (1) (a) 5. and 6. Register November 2008 No. 635, eff. 12−1−08; CR 11−048: am. (4) Register July 2012 No. 679, eff. 8−1−12; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register April 2013 No. 688; CR 13−058: am. (1) (a) (intro.), (b) to (e) Register March 2014 No. 699, eff. 6−1−14; correction in (1) (a) made under s. 35.17, Stats., Register March 2014 No. 699.

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

(a) The veterinarian is currently licensed under ch. 89, Stats., to practice veterinary medicine in this state.

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

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

1. The veterinarian is no longer licensed under ch. 89, Stats., to practice veterinary medicine. If the veterinarian's license is temporarily suspended, the certification under sub. (1) is suspended for the period of the license suspension.

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

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

(b) The state veterinarian may, on behalf of the department, summarily suspend or revoke the certification of a veterinarian who violates applicable requirements under ch. 95, Stats., this chapter, or ch. ATCP 12 or 16. The state veterinarian shall specify, in the order, the period of suspension or the requirements for reinstatement after revocation. A veterinarian may request a hearing before the department, pursuant to ch. 227, Stats. A request for hearing does not stay the summary suspension or revocation.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 11−048: am. (2) (b) Register July 2012 No. 679, eff. 8−1−12; **correction in (1) (a), (2) (a) 1. made under s. 13.92 (4) (b) 7., Stats., Register October 2015 No. 718.**

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

(b) A certificate of veterinary inspection is not required for movement of animals within this state, except as specifically provided in this chapter or ch. ATCP 12 or 16.

Note: A certificate of veterinary inspection may be required under this chapter, or ch. ATCP 12 or 16 for the sale or movement of certain animals within this state. See, for example, s. ATCP 10.56 (1) related to intrastate movement of farm−raised deer, s. ATCP 10.87 (3) related to intrastate movement of swine to fairs or exhibitions, and s. ATCP 16.16 related to sales of dogs by licensed dog sellers or dog facility operators.

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) FORM. (a) A certificate of veterinary inspection shall be issued on a form provided by, or approved by, the department, the federal bureau, or the state in which the certificate is issued. Except as required under this chapter, or ch. ATCP 12 or 16, a certificate issued in this state shall be issued on a form provided by, or approved by, the department.

Note: A certificate of veterinary inspection issued in another state for fish imported to this state must be issued on a form provided by, or approved by, the department. See s. ATCP 10.65 (1). A certificate of veterinary inspection issued for intrastate movement from a licensed dog seller or dog facility operator must be on a form issued by the department. See s. ATCP 16.16.

(b) A Wisconsin certified veterinarian may obtain Wisconsin certificate of veterinary inspection forms from the department. There is a fee of $5.60 for each interstate movement form, and $0.60 for each intrastate movement form.

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

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

(4) CONTENTS. Except as required by other applicable provisions of law, a certificate of veterinary inspection related to a shipment of animals shall include all of the following:

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

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

(c) The name, telephone number, if available, and address of the person shipping the animals.

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

1. The premises address.

2. The livestock premises code, if any.

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

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

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

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

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

Note: This chapter requires additional information for the import or movement of certain animals. Required information may include diagnostic test results, vaccination status, the disease status of the herd or flock of origin, or the disease status of the state of origin. The department may also require additional information, for particular import shipments, under s. ATCP 10.07. Also see s. ATCP 16.16 which requires different information for a certificate of veterinary inspection for dogs moved intrastate.

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

"I certify, as a veterinarian, that I have inspected the animals identified on this certificate and that the animals are not showing signs of contagious or infectious disease, except where noted. Vaccina-

tions and test results are as indicated on the certificate. To the best of my knowledge, the animals identified on this certificate meet applicable federal and state of destination requirements."

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

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

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

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

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

Note: Intrastate certificates of veterinary inspection issued under s. ATCP 16.16 (dog sales; certificate of veterinary inspection) are not required to be filed with the department.

(7) ANIMAL IMPORTED TO CONSIGNMENT SALE. (a) If an animal is imported on consignment to a livestock dealer or market operator, for sale on behalf of an out−of−state seller, any required certificate of veterinary inspection that accompanies the imported animal shall continue to accompany that animal until the purchaser receives the animal.

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

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

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

Note: Certificates of veterinary inspection issued for dogs imported into this state and dogs sold by licensed dog sellers or dog facility operators need to comply with ss. ATCP 10.80 and 16.16. Copies of intrastate certificates of veterinary inspection on dogs are not required to be filed with the department.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−061: am. (3) (b) Register June 2008 No. 630, eff. 7−1−08; CR 10−100: am. (1) (b) Register May 2011 No. 665, eff. 6−1−11; CR 11−048: am. (1) (b), (3) (a), (4) (intro.), (c), (5) Register July 2012 No. 679, eff. 8−1−12; CR 13−058: r. (1) (c) 12., am. (6) (a) Register March 2014 No. 699, eff. 6−1−14.

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

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

Note: Whenever the state veterinarian imposes additional import requirements under par. (b), the department will determine whether those import requirements have general application. If the requirements have general application, the department will adopt an emergency rule and promulgate a permanent rule adopting the requirements.

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

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

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

(2) IMPORT PERMIT. (a) Except as authorized under sub. (2m), no person may import an animal shipment to this state without an import permit from the department, if a permit is required by this chapter or ch. ATCP 12. The department may issue a permit in paper, verbal, or electronic form. Each permit shall be evidenced by a unique permit number that shall be recorded on the official certificate of veterinary inspection by the importer or accredited veterinarian.

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

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

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

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

1. By telephone to the following number: (608) 224−4872. The department may require the applicant to confirm a telephone application in writing, by mail, or electronic transmission.
2. By fax to the following number: (608) 224−4871.
3. By email to: datcpanimalimports@wisconsin.gov.
4. By mail to the following address:

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

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

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

2. The name and address of the import recipient.

3. The number and type of animals being imported.

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

5. Other relevant information required by the department.

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

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

(2m) BLANKET IMPORT PERMIT. (a) In this subsection, "seller" means the owner of the animal being sold or the market location at which the animal is being sold, as applicable.

(b) Notwithstanding sub. (2), a blanket import permit may be issued to an accredited veterinarian or a Wisconsin importer if an import permit cannot be properly obtained under sub. (2) for any of the following reasons:

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1. A Wisconsin resident anticipates a possible purchase of one or more animals at an out−of−state farm or sale at a time the department is not open for business.

2. An accredited veterinarian at an out−of−state animal sale anticipates possible purchases of one or more animals by Wisconsin buyers at the sale at a time the department is not open for business.

3. Other circumstances approved by the department.

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

(d) A blanket import permit application under this subsection shall include all of the following:

1. For applicants who are veterinarians:

a. The date of the sale.

b. The veterinarian's name, trade name, if applicable, address including city, state, and zip code, and telephone number.

c. The seller's name, trade name, if applicable, address including city, state, and zip code, telephone number, and livestock premises code, if known.

2. For applicants who are Wisconsin importers:

a. The approximate date of the possible purchase or import.

b. The importer's name, trade name, if applicable, address including city, state, and zip code, and telephone number.

c. The state from which a purchase may be made.

d. If known, the seller's name, trade name, if applicable, address including city, state, and zip code, telephone number, and livestock premises code.

3. For all applicants under this subsection, any other relevant information required by the department.

(e) An applicant shall receive a general import permit under sub. (2) or a blanket import permit under this subsection prior to bringing an animal into Wisconsin.

(f) The department shall grant or deny a permit under par. (b) within 30 days after the department received a complete application. The department shall send notice of its action, provide an import permit number, and forward a copy of the permit if required by this chapter. The department may notify the applicant of its action by telephone, mail, or electronic transmission.

(g) A blanket import permit under this subsection expires 30 days after it is issued, unless the department specifies a different expiration date on the import permit.

(h) On the first business day after the sale, the applicant shall submit all certificates of veterinary inspection of Wisconsin−bound animals to the department or shall notify the department that no animals from the sale will be entering Wisconsin under the blanket permit issued for that sale date.

Note: An applicant for a blanket import permit may apply for a permit or submit any information required for a permit in any of the following ways that best meet the established deadlines:

1. By telephone to the following number: (608) 224−4872. The department may require the applicant to confirm a telephone application in writing, by mail, or electronic transmission.
2. By fax to the following number: (608) 224−4871.
3. By email to: datcpanimalimports@wisconsin.gov.
4. By mail to the following address:
Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708−8911

(i) The department shall keep, for at least 5 years, a record of every blanket permit issued under this subsection.

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

1. That special conditions justify the waiver.

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

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

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

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

(e) A copy of the permit waiving any import requirements shall be attached to the certificate of veterinary inspection.

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

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

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

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

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

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

(c) An operator of a federally approved livestock import market may not do any of the following:

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

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

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−107: r. and recr. (4) (c) Register November 2008 No. 635, eff. 12−1−08; CR 11−048: am. (2) (a), (b), (c), cr. (3) (e) Register July 2012 No. 679, eff. 8−1−12; CR 13−058: am. (2) (a), cr. (2m) Register March 2014 No. 699, eff. 6−1−14; correction in (1) (b) made under s. 35.17, Stats., Register March 2014 No. 699.

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

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

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

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

(2) CONTAGIOUS OR INFECTIOUS DISEASES. Except as provided in sub. (3), no person may sell or move any animal that is infected with or exposed to any of the following contagious or infectious diseases, or any animal that the department has classified as a suspect or reactor for any of the following contagious or infectious diseases:

(a) Anthrax.

(b) Brucellosis.

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

(c) Chronic wasting disease.

(d) Equine encephalomyelitis.

(e) Equine infectious anemia.

(f) Foot and mouth disease.

(g) Hog cholera (classic swine fever).

(h) Vesicular stomatitis.

(i) Mycoplasma gallisepticum.

(j) Pseudorabies.

(k) Psoroptic mange.

(L) Pullorum.

(m) Rabies.

(n) Salmonellosis entriditis in poultry.

(o) Scrapie.

(p) Sheep foot rot.

(q) Swine dysentery.

(r) Tuberculosis.

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

(s) Vesicular exanthema.

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

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

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

(4) REMOVING LIVESTOCK FROM SLAUGHTER ESTABLISHMENT. No person may remove any livestock animal from a slaughtering establishment after the animal has been off−loaded at 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 application within 5 business days after he or she receives a complete application.

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

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−107: am. (4) and (5) Register November 2008 No. 635, eff. 12−1−08.

ATCP 10.09 Appraised value of condemned animals. If the owner of an animal destroyed under ss. 95.21 (4) (b), 95.23 (1m), 95.25, 95.26, 95.27, or 95.31 (3) or (4), Stats., is eligible for a state indemnity for that animal under ch. 95, Stats., and if the animal is of a type not frequently sold at public auction, the department shall appoint a knowledgeable independent appraiser to determine the appraised value of the animal. The appraiser shall determine the appraised value based on the animal's size, species, sex, and grade or quality, and by relevant information related to prevailing market prices for animals of that size, species, sex, and grade or quality. The appraiser may, as appropriate, conduct market surveys to obtain relevant price information.

History: CR 07−107: cr. Register November 2008 No. 635, eff. 12−1−08; CR 11−048: am. Register July 2012 No. 679, eff. 8−1−12.

Subchapter III — Bovine Animals

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

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

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

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

Note: The brucellosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06.

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

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

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

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

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

Note: The brucellosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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

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

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

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

File inserted into Admin. Code 11−1−2015. May not be current beginning 1 month after insert date. For current adm. code see:
http://docs.legis.wisconsin.gov/code/admin_code

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

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

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

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

Note: The brucellosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may be also be obtained by writing to the following address:

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

(c) An animal owner may request an indemnity under s. 95.26 (7), Stats., for a brucellosis reactor slaughtered under par. (a). The animal owner shall file the request with the department, on a form provided by the department. The owner shall include, with the request, a slaughter confirmation signed by an authorized employee of the department or the federal bureau. An animal owner does not qualify for an indemnity if the owner fails to comply with par. (a).

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

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

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

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−107: am. (5) (a) 1. Register November 2008 No. 635, eff. 12−1−08.

ATCP 10.12 Brucellosis−free herd; certification. **(1)** CERTIFICATION. The department may certify a herd of cattle as a brucellosis−free herd if the herd qualifies for that certification under the brucellosis uniform methods and rules. Every certification application shall include a nonrefundable fee of $50 for an annual certification. To maintain the herd certification, a herd owner shall comply with applicable requirements under the brucellosis uniform methods and rules.

Note: The brucellosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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

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

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

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

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

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−061: am. (1) Register June 2008 No. 630, eff. 7−1−09; CR 11−048: am. (1) Register July 2012 No. 679, eff. 8−1−12.

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

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

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

(b) A person may not perform a caudal fold tuberculin test on a bovine animal in this state, for purposes of this chapter or ch. ATCP 12, unless that person has completed department training on that test within 5 years prior to the test date.

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

Note: The tuberculosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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

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

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

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

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

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

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

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

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

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

Note: The tuberculosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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P.O. Box 8911
Madison, WI 53708−8911

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

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

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

Note: The tuberculosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 11−048: am. (1) (b) Register July 2012 No. 679, eff. 8−1−12.

ATCP 10.14 Tuberculosis−free herd; certification. **(1)** CERTIFICATION. The department may certify a herd of bovine animals as an accredited tuberculosis−free herd if the herd qualifies for that certification under the tuberculosis uniform methods and rules. Every certification application shall include a nonrefundable application fee of $100 for a 2−year certification. The department may prorate the fee for certifications less than 2 years. To maintain the certification, a herd owner shall comply with applicable requirements under the tuberculosis uniform methods and rules.

Note: For example, the department may prorate the certification fee when a farmer purchases animals which have 1 year left on their current tuberculosis−free certification status before testing is due.

The tuberculosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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

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

1. An animal in the herd tests positive for tuberculosis.
2. The herd owner does not comply with sub. (1).

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

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−061: am. (1) Register June 2008 No. 630, eff. 7−1−09; CR 11−048: am. (1) Register July 2012 No. 679, eff. 8−1−12; correction in (2) (a) 2. made under s. 13.92 (4) (b) 7., Stats., Register March 2014 No. 699.

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

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

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

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

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

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

Note: The Johne's disease national program standards are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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

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

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

(b) The fecal culture test.

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

(d) Another test approved by the department.

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

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

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

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

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

(6) FOLLOW−UP TEST. Within 45 days after an animal tests positive on a test under sub. (3) (a), a person authorized under sub. (1) shall collect and submit another sample for testing by a different test method under sub. (3). The department may, for good cause, extend the retesting deadline under this subsection.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−107: cr. (1) (d), am. (6) Register November 2008 No. 635, eff. 12−1−08.

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

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

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

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

(b) The cattle are sold directly to slaughter.

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

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

2. The person sells the animal directly to slaughter.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06.

ATCP 10.17 Johne's disease herd vaccination. **(1)** No person may vaccinate, or cause to be vaccinated, any cattle in this state for Johne's disease except under a herd agreement with the department. Only the owner of the cattle may enter into a herd agreement with the department.

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

File inserted into Admin. Code 11−1−2015. May not be current beginning 1 month after insert date. For current adm. code see:
http://docs.legis.wisconsin.gov/code/admin_code

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

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 13−058: am. (1) Register March 2014 No. 699, eff. 6−1−14.

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

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

1. A written request for classification.

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

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

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

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

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

(a) The classification assigned to the herd.

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

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

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

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

Note: The Johne's disease national program standards are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 13−058: am. (2), r. (4) (c) Register March 2014 No. 699, eff. 6−1−14.

ATCP 10.19 Johne's disease testing and management costs; reimbursement. (1) DEPARTMENT MAY REIMBURSE COSTS. The department may award a grant under s. 95.197, Stats., to reimburse a cattle herd owner for any of the following costs incurred by the herd owner:

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

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

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

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

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

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

1. A Johne's disease herd risk assessment and herd management plan, prepared by a veterinarian certified under s. ATCP 10.20 (1). The risk assessment and management plan shall comply with the Johne's disease national program standards. The herd owner need not include a risk assessment or management plan if the herd owner has previously filed a risk assessment or management plan with the department, unless the prior risk assessment or management plan has changed or no longer complies with the Johne's disease national program standards.

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

3. A livestock premises registration code under s. ATCP 17.02 for the location where the herd is kept.

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

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

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

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

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

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

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

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

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

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

Note: Sometimes, the legislature provides funding for the Johne's disease program. Sections ATCP 10.15 to 10.20 provide the rules, required under s. 95.197, Stats., to administer that financial assistance program. The department publicly announces the availability of any funding.

Note: The Johne's disease national program standards are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−107: cr. (2) (a) 3., am. (2) (b) and (3) (a) Register November 2008 No. 635, eff. 12−1−08; CR 13−058: am. (1) (intro.) Register March 2014 No. 699, eff. 6−1−14.

File inserted into Admin. Code 11−1−2015. May not be current beginning 1 month after insert date. For current adm. code see:
http://docs.legis.wisconsin.gov/code/admin_code

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

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

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

Note: A current list of approved training programs may be obtained from the department by contacting the department's website at http://datcp.wi.gov, or by writing to the following address:

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

(b) An application for certification under par. (a) shall include a nonrefundable fee of $50. A certification under par. (a) expires 5 years after it is granted. A veterinarian may renew the certification by completing a renewal training program provided or approved by the department and paying a nonrefundable renewal fee of $50.

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

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

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

(b) A certification under par. (a) expires 5 years after it is granted, or upon expiration of the veterinarian's certification under sub. (1), whichever occurs first. A veterinarian who is currently certified under sub. (1) may renew a certification under par. (a) by completing a renewal vaccination training program provided or approved by the department.

(3) DISQUALIFICATION. The department may withdraw a certification under sub. (1) or (2) for cause, including a failure to adhere to relevant standards under ss. ATCP 10.15 to 10.18 or this section. The department shall issue a withdrawal notice in writing. The notice shall specify the reasons for the withdrawal.

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−061: am. (1) (b) Register June 2008 No. 630, eff. 7−1−09; CR 11−048: am. (1) (b), (2) (b) Register July 2012 No. 679, eff. 8−1−12; CR 13−058: am. (3) Register March 2014 No. 699, eff. 6−1−14.

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

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

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

(b) Except as specified under 9 CFR 86.4 (c), no more than one official eartag may be applied to a bovine.

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

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

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

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

1. The animal's official backtag number.

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

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

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

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

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 13−058: am. (1) (a) (intro.), r. and recr. (1) (b), r. (1) (c), am. (2) (b) 5. Register March 2014 No. 699, eff. 6−1−14.

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

1. a. The official individual identification of all bovine animals except steers imported from a brucellosis−free state or nation, or from a brucellosis class A state, if that state or nation is also an accredited tuberculosis−free state or nation and the certificate of veterinary inspection clearly identifies the shipment destination and the number of animals included in the shipment.

Note: Under federal regulations on interstate shipment of steers, beef steers are not required to have official individual identification, but dairy class steers are required to have official individual identification. See 9 CFR 86.1. Federal regulations also require that any certificate of veterinary inspection accompanying a steer in interstate movement contain the following statements, if applicable:

- "All dairy class steers in this shipment are officially identified."
- "All beef steers in this shipment are exempt from official identification requirements."

b. Notwithstanding the exception in subd. 1. a., a certificate of veterinary inspection under this section shall include the official individual identification of steers imported for rodeos, recreational events, shows, or exhibitions.

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

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

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

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

6. Any other information required under this section.

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

1. An animal imported directly to a slaughtering establishment or an intermediate livestock handling facility, approved under sub. (10), for slaughter.

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

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

3. An animal imported directly to a veterinary facility for treatment, provided that all of the following apply:

a. The animal is returned to its place of origin immediately following treatment.

b. There is no change of ownership while the animal is in this state.

c. The animal is not required to be tested under s. ATCP 10.22 (2) or 10.22 (5).

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

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

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

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

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

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

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

5. A steer or official spayed heifer.

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

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

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

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

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

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

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

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

3. A steer or official spayed heifer.

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

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

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

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

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

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

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

4. An animal originating from an accredited tuberculosis−free state or nation that accepts bovine animals from this state without a prior tuberculosis test, unless one of the following applies:

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

b. The state or nation of origin has a confirmed tuberculosis positive herd, in which case a tuberculosis test is required under par. (a) until that herd is in compliance with state or federal herd plans, all quarantines are released and all epidemiologically−linked herds have tested negative for tuberculosis.

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

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

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

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

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

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

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

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

5. An import permit under s. ATCP 10.07 (2) authorizes the import shipment.

(6) IMPORTS FROM TUBERCULOSIS MODIFIED ACCREDITED STATES OR MODIFIED ACCREDITED ZONES. (a) *Import requirements*. Except as provided in par. (g), no person may import a bovine animal originating from a tuberculosis modified accredited state or a modified accredited zone in a state which has split multiple tuberculosis statuses as determined by USDA, other than a bovine animal imported directly to a slaughtering establishment for slaughter, unless all of the following apply:

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

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

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

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

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

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

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

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

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

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

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

(c) *Post−import testing.* The owner of a bovine animal imported to this state from a tuberculosis modified accredited state shall have the animal tested for tuberculosis not less than 60 days nor more than 90 days after it is imported. This testing requirement does not apply to any of the following:

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

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

3. Bovine animals imported pursuant to the requirements in par. (g).

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) *Bovine animals from an accredited free zone.* No person may import bovine animals from an accredited free zone in a state which has split multiple tuberculosis statuses as determined by USDA unless all of the following apply:

1. The state which has split multiple zones as determined by USDA requires all bovine animals to be identified with a USDA approved electronic official individual identification number before the animals leave the farm of origin.

Note: Currently, USDA has approved a 15−digit eartag, starting with the US code "840", which is an electronic form of official individual identification.

2. The animals are accompanied by a valid certificate of veterinary inspection that includes all of the following:

a. The official individual identification number of each of the animals.

b. A statement that the animals have tested negative on a tuberculosis test within 60 days prior to the import date, or the animals originate from a tuberculosis accredited free herd or the animals are feeder cattle imported directly to an approved import feedlot.

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

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

(7m) M–BRANDED BOVINES; IMPORT RESTRICTED. No person may import an M−branded bovine into this state except directly to a slaughter facility.

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

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

Note: A feedlot is not required to hold an approved import feedlot permit under this subsection. However, feeder cattle imported directly to an approved import feedlot are exempt from certain import restrictions and pre−import testing requirements, as provided in this section.

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

Note: A person may obtain an import feedlot application form by calling (608) 224−4889, by visiting the department website at http://datcp.wi.gov, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53718

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

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

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

3. The feedlot shall be devoid of vegetation.

4. All feeder cattle, except steers and official spayed heifers, shall have official individual identification.

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

(e) *Records.* The operator of an approved import feedlot shall keep complete and accurate records of all feeder cattle entering and leaving the feedlot. The operator shall retain the records for at least 5 years after the feeder cattle leave the feedlot, and shall make them available for inspection and copying by the department upon request. Records shall include all of the following:

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

2. A record of each feeder cattle shipment leaving the feedlot, including the date of shipment, the number of feeder cattle included in the shipment, the official individual identification of each animal included in the shipment, and the name and address

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of the person receiving the shipment. No official individual identification record is required for steers and official spayed heifers.

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

(10) INTERMEDIATE LIVESTOCK HANDLING FACILITY; FACILITY APPROVAL; MOVEMENT PERMIT. (a) *Definition.* In this subsection, "shipment" means one or more truckloads of cattle from the same source premises which are transported on the same day for delivery to the same intermediate handling facility prior to slaughter.

(b) *Facility approval required.* The department may issue an approval designating a facility as an approved intermediate livestock handling facility for purposes of this section. No facility may be approved as an intermediate livestock handling facility unless the operator of the facility holds an agreement with the federal bureau for a livestock facility at that location for handling livestock in interstate commerce pursuant to 9 CFR 71, 75, 78, 79, and 85 (January, 2011).

(c) *Facility approval application.* To obtain approval for an intermediate livestock handling facility, a facility operator shall submit an application on a form provided by the department. The application shall identify the location of the facility to be approved by county, town, and section or street address, and shall include other relevant information required by the department, including the facility's livestock premises code under ch. ATCP 17. The department shall grant or deny an application within 60 days after a complete application is filed with the department. The department may conduct any inspections it deems necessary.

Note: A person may obtain an intermediate livestock handling facility application form by calling (608)224−4872, by visiting the department website at http://datcp.wi.gov, or by writing to the following address:

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

(d) *Facility requirements.* An approved intermediate livestock handling facility shall meet all of the following requirements:

1. Cattle may not be held more than 7 days at the facility and ownership of the cattle may not be transferred by the operator during that 7 days.

2. Cattle transported in vehicles closed with official seals may not enter the facility.

3. Cattle may not enter the facility except pursuant to a movement permit issued under par. (f).

4. Cattle may not be released from the facility except pursuant to the movement permit issued under par. (f) and may only be released directly to slaughter at the original slaughter destination facility listed in the movement permit.

5. Each shipment of cattle shall be kept separated, in pens, from other shipments of cattle while in the intermediate livestock handling facility. No cattle may be added to a pen holding cattle from a separate shipment delivered to the facility under a separate movement permit.

6. The approved intermediate livestock handling facility premises shall be medically separated from any premises or pens holding breeding or feeder cattle.

7. Serviceable cleaning and disinfecting equipment shall be furnished, maintained, and used as necessary in the facility.

8. A sign shall be posted at all facility entrances and exits stating: "All cattle entering this facility are only released directly to slaughter."

9. The operator of an intermediate livestock handling facility shall keep complete and accurate records of all cattle entering and leaving the facility organized by movement permit number. The operator shall retain the records for at least 5 years after the cattle leave the facility, and shall make the records available for inspection and copying by the department or the federal bureau upon request. Records shall include all of the following:

a. A record of each cattle shipment received, including the date of receipt, the number of cattle in the shipment, the name and address of the shipper, the name and address from which the shipment originated, any official individual identification of any animal in the shipment, any documents related to any animal in the shipment, and the movement permit number issued under par. (f).

b. A record of each bovine animal leaving the facility, including the date the animal left, the number of cattle included in the truckload, the name and address of the shipper, the name and address of the person receiving the cattle, any official individual identification of any bovine animal in the truckload, and the movement permit number issued under par. (f).

c. A record of any cattle that died in the facility, including the date of death, any official individual identification on the animal that died, any document related to the animal that died including necropsy or test result reports, the movement permit number under which the animal entered the facility, and the final disposition of the carcass.

(e) *Movement permit.* No person may move animals into or out of an approved intermediate livestock handling facility except pursuant to a movement permit from the department under par. (f).

(f) *Movement permit application.* To obtain a movement permit, a facility operator shall submit an application on a form provided by the department. The application shall be submitted to the department before any animals listed in the permit application are delivered to the facility. The application shall include the name and street address of the approved intermediate livestock handling facility accepting delivery of the cattle shipment, the breed and quantity of animals in the shipment, the name and street address of the origin of the shipment, the name and street address of the slaughtering establishment destination for the shipment, and the name and address of the shipper. The operator of the facility may make the application by fax or email. The permit shall be evidenced by a unique movement permit number. The department may issue the movement permit number in paper, verbal, or electronic form. The movement permit number shall be recorded on the movement permit by the department or the facility operator, as applicable.

Note: A person may obtain a movement permit application form by calling (608)224−4872, by visiting the department website at http://datcp.wi.gov, or by writing to the following address:

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

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Subchapter IV — Swine

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

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

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

the number of authorized doses. The vaccination shall be performed by, or under the direction of, the licensed veterinarian.

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

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

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

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06.

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

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

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

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

Note: The pseudorabies national eradication standards are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Note: The pseudorabies national eradication standards are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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

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

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

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

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

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

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06.

File inserted into Admin. Code 11−1−2015. May not be current beginning 1 month after insert date. For current adm. code see:
http://docs.legis.wisconsin.gov/code/admin_code

ATCP 10.27 Swine pseudorabies; herd certification. (1) QUALIFIED PSEUDORABIES NEGATIVE HERD. The department may certify a herd of swine as a qualified pseudorabies negative herd if the herd qualifies for that certification under the pseudorabies national eradication standards. Every certification application shall include a nonrefundable fee of $50 for each year of certification. To maintain the certification, the herd owner shall comply with applicable requirements under the pseudorabies national eradication standards.

Note: The pseudorabies national eradication standards are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may be obtained by writing to the following address:

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(2) QUALIFIED PSEUDORABIES NEGATIVE GROW−OUT HERD. The department may certify a herd of swine as a qualified pseudorabies negative grow−out herd if the herd qualifies for that certification under the pseudorabies national eradication standards. Every certification application shall include a nonrefundable fee of $50 for each year of certification. To maintain the certification, the herd owner shall comply with applicable requirements under the pseudorabies national eradication standards.

Note: The pseudorabies national eradication standards are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may be obtained by writing to the following address:

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(3) FEEDER SWINE PSEUDORABIES MONITORED HERD. The department may certify a herd of swine as a feeder swine pseudorabies monitored herd if the herd qualifies for that certification under the pseudorabies national eradication standards. Every certification application shall include a nonrefundable fee of $50 for each year of certification. To maintain the certification, the herd owner shall comply with applicable requirements under the pseudorabies national eradication standards.

Note: The pseudorabies national eradication standards are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may be obtained by writing to the following address:

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

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

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

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

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−061: am. (1) to (3) Register June 2008 No. 630, eff. 7−1−09.

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

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

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

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

Note: The brucellosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may be obtained by writing to the following address:

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

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

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

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

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

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

Note: The brucellosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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(d) A swine owner may request an indemnity under s. 95.26 (7), Stats., for a brucellosis reactor slaughtered under par. (b) 1. The animal owner shall file the request with the department, on a form provided by the department. The owner shall include, with the request, a slaughter confirmation signed by an authorized employee of the department or the federal bureau. A swine owner does not qualify for an indemnity if the owner fails to comply with par. (b).

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06.

ATCP 10.29 Swine brucellosis−free herd; certification. (1) CERTIFICATION. The department may certify a herd of swine as a validated brucellosis−free herd if the herd qualifies for that certification under the brucellosis uniform methods and rules. Every certification application shall include a nonrefundable fee of $50 for each year of certification. To maintain the herd certification, the herd owner shall comply with applicable requirements under the brucellosis uniform methods and rules.

Note: The brucellosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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

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

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

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

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−061: am. (1) Register June 2008 No. 630, eff. 7−1−09.

ATCP 10.30 Swine imports. (1) CERTIFICATE OF VETERINARY INSPECTION. (a) *Requirement.* Except as provided in par. (b), no person may import a swine into this state unless the swine is accompanied by a valid certificate of veterinary inspection. The certificate shall include all of the following information:

1. The official individual identification of the swine.

Note: A person may use, as the official individual identification of feeder swine, the premises identification of the premises where the feeder swine originated. See s. ATCP 10.30 (1) (a) 1.

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

3. A statement disclosing the porcine reproductive and respiratory syndrome status of the herd of origin, if known.

3m. A statement disclosing the porcine epidemic diarrhea virus status of the herd of origin, if known.

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

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

6. Any other information required under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Commercial swine originating from a state designated as a pseudorabies stage III state by the federal bureau, if the swine are imported for feeding for slaughter.

5. Breeder swine or show pigs that originate from a state designated as a pseudorabies stage III state by the federal bureau, if the swine or show pigs have tested negative for pseudorabies on a test conducted not more than 30 days before the swine enters this state.

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

(4) BRUCELLOSIS TEST. (a) *Requirement.* Except as provided in par. (b), no person may import swine into this state unless the swine test negative on a pre−import brucellosis test conducted not more than 30 days before the swine enter this state.

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

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

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

3. Commercial swine originating from a state designated as a brucellosis stage III state by the federal bureau, unless testing is required under s. ATCP 10.07 (1) (b).

4. Commercial swine originating from a validated brucellosis−free herd.

5. Feeder swine.

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

(5) PSEUDORABIES VACCINATES; IMPORTS PROHIBITED. (a) *Prohibition.* Except as provided in par. (b), no person may import into this state any swine that have been vaccinated for pseudorabies.

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

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

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

File inserted into Admin. Code 11−1−2015. May not be current beginning 1 month after insert date. For current adm. code see:
http://docs.legis.wisconsin.gov/code/admin_code

(6) IMPORTED SWINE; ISOLATION AND PSEUDORABIES TESTING. (a) *Requirement.* Except as provided in par. (b), a person receiving imported swine in this state shall do all of the following:

1. Isolate the imported swine from all other swine on the premises until the imported swine test negative for pseudorabies.

2. Have all the imported swine tested for pseudorabies not less than 30 days nor more than 45 days after the swine enter this state.

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

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

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

3. Commercial swine originating from a state designated as a pseudorabies stage IV or V state by the federal bureau, unless testing is required under s. ATCP 10.07 (1) (b).

4. An import shipment of commercial swine that includes no breeder swine or show pigs, if the person receiving that shipment tests a representative statistical sample of these swine for pseudorabies. The person shall test the statistical sample not less than 30 days nor more than 45 days after the swine enter this state. The person shall isolate all of the imported swine until the sample swine test negative for pseudorabies.

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

(7) SLAUGHTER SWINE IMPORTED FROM PSEUDORABIES STAGE I OR II STATE. No person may import slaughter swine from a state designated as a pseudorabies stage I or II state by the federal bureau unless all the following apply:

(a) The swine are shipped in a sealed vehicle directly to a slaughter establishment.

(b) The swine are accompanied by a completed federal bureau form VS 1−27 and an import permit issued by the department under s. ATCP 10.07 (2).

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

(8) COMMERCIAL SWINE IMPORTED FROM PSEUDORABIES STAGE I OR II STATE. (a) *Separation from breeding stock.* All of the following requirements apply to commercial swine imported for finish feeding prior to slaughter, from a state designated as a pseudorabies stage I or II state by the federal bureau, and to all swine commingled with those swine:

1. The swine shall at all times be kept separate from breeding stock.

2. The swine may not be removed from the premises where they are received for feeding in this state, except for direct shipment to slaughter.

(9) LABORATORY IMPORT PERMIT. The department may issue an import permit under s. ATCP 10.07 (2) authorizing the import of micro pigs directly to a laboratory in this state, subject to all of the following conditions which shall be stated in the permit:

(a) The laboratory shall use the micro pigs for bona fide scientific research, studies or tests.

(b) The micro pigs shall be imported to the laboratory in a closed, biologically controlled environment that keeps the pigs biologically isolated from other swine.

(c) The micro pigs shall be confined in the laboratory so they are biologically isolated from other swine.

(d) The laboratory operator shall euthanize all of the micro pigs at the end of the study, test, or experiment, and shall dispose of all carcasses in a manner that prevents biological exposure to other swine.

(10) GARBAGE–FED SWINE; IMPORT PROHIBITED. Swine fed on raw commercial garbage may not be imported into this state for slaughter or any other purpose. Swine fed on cooked commercial garbage may not be imported into this state unless the department first issues an import permit under s. ATCP 10.07 (2) that identifies the imported swine as swine fed on cooked commercial garbage.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 11−048: am. (1) (b) 2., 3., 4., (2) (b) 2., 3., 4., (3) (b) 2., 3., 4., 6., (4) (b) 2., 3., 4., 6., (5) (b) 2., (6) (b) 2., 3., 4., 5., (8) (title) and (a) (intro.), (9) (intro.) Register July 2012 No. 679, eff. 8−1−12; CR 13−058: am. (1) (a) 3., cr. (1) (a) 3m. Register March 2014 No. 699, eff. 6−1−14.

ATCP 10.31 Slaughter swine identification. (1) IDENTIFICATION REQUIRED. Except as provided in sub. (3), an animal trucker, animal dealer, animal market operator, federally approved livestock import market operator, or slaughtering establishment operator shall do all the following whenever that person receives a sow, boar, or stag for slaughter, or for sale or shipment to slaughter:

(a) Identify the swine with an official swine backtag or other approved slaughter identification, unless the swine already bears an official slaughter identification.

(b) Make a record under sub. (2) for that swine.

(2) RECORD. (a) A record under sub. (1) (b) shall include all the following:

1. The swine's slaughter identification number.

2. The date on which the swine was received.

3. The date on which the slaughter identification was applied. If the swine already bore a slaughter identification when received, the record shall note that fact.

4. The name and address of the person from whom the swine was received.

5. The swine's class.

(b) The record under par. (a) shall be retained for at least 5 years, and shall be made available [to the department] for inspection and copying upon request.

Note: Omitted language is shown in brackets.

(3) LOW–VOLUME SLAUGHTER ESTABLISHMENTS; EXEMPTION. The department may, by written notice, exempt a slaughtering establishment from sub. (1) if all the following apply:

(a) The slaughtering establishment receives all of its swine directly from producers.

(b) The slaughtering establishment records the herd of origin of every swine slaughtered.

(c) The slaughtering establishment slaughters not more than 100 swine per day, and operates no more than 5 days per week.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06.

ATCP 10.32 Moving commercial swine in Wisconsin. (1) PSEUDORABIES TEST REQUIRED. Except as provided in sub. (2), no person may move commercial swine within this state unless all the following apply:

(a) The swine have tested negative on a pseudorabies test conducted not more than 30 days prior to the intrastate movement.

(b) A copy of the negative test report under par. (a) accompanies the swine. The operator of a swine growth performance test station shall keep copies of pseudorabies test reports for all swine moved into or out of the test station. The test station operator shall retain the copies for a period of 5 years, and make them available to the department for inspection and copying upon request.

(2) EXEMPTIONS. Subsection (1) does not apply if any of the following apply:

(a) This state has a federal bureau designation as a pseudorabies stage IV or V state at the time the swine are moved.

(b) The swine are moved from a qualified pseudorabies negative herd or a qualified pseudorabies negative grow−out herd, where they originate.

(c) The swine are moved directly to a slaughtering establishment for slaughter.

(d) The swine are moved to the premises of an animal dealer or animal market operator who complies with the testing require-

ment under sub. (1) before the swine are moved from those premises.

(e) The swine are moved only between premises owned or operated by the same person, who is at all times the owner of the swine.

Note: Any swine included under s. NR 16.11 (3) may not be held or kept without specific authorization from the DNR. See s. 169.11 (1) (b), Stats.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 11−048: am. (title), (1) (intro.) Register July 2012 No. 679, eff. 8−1−12.

Subchapter V — Equine Animals

ATCP 10.35 Equine infectious anemia. (1) SALE OF EQUINE ANIMAL; TESTING REQUIRED. (a) Except as provided in par. (b), no person may purchase, sell, or transfer ownership of any equine animal in this state unless the animal has tested negative for equine infectious anemia within 12 months and the official test report accompanies the animal.

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

1. A nursing foal accompanying its dam.

2. An equine animal sold directly to a slaughtering establishment for slaughter.

3. An equine animal consigned to an animal dealer or market for sale directly to slaughter. If the animal is not shipped directly to a slaughter establishment within 10 days after it is received at the dealer or market, it shall be tested immediately.

4. An equine animal sold to an animal market operator, provided that the animal market operator ships the animal directly to slaughter or has the animal tested for equine infectious anemia within 10 days after purchase.

(2) WHO MAY COLLECT TEST SAMPLE. A person who collects an equine infectious anemia test sample, for purposes of this chapter or ch. ATCP 12, shall be one of the following:

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

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

(3) SAMPLE IDENTIFICATION AND TESTING. A person who collects an equine infectious anemia test sample shall identify the sample with the official individual identification of the equine animal from which the sample was collected. Equine infectious anemia tests shall be conducted at a laboratory approved by the department or the federal bureau.

(4) TEST POSITIVE AND EXPOSED ANIMALS. (a) No person may move an equine animal that tests positive for equine infectious anemia, except as provided in this section. The department shall summarily quarantine every test positive animal. The quarantine notice shall include all of the following:

1. Notice of the positive equine infectious anemia test.

2. Notice that the owner or custodian may request a retest under sub. (5).

3. Notice that the state veterinarian may issue a branding order under sub. (6).

4. Notice of quarantine conditions, including the conditions under pars. (e) and (f).

(b) If the department finds that a test positive animal under par. (a) has participated in an event where it could have exposed other equine animals, the department shall notify the event sponsor. The event sponsor shall notify other event participants their animals may have been exposed.

(c) The department may summarily quarantine any of the following:

1. Equine animals kept on the same premises with a test positive animal under par. (a).

2. Equine animals that may have been exposed to a test positive animal under par. (a).

(d) A quarantine under par. (a) or (c) shall comply with s. ATCP 10.91.

(e) An equine animal quarantined under par. (a) or (c) shall be kept in a stall or other facility from which flies are effectively excluded, or at least 300 yards from all equine animals that are not known to be infected.

Note: Equine infectious anemia is spread by biting flies.

(f) No person may move, sell, or transfer custody of an equine animal quarantined under par. (a) or (c) without a permit under s. ATCP 10.89 (6).

Note: A person adversely affected by a quarantine under par. (a) or (c) may, within 30 days after the quarantine is served, request a hearing on the quarantine as provided in s. ATCP 10.89 (6). A request for hearing does not automatically stay a quarantine notice.

(5) RETEST. (a) The department shall retest an animal quarantined under sub. (4) (a) if, within 10 days after the quarantine notice is served, the owner of the quarantined animal files a written retest request with the department and pays a retest fee of $25. A retest request does not stay a quarantine notice under sub. (4) (a).

(b) A veterinarian employed by the department or the federal bureau shall collect the test sample for any retest under par. (a). The veterinarian shall verify that the retested animal is the same animal originally tested. The veterinarian shall collect the retest sample at least 14 days after the department receives the retest request, but not more than 45 days after the initial test sample was collected.

(c) If a retest result is negative, the department may do any of the following:

1. Release the quarantine issued under sub. (4) (a).

2. Conduct additional testing to clarify the disease status of the animal.

(6) BRANDING ORDER. (a) The state veterinarian shall issue a branding order for each test positive animal quarantined under sub. (4) (a), unless one of the following applies:

1. The time for requesting a retest, or a hearing on the quarantine order, has not yet expired.

2. A person has made a timely request for hearing on the quarantine order, and the contested case proceeding is not yet completed.

3. A person has made a valid request for a retest under sub. (5), and the retest is not yet completed.

4. A retest fails to confirm the initial test result.

5. The state veterinarian is restrained by a judicial order, or by order of the department secretary or administrative law judge under ch. ATCP 1.

6. The department has released its quarantine under sub. (4) (a).

7. The state veterinarian determines that branding is not appropriate or necessary.

(b) A branding order under par. (a) shall be served on the owner and on the custodian of the animal to be branded. A veterinarian employed by the department or the federal bureau shall execute the branding order by applying a "35a" freeze brand to the left side of the animal's neck. The veterinarian may not execute the branding order sooner than 14 days after the branding order is served on the owner and custodian of the animal, unless the owner and custodian consent in writing to the branding. No person may, except by judicial or administrative process, prevent the lawful execution of a branding order under this paragraph.

Note: A person adversely affected by a branding order may request a hearing on the order, pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay the branding order.

(d) An equine animal branded under par. (b) shall be kept in a stall or other facility from which flies are effectively excluded, or at least 300 yards from all equine animals that are not known to be infected.

File inserted into Admin. Code 11−1−2015. May not be current beginning 1 month after insert date. For current adm. code see:
http://docs.legis.wisconsin.gov/code/admin_code

Note: Equine infectious anemia is spread by biting flies.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 11−048: am. (1) (a), r. (6) (c) Register July 2012 No. 679, eff. 8−1−12; CR 13−058: cons. (1) (a) (intro.) and 1. and renum. to (1) (a) and am., r. (1) (a) 2., am. (1) (b) 3. Register March 2014 No. 699, eff. 6−1−14.

ATCP 10.36 Equine animals; imports. (1) CERTIFICATE OF VETERINARY INSPECTION; REQUIREMENT. Except as provided in sub. (2), no person may import an equine animal into this state unless the animal is accompanied by a valid certificate of veterinary inspection. The certificate shall include all of the following:

(a) The official individual identification of the equine animal.

(b) A report of a negative test for equine infectious anemia if required by sub. (3).

(2) CERTIFICATE OF VETERINARY INSPECTION; EXEMPTIONS. Subsection (1) does not apply to any of the following:

(a) An animal imported directly to a slaughtering establishment for slaughter.

(c) An animal imported directly to a veterinary facility for treatment, provided that the animal is returned to its place of origin immediately after treatment.

(d) An animal returning to its place of origin in this state immediately after treatment in a veterinary facility outside this state.

(e) An animal imported for a trail ride, horse show, or exhibition if all the following apply:

1. Ownership does not change while the animal is in this state.

2. The animal remains in this state for no more than 7 days.

3. The animal is accompanied by a report of a negative equine infectious anemia test that complies with sub. (3).

4. The animal originates from a state that allows Wisconsin equine animals to attend trail rides, horse shows, or exhibitions in that state under similar conditions.

(3) EQUINE INFECTIOUS ANEMIA TEST; REQUIREMENT. Except as provided in sub. (4), no person may import any equine animal into this state unless the animal has tested negative on an equine infectious anemia test conducted no more than 12 months before the date the animal is imported into this state.

(4) EQUINE INFECTIOUS ANEMIA TEST; EXEMPTIONS. Subsection (3) does not apply to any of the following:

(a) A nursing foal accompanying its dam.

(b) An animal imported directly to an animal market licensed under s. ATCP 12.02 or to the premises of an animal dealer licensed under s. ATCP 12.03, provided that one of the following applies:

1. The animal is shipped directly to a slaughtering establishment, for slaughter, within 10 days after it arrives at the animal market or animal dealer premises and before it is commingled with any other animal that is not shipped to slaughter.

2. The animal market operator or animal dealer has the animal tested for equine infectious anemia within 10 days after it arrives at the market or dealer premises, and obtains the negative test results before the animal leaves the animal market or dealer premises and before it is commingled with any other equine animal at the animal market or dealer premises.

Note: If an animal tests positive for equine infectious anemia under par. (b) 2., it must be treated according to sub. (5) (b).

(c) An animal imported directly to a veterinary facility for treatment, provided that the animal is returned to its place of origin immediately after treatment.

(d) An animal returning to its place of origin in this state immediately after treatment in a veterinary facility outside this state.

(e) An animal imported pursuant to a permit under s. ATCP 10.07 (2), if the import complies with all of the following permit conditions:

1. An equine infectious anemia test sample is collected from the animal before the animal is imported.

2. The animal is confined to the premises at which it is first received in this state until the test results are known. The animal may not be commingled with any other equine animals on the premises during that confinement period.

Note: If an animal tests positive for equine infectious anemia under par. (e), it must be treated according to sub. (5) (b).

(5) EQUINE INFECTIOUS ANEMIA; TEST POSITIVE ANIMALS. (a) No person may import an equine animal that has tested positive for equine infectious anemia.

(b) If an equine animal tests positive for equine infectious anemia under sub. (4) (b) 2. or (e) after it enters this state, the owner or custodian of the animal shall do one of the following:

1. Euthanize the animal on the premises where it is located.

2. Ship the animal directly to a slaughtering establishment for slaughter, pursuant to a department permit under s. ATCP 10.08 (3).

3. Return the animal to its state of origin, pursuant to a department permit under s. ATCP 10.08 (3).

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 13−058: cons. (3) (intro.) and (a) and renum. to (3) and am., r. (3) (b), am. (4) (b) (intro.), 1., 2. Register March 2014 No. 699, eff. 6−1−14.

ATCP 10.37 Foreign equine imports; quarantine station. (1) EQUINES AT RISK FOR EQUINE METRITIS. (a) No person may receive in this state any stallion or mare imported from another nation in which contagious equine metritis has been reported unless all of the following apply:

1. The stallion or mare is imported directly to an approved equine quarantine station in a sealed vehicle that has been sealed at a place, and by an agent, approved by the federal bureau. The vehicle seal may not be removed, except at an approved equine quarantine station by an authorized employee or agent of the department.

2. The applicant pays a nonrefundable $100 permit fee and the department issues a permit under s. ATCP 10.07 (2) authorizing the import shipment. A copy of the permit shall accompany the shipment.

(b) All equine animals, including test mares, which are received at an approved equine quarantine station shall be identified with an official individual identification.

(2) QUARANTINE. An imported equine animal received at an approved equine quarantine station is automatically quarantined until the department releases the quarantine. A quarantined animal may not be removed from the quarantine station, or commingled with other equine animals at the quarantine station, except that a written agreement under sub. (5) may permit contact between a quarantined stallion and a test mare. A test mare that has been in contact with an imported quarantined stallion is also quarantined until the department releases the quarantine.

(3) APPROVED EQUINE QUARANTINE STATION; PERMIT. A quarantine station does not qualify as an approved equine quarantine station unless the operator holds a current annual permit from the department. Each permit shall bear a livestock premises code. A permit expires on June 30 of each year. An operator shall apply for a permit on a form provided by the department. The department shall grant or deny a permit application within 90 days after it receives a complete application. An application shall include all of the following:

(a) The legal name and mailing address of the applicant, and any trade or business name under which the applicant operates the quarantine station.

(b) A statement indicating whether the applicant is an individual, corporation, partnership, cooperative, limited liability company, trust, or other legal entity.

(c) The location of the quarantine station, specified by county, town, section, and fire number.

(d) The name and address of the Wisconsin certified veterinarian who will perform all identification, handling, testing, and

treatment of equine animals at the quarantine station according to sub. (5).

(e) Additional information, if any, required under s. ATCP 17.02 (4) for purposes of livestock premises registration.

(f) Other relevant information required by the department.

(g) A nonrefundable annual permit fee of $100.

(4) CONSTRUCTION REQUIREMENTS; SANITARY OPERATION. An approved equine quarantine station shall be constructed and maintained to prevent any violation of sub. (2), and shall be kept in a clean and sanitary condition.

(5) TESTING AND TREATMENT PROCEDURES; WRITTEN AGREEMENT. Before the department issues any permit under sub. (3) for an approved equine quarantine station, the operator and the Wisconsin certified veterinarian designated under sub. (3) (d) shall enter into a written agreement with the department. The agreement shall establish the procedures and protocols that will be used to identify, handle, test, and treat equine animals quarantined at the station. The approved equine quarantine station shall be operated in compliance with the agreed procedures and protocols. The designated veterinarian shall perform the procedures and protocols, except as otherwise authorized by the department.

(6) RECORDS. (a) The operator of an approved equine quarantine station shall keep complete and accurate records, including all of the following:

1. For each equine animal received at the quarantine station, the animal's official individual identification, date of arrival, date of removal, and owner's name and address.

2. A complete record of the procedures and protocols used to identify, handle, test, and treat each equine animal.

(b) The operator shall keep each record under par. (a) for at least 5 years, and shall make the record available for inspection and copying by the department upon request.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−061: am. (1) (a) 2., cr. (3) (g) Register June 2008 No. 630, eff. 7−1−09; CR 07−107: am. (1) (a) 2. Register November 2008 No. 635, eff. 12−1−08.

Subchapter VI — Poultry and Farm−Raised Game Birds

ATCP 10.40 Poultry and farm−raised game birds; breeding, hatching, and exhibition. (1) BIRDS AND EGGS USED FOR BREEDING OR HATCHING. No person may use poultry or farm−raised game birds or their eggs for breeding or hatching, or for exhibition at a fair or livestock exhibition, unless one of the following applies:

(a) The birds or eggs originate from a flock that is enrolled in the national poultry improvement plan under s. ATCP 10.41 and meets all of the following requirements:

1. The flock is currently classified "U.S. pullorum−typhoid clean" under the national poultry improvement plan.

2. In the case of turkeys, the flock is currently classified "Mycoplasma gallisepticum clean" under the national poultry improvement plan.

(b) The birds or eggs originate from a flock that qualifies as an affiliate flock under the national poultry improvement plan.

(c) The birds or eggs originate from a flock that is enrolled as a Wisconsin tested flock under sub. (2) or a Wisconsin associate flock under sub. (3).

Note: A person who sells birds or eggs under par. (c) must report the sale to the department, and must document to the buyer that the flock is enrolled under sub. (2) or (3). *See* sub. (7).

(d) In the case of birds, the birds meet all of the following requirements:

1. They have individually tested negative for pullorum, fowl typhoid and, in the case of turkeys, Mycoplasma gallisepticum, within the preceding 90 days, and there has been no change of ownership of any birds since the completion of testing. Testing for purposes of a fair or livestock exhibition shall be completed before the birds arrive at the fair or livestock exhibition.

2. They originate from a flock in which no bird has tested positive for pullorum, fowl typhoid, or Mycoplasma gallisepticum.

Note: A person who sells birds under par. (d) must report the sale to the department, and must document to the buyer that the birds comply with par. (d). *See* sub. (7).

(e) The birds or eggs are pigeons or pigeon eggs.

(g) The birds are not used for breeding or hatching, and are moved from the flock premises only for youth exhibition at a county fair pursuant to sub. (8).

(2) WISCONSIN TESTED FLOCK. (a) The owner of a flock of poultry or farm−raised game birds may annually enroll that flock as a Wisconsin tested flock. An annual enrollment expires on June 30 of each year.

(b) A flock owner shall apply for enrollment under par. (a) on a form provided by the department. There is no fee to enroll. The enrollment application shall include all of the following:

1. The legal name and address of the flock owner.

2. The address and livestock premises code of the flock premises.

3. The approximate size of the flock, and the type of birds included in the flock.

4. Disease testing information under par. (c).

Note: A flock owner may request an enrollment application form by calling (608) 224−4877, by visiting the department website at http://datcp.wi.gov, or by writing to the following address:

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

(c) An enrollment application under par. (b) shall include proof that the flock has tested negative for all of the following during the calendar year of the enrollment application, in a test under sub. (4) that included all sexually mature birds then in the flock:

1. Pullorum.

2. Fowl typhoid.

3. Mycoplasma gallisepticum, in the case of turkeys.

(d) For purposes of par. (c), a sexually mature bird is a bird over 4 months old except that, in the case of turkeys, it is a bird over 6 months old.

(e) The department shall grant or deny an enrollment application under par. (b) within 30 days after the department receives a complete application. If the department grants enrollment, the department shall issue a certificate that documents the enrollment.

(3) WISCONSIN ASSOCIATE FLOCK. (a) The owner of a flock of poultry or farm−raised game birds may annually enroll that flock as a Wisconsin associate flock. A Wisconsin associate flock enrollment expires on June 30 of each year.

(b) A flock owner shall apply for enrollment under par. (a) on a form provided by the department. There is no fee to enroll. An enrollment application shall include all of the following:

1. The legal name and address of the flock owner.

2. The address and livestock premises code of the flock premises.

3. The number and type of birds in the flock.

4. An invoice or other documentation showing that all of the birds or bird eggs in the flock were acquired directly from a flock enrolled under sub. (2) or (3) or s. ATCP 10.41.

5. A statement certifying that the flock owner keeps no other poultry or farm−raised game birds on the flock premises.

Note: A flock owner may request an enrollment application form by calling (608) 224−4877, by visiting the department website at http://datcp.wi.gov, or by writing to the following address:

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

(c) The department shall grant or deny an enrollment application under par. (b) within 30 days after the department receives a complete application. If the department grants enrollment, the department shall issue a certificate that documents the enrollment.

File inserted into Admin. Code 11−1−2015. May not be current beginning 1 month after insert date. For current adm. code see:
http://docs.legis.wisconsin.gov/code/admin_code

(4) DISEASE TESTING. Disease testing, for purposes of this section and s. ATCP 10.41, shall comply with all of the following standards:

(a) Blood samples for testing shall be drawn by one of the following:

1. An individual who has completed sample collection training, provided by the department, within 5 years prior to collecting the blood samples. The department shall charge a $25 training fee.

2. An individual approved by the federal bureau or by the state in which the blood samples are drawn, if the blood samples are drawn in another state pursuant to the national poultry improvement plan.

(b) Except as provided in par. (c) or (d):

1. An individual who draws blood samples for testing shall identify each bird with official individual identification, or with another identification number that uniquely identifies that bird.

2. An individual who draws blood samples for laboratory testing shall label each blood sample with the identification number of the bird from which it was drawn.

3. The flock owner or custodian shall isolate tested birds from untested birds until the department reviews test results and authorizes the flock owner or custodian to release tested birds from isolation.

(c) Paragraph (b) does not apply to a whole flock test of poultry or farm−raised game birds.

(d) Paragraph (b) does not apply when a test group of 30 or more birds is tested for purposes of flock classification under the national poultry improvement plan, provided that the flock owner or custodian isolates the test group from birds outside the test group until the department reviews the test results and authorizes release from isolation. If any bird in the test group tests positive, the department may require continued isolation and testing of all birds in the test group and may specify the disposition of all birds in the test group.

(e) Sample collection, on−site test methods, and laboratory test methods shall comply with standards specified in the national poultry improvement plan. Laboratory tests shall be conducted by a laboratory approved by the department, the federal bureau, or another state under the national poultry improvement plan.

Note: See disease reporting requirements under s. ATCP 10.03.

(5) IMPORTS. No person may use, sell, or distribute, for breeding or hatching, any poultry, poultry eggs, farm−raised game birds, or farm−raised game bird eggs imported in violation of s. ATCP 10.42.

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

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

(7) POULTRY SALES. (a) A person who sells poultry or eggs under sub. (1) (c) shall do all of the following:

1. Report the sale to the department within 10 days, on a form provided by the department.

2. Provide, to the buyer, a copy of the current flock enrollment certificate under sub. (2) or (3).

(b) A person who sells poultry under sub. (1) (d) shall do all of the following:

1. Report the sale to the department within 10 days, on a form provided by the department.

2. Document, to the buyer, that the poultry comply with sub. (1) (d).

Note: A person may request a reporting form under par. (a) 1. or (b) 1. by calling (608) 224−4877, by visiting the department website at http://datcp.wi.gov, or by writing to the following address:

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

(8) YOUTH EXHIBITION AT COUNTY FAIR. (a) Subsection (1) does not apply to youth exhibition of poultry or poultry eggs at a county fair if a youth agricultural leader certifies all of the following:

1. The name and address of the youth exhibiting the poultry or eggs.

2. A description of the exhibited poultry or eggs.

3. That the youth acquired the poultry or eggs directly from a flock enrolled under sub. (2) or (3) or s. ATCP 10.41, and has not commingled them with poultry or eggs from any other source. This certification shall be based on written source documentation, and on an inspection of the premises where the youth keeps the poultry or eggs.

(b) A certification under par. (a) shall be all of the following:

1. Issued in writing.

2. Filed with the county fair before the youth exhibits the poultry or eggs.

(c) For purposes of this subsection, a "youth agricultural leader" means any of the following:

1. The leader of a bona fide youth agricultural organization to which the youth exhibitor belongs.

Note: For example, a "youth agricultural leader" might include a 4−H leader or FFA sponsor.

2. The county fair organizer, or the organizer's agent.

Note: For example, a "youth agricultural leader" might include a county fair superintendent or poultry exhibit coordinator.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−061: am. (4) (a) 1. Register June 2008 No. 630, eff. 7−1−09; CR 07−107: am. (1) (d) 1., (4) (b) 1., (6) (c) and (d) Register November 2008 No. 635, eff. 12−1−08; correction in (6) (c) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; CR 11−048: am. (3) (b) 4., (4) (a) 1. Register July 2012 No. 679, eff. 8−1−12; CR 13−058: am. (1) (intro.), r. (6) (a), (b) Register March 2014 No. 699, eff. 6−1−14.

ATCP 10.41 National poultry improvement plan. **(1)** ANNUAL FLOCK ENROLLMENT. The owner of a flock of poultry or farm−raised game birds may annually enroll that flock in the national poultry improvement plan. An annual enrollment expires on June 30 of each year.

Note: The national poultry improvement plan is on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. A flock owner may also request a copy by calling (608) 224−4877, by visiting the department website at http://datcp.wi.gov, or by writing to the following address:

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

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

Note: A flock owner may request an enrollment application form by calling (608) 224−4877, by visiting the department website at http://datcp.wi.gov, or by writing to the following address:

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

(3) ANNUAL DISEASE TESTING. An enrollment application under sub. (1) shall include proof that the flock has been tested for all of the following, within one year prior to the enrollment application date, according to the national poultry improvement plan:

(a) Pullorum.

(b) Fowl typhoid.

(c) Mycoplasma gallisepticum, in the case of turkeys.

(4) DISEASE–FREE CERTIFICATION. The department may certify a flock enrolled under sub. (1) as "U.S. pullorum−typhoid clean" or "Mycoplasma gallisepticum clean," or both, according to standards in the national poultry improvement plan.

(5) FEE. An enrollment application under sub. (1) shall include the following annual enrollment fee, as applicable, based on flock type:

(a) $40 if the flock consists solely of specialty breeds, other than breeds commonly raised for meat or egg production, and the flock owner raises the birds primarily for exhibition.

(b) $40 if the flock owner does not hatch or collect eggs, and obtains stock solely from flocks enrolled in the national poultry improvement plan.

(c) $60 if the flock includes farm−raised game birds, the flock owner does not hatch or collect eggs, and the flock owner obtains stock solely from flocks enrolled in the national poultry improvement plan.

(d) The following applicable fee for a breeding flock of poultry or farm−raised game birds:

1. $80 if the flock includes no more than 1,000 breeders.

2. $100 if the flock includes more than 1,000 breeders, but no more than 5,000 breeders.

3. $200 if the flock includes more than 5,000 breeders, but no more than 10,000 breeders.

4. $400 if the flock includes more than 10,000 breeders.

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

(7) COMPLIANCE AND INSPECTION. A flock enrolled in the national poultry improvement plan shall comply with all applicable requirements under the plan. The department shall inspect enrolled flocks and take other actions as appropriate, based on plan requirements.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−061: am. (5) (a) to (d) and (6) Register June 2008 No. 630, eff. 7−1−09; CR 07−107: am. (2) and (6) Register November 2008 No. 635, eff. 12−1−08.

ATCP 10.42 Poultry imports. (1) IMPORT REQUIREMENTS. Except as provided in sub. (2):

(a) No live poultry, poultry eggs for hatching, farm−raised game birds or farm−raised game bird eggs for hatching may be imported to this state unless the live birds or eggs are accompanied by a federal bureau form VS 9−3 or a valid certificate of veterinary inspection that certifies at least one of the following:

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

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

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

(b) Turkey poults may not be imported from hatcheries that hatch eggs other than turkey eggs. Started poultry, other than turkey poults, may not be imported from hatcheries that hatch turkey eggs. Hatcheries shall comply with sanitation practices prescribed by the state of origin.

(2) EXEMPTION. Subsection (1) does not apply to poultry or farm−raised game birds that are imported directly to a slaughtering establishment for immediate slaughter.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−107: r. and recr. (1) (a) Register November 2008 No. 635, eff. 12−1−08; CR 11−048: am. (1) (a) Register July 2012 No. 679, eff. 8−1−12.

Subchapter VII — Farm−Raised Deer

ATCP 10.45 Farm−raised deer; disease testing. (1) AVAILABILITY FOR TESTING. A keeper of farm−raised deer shall make the farm−raised deer available to the department for disease testing upon request.

(2) RESTRAINED FOR TESTING. A keeper of farm−raised deer shall restrain the farm−raised deer for disease testing, to ensure the safety of the farm−raised deer and the person performing the test. The keeper shall restrain the farm−raised deer by one of the following methods:

(a) By providing animal handling facilities that comply with sub. (3).

(b) By tranquilizing the farm−raised deer, to the satisfaction of the department, so they can be safely tested.

Note: The department will not tranquilize farm−raised deer for testing, and assumes no liability related to the tranquilization of farm−raised deer.

(c) By moving farm−raised deer, pursuant to a permit issued under s. ATCP 10.08 (3), to an isolation and testing facility approved under s. ATCP 10.56 (4) where the farm−raised deer can be safely tested.

(3) HANDLING FACILITIES. (a) Animal handling facilities under sub. (2) (a) shall include all of the following:

1. A holding pen in which farm−raised deer can be safely directed into an alleyway and then to a chute or individual restraining pen for testing.

2. An alleyway through which farm−raised deer can be safely guided into a chute or restraining pen for testing.

3. A chute or restraining pen which can safely hold farm−raised deer for testing.

4. Adequate fencing. Fences used to confine farm−raised deer in animal handling facilities shall be at least 7 feet 10 inches high, except that fences used to confine farm−raised deer of the genus rangifer shall be at least 5 feet high.

(b) If the department determines that animal handling facilities do not comply with par. (a), the department may order the keeper to provide acceptable facilities or an acceptable alternative method of restraining farm−raised deer under sub. (2). The keeper shall comply with the department's order within 30 days, unless for good cause the department specifies a different time period.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06.

ATCP 10.46 Farm−raised deer herds; registration. (1) REGISTRATION CERTIFICATE REQUIRED. (a) Except as provided in par. (e) or sub. (1m), no person may keep farm−raised deer at any location in this state unless the department has issued a current annual farm−raised deer herd registration certificate authorizing that person to keep farm−raised deer at that location. A herd registration certificate is not transferable between persons or locations, except as authorized under s. 95.55 (3c) (b), Stats.

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

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

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

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

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http://docs.legis.wisconsin.gov/code/admin_code

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

(1m) EXEMPTION. A person may own less than 50% of a farm−raised deer or may own less than 50% of a group of farm−raised deer without holding a current annual farm−raised deer herd registration certificate authorizing that person to keep farm−raised deer at that location if all of the following apply:

(a) All the farm−raised deer partially owned by the person are kept at a location in this state for which a current annual farm−raised deer herd registration certificate covering those deer is issued to another person who also has ownership in the farm−raised deer.

(b) The partial owner of the farm−raised deer is listed as a partial owner on the farm−raised deer herd registration certificate application regardless of the percentage of ownership interest. The farm−raised deer herd registration application shall include the name, address, and telephone number, if any, of all persons holding any ownership interest in any farm−raised deer included under the registration application. For each owner listed, the application shall include the specific official individual identification for each deer in which the owner has an ownership interest and the amount of that ownership interest, as a percentage or dollar value.

(2) AUTHORITY CONFERRED BY REGISTRATION CERTIFICATE. (a) Except as provided in pars. (b) and (c), a person holding a registration certificate under sub. (1) may possess, propagate, kill, attempt to kill, pursue for the purpose of killing, capture, or exhibit farm−raised deer kept at the registered premises, subject to this chapter.

(b) A person holding a registration certificate under sub. (1) may not sell, or offer to others, the opportunity to hunt farm−raised deer on the registered premises unless that person complies with s. ATCP 10.47.

(c) A registration certificate under sub. (1) does not entitle the certificate holder to operate as an animal dealer unless that person is also licensed under s. ATCP 12.03.

Note: An animal dealer license under s. ATCP 12.03 does not entitle the license holder to keep farm−raised deer unless that person also holds a registration certificate under sub. (1).

(e) A person holding a registration certificate under sub. (1) shall notify the department when no longer operating as a farm−raised deer keeper. The person shall do one of the following:

1. If the herd is enrolled in the chronic wasting disease herd status program under s. ATCP 10.53, the person shall submit a final census as required under s. ATCP 10.53.

2. If the herd is not enrolled in the chronic wasting disease herd status program under s. ATCP 10.53, the person shall include the disposition of each of the deer in the notification to the department.

(3) REGISTRATION CERTIFICATE EXPIRES. A registration certificate under sub. (1) expires on March 15 of each year. The holder of a registration certificate may renew that certificate by submitting an annual renewal application under sub. (6).

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

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

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

1. Those farm−raised deer are identified with 2 individual identifications. One identification shall be official individual identification and the second identification shall be either official individual identification or individual identification unique to the herd.

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

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

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

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

(a) If the herds are medically separated under par. (c), each herd is considered a separate herd for purposes of disease control, movement, and enrollment in the chronic wasting disease status program under s. ATCP 10.53. Farm−raised deer moved between any of the medically separated herds shall be accompanied by a certificate of veterinary inspection under s. ATCP 10.56 (1), and registrants shall keep a record under sub. (10) (a) related to each movement.

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

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

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

2. Farm−raised deer moved between any of the herd locations identified in any of the herd registration certificates shall be identified with 2 individual identifications. One identification shall be official individual identification and the second identification shall be either an official individual identification or an individual identification unique to the combined herds.

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

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

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

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

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

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

(e) If any of the herds are enrolled in the chronic wasting disease herd status program, all the farm−raised deer in those enrolled herds are identified with 2 individual identifications. One identification shall be official individual identification and the second identification shall be either official individual identification or individual identification unique to that herd.

(6) APPLYING FOR REGISTRATION CERTIFICATE. To obtain an annual registration certificate under sub. (1), a person shall file an application on a form provided by the department. The application shall include the fees required under sub. (7) and all information required under s. ATCP 17.02 (4) for purposes of livestock premises identification. The registration application form shall include all of the following information:

(a) The name, address, and telephone number of the herd owner.

(b) The name, address, and telephone number of the herd custodian, if other than the herd owner.

(c) The location or locations at which the farm−raised deer will be kept, including all of the following for each separate location:

1. The county in which the deer farm is located.

2. The city, village, or town in which the deer farm is located.

3. The street name or road on which the deer farm access is located.

4. The physical address number or fire number of the deer farm location, or driving directions to the deer farm access point.

(cm) Whether farm−raised deer from any other registered herd will be kept at any of the same locations and, if so, whether the herds will be medically separated at those locations.

(d) The number of farm−raised deer in the herd.

(e) A breakdown, by species, age, and sex, of the farm−raised deer in the herd.

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

(f) Additional information, if any, required under s. ATCP 17.02 (4) for purposes of livestock premises registration.

Note: A person may obtain a registration form by calling (608) 224−4872, by visiting the department website at http://datcp.wi.gov, or by writing to the following address:

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

(7) FEES. (a) A person applying for a registration certificate under sub. (1) shall pay the following registration fees:

1. A nonrefundable annual fee of $85.00 if the herd includes no more than 15 farm−raised deer and the following criteria are met:

a. No live deer move from the premises except directly to slaughter.

b. No farm−raised deer are killed on the premises except for consumption by the farm−raised deer keeper.

c. The herd is not enrolled in the chronic wasting disease herd status program under s. ATCP 10.53.

Note: A herd of white−tailed deer that is not enrolled in the chronic wasting disease status program may have special fencing requirements under s. NR 16.45.

2. A nonrefundable annual fee of $162.50 if the herd includes no more than 15 farm−raised deer, and the herd does not meet all of the criteria under subd. 1.

3. A nonrefundable annual fee of $325 if the herd includes more than 15 farm−raised deer.

4. Any supplemental fees required under pars. (b) to (d).

(am) An individual who is eligible for the veteran's fee waiver program under s. 45.44, Stats., is exempt from the registration fee under par. (a).

(b) A person who applies to register a herd at the same location where another herd is registered shall pay a nonrefundable fee of $200 for each day needed to complete an inspection under sub. (5) (d).

(c) An applicant shall pay a registration fee surcharge of $250 if the department determines that, within 365 days prior to submitting the registration application, the applicant kept farm−raised deer at any location without a required registration certificate that identifies that location. In addition to the surcharge, the applicant shall pay the fee due for the year in which the applicant failed to obtain the required registration certificate.

(d) A person who applies for the renewal of a herd registration certificate after that certificate has expired shall pay, in addition to all other fees required under this subsection, a late fee equal to 20% of the registration fees.

Note: See s. 93.21 (5) (b), Stats.

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

(9) DENYING, SUSPENDING, OR REVOKING A REGISTRATION CERTIFICATE. The department may deny, suspend, or revoke a registration certificate under sub. (1) for cause, including any of the following:

(a) Filing an incomplete or fraudulent application, or misrepresenting any information on an application.

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

(c) Violating the terms of the registration certificate.

(10) RECORDS. (a) A person who keeps farm−raised deer shall keep all of the following records related to each live farm−raised deer that leaves the herd other than for slaughter, or that enters the herd from another herd:

1. The official individual identification of the farm−raised deer.

2. The species, age, and sex of the farm−raised deer.

3. The date on which the farm−raised deer entered or left the herd.

4. The name and address of the person from whom the person received, or to whom the person shipped, the farm−raised deer. The record shall also identify the person who had custody of the farm−raised deer during shipment.

5. The address of the herd from which the farm−raised deer originated, or to which it was shipped.

6. A copy of any certificate of veterinary inspection that accompanied the farm−raised deer under s. ATCP 10.56.

7. If the farm−raised deer escaped from the herd, the date and circumstances of the escape, and, if the deer returned, the date of the return.

(b) A person who keeps farm−raised deer shall keep all of the following records related to each farm−raised deer that the person ships live to slaughter:

1. The official individual identification of the farm−raised deer.

2. The species, age, and sex of the farm−raised deer.

3. The date on which the farm−raised deer was shipped to slaughter.

4. The name and address of the slaughter facility.

5. The name and address of the person who transported the farm−raised deer to slaughter.

6. A copy of any slaughter movement document required under this chapter.

Note: For example, see s. ATCP 10.56 (1) (a) related to slaughter movement documents.

File inserted into Admin. Code 11−1−2015. May not be current beginning 1 month after insert date. For current adm. code see:
http://docs.legis.wisconsin.gov/code/admin_code

7. Chronic wasting disease test results required under s. ATCP 10.52 (1m).

(c) A person who keeps farm−raised deer shall keep all of the following records related to every farm−raised deer that dies, or is killed or slaughtered, on the herd premises:

1. The species, age, and sex of the farm−raised deer.

2. Any identification attached to the farm−raised deer, including any carcass identification required under sub. (13).

3. The date on which the farm−raised deer died, or was killed or slaughtered. If the farm−raised deer was found dead on the premises, the person shall record the date on which the farm−raised deer was found dead.

4. The disposition of the carcass, regardless of whether the carcass leaves the premises. If the carcass leaves the premises, the disposition record shall include the disposition date, the name and address of the carcass recipient, and the carcass identification required under sub. (13). If the carcass is buried or otherwise disposed of on the premises of the farm−raised deer keeper, the record shall identify the disposal method and location.

5. Chronic wasting disease test results required under s. ATCP 10.52 (1m).

(d) A person required to keep records under pars. (a) to (c) shall retain those records for at least 5 years, and shall make the records available to the department for inspection and copying upon request.

(11) PROHIBITIONS. No person keeping a herd of farm−raised deer may do any of the following:

(a) Add a farm−raised deer to the herd, from outside the herd, unless the farm−raised deer is one of the following:

1. Imported into this state in compliance with s. ATCP 10.55.

2. Moved, in compliance with s. ATCP 10.56, from another herd that holds a current annual registration certificate under sub. (1).

(b) Take or accept into the herd, on a temporary or permanent basis, any cervid from a free−ranging herd.

Note: Among other things, par. (b) prohibits a keeper of farm−raised deer from accepting orphan fawns or injured deer for temporary care pending return to the free−ranging herd. Persons accepting orphan fawns and injured deer must hold a rehabilitation license under s. 169.24, Stats., and must keep those fawns and injured deer separate from any farm−raised deer herd.

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

(d) Cause or allow farm−raised deer to commingle with bovine animals on the same premises or in the same building, enclosure or vehicle except farm−raised deer and bovines may be commingled if no live farm−raised deer or live bovine animal is moved off the premises, except directly to slaughter and accompanied by a completed federal bureau form VS 1−27 or a department permit under s. ATCP 10.08 (3).

Note: Federal bureau form VS 1−27 may be completed by an accredited veterinarian, an authorized state animal health official, or the federal bureau.

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

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

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

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

Note: For example, if a farm−raised deer escapes into a chronic wasting disease management zone established by the department of natural resources under s. NR 10, and is returned to the herd more than 24 hours after the escape, it loses any status that it had under the chronic wasting disease herd status program (s. ATCP 10.53). It *also* loses any status that it had under the tuberculosis herd certification program (s. ATCP 10.49) and the brucellosis herd certification program (s. ATCP 10.51).

(13) CARCASS IDENTIFICATION. (a) No person may remove any farm−raised deer carcass from the premises where the farm−raised deer was kept unless that carcass is identified with official individual identification, or with a dead tag issued by the department. No part of a carcass may leave the premises unless every part of the carcass bears official individual identification or a dead tag, and the farm−raised deer keeper keeps records that identify and correlate all of the official individual identification and dead tag numbers related to that farm−raised deer.

(b) The department shall, upon request, issue dead tags under par. (a) to persons holding valid farm−raised deer herd registration certificates under this section. The department may charge fees for dead tags to cover the department's reasonable costs to produce and distribute the dead tags.

Note: A person may obtain dead tags from the department by calling (608) 224−4889, by visiting the department website at http://datcp.wi.gov, or by writing to the following address:

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

(14) REINSPECTIONS. (a) The department may charge, to the holder of a registration under sub. (1), a reinspection fee of $150 for a reinspection that the department makes to determine whether that person has corrected a previous violation of this chapter noted on a previous inspection report. The department may not charge a reinspection fee under this subsection for a routine or regularly scheduled inspection, or for an inspection that is required under this chapter.

(b) A reinspection fee under par. (a) is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a registration renewal application form to the farm−raised deer keeper.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−061: am. (7) (a) 1., 2., (b) and (c) Register June 2008 No. 630, eff. 7−1−09; CR 07−107: r. and recr. (title), (1), (4), (5) and (12), am. (3), (6) (c), (7) (b), (c), (8), (9) (b) and (11) (c), cr. (6) (em) Register November 2008 No. 635, eff. 12−1−08; CR 11−048: am. (1) (a), cr. (1m), (2) (e), renum. (7) (a) 2., 3. to be (7) (a) 3., 4., renum. (7) (a) 1. to be (7) (a) 2. and am., cr. (7) (a) 1., am. (7) (d), cr. (10) (a) 7., am. (11) (d), r. and recr. (14) Register July 2012 No. 679, eff. 8−1−12; (1m) (a) (b) renumbered from (1m) 1., 2. under s. 13.92 (4) (b) 1., Stats., correction in (10) (b) 7., (c) 5. under s. 13.92 (4) (b) 7., Stats., Register July 2012 No. 679; CR 13−058: r. (2) (d), am. (4) (a), (b) 1., (5) (b) 2., cr. (5) (e), renum. (6) (c) to (6) (c) (intro.), 1. to 4. and (cm) and am., cr. (7) (am), am. (10) (a) 7., (c) 4. Register March 2014 No. 699, eff. 6−1−14.

ATCP 10.47 Farm−raised deer; hunting preserves.

(1) DEFINITIONS. In this section, "hunt" means to kill, attempt to kill, or pursue for the purpose of killing a farm−raised deer. "Hunt" does not include the killing, attempted killing, or pursuit of a farm−raised deer, on premises owned or controlled by the deer owner, by any of the following:

(a) The deer owner.

(b) A person who gives no consideration for the opportunity to kill, attempt to kill, or pursue the farm−raised deer, or for any part of the deer's carcass.

(c) A person who kills the farm−raised deer for meat, provided that the department conducts an ante mortem inspection of the

deer and a post−mortem inspection of the carcass under s. 97.42, Stats., and ch. ATCP 55.

(d) The department, the Wisconsin department of natural resources, USDA, or other persons or entities that the department authorizes in writing.

(2) REQUIREMENTS. No person may grant or offer, for consideration, the opportunity to hunt farm−raised deer on any premises in this state unless all of the following apply:

(a) The person holds a valid farm−raised deer herd registration certificate under s. ATCP 10.46 (1) for the premises, and keeps the farm−raised deer at the registered premises.

(b) The person holds a valid hunting preserve certificate under sub. (3) for the premises.

(c) Farm−raised deer, when hunted, have unimpeded access to at least 80 contiguous acres of land.

(d) The person complies with applicable requirements under this section.

(3) HUNTING PRESERVE CERTIFICATE. (a) The department may issue a hunting preserve certificate for premises registered under s. ATCP 10.46 (1). A hunting preserve certificate expires 10 years after it is issued, on the anniversary date of its issuance. A certificate is not transferable between persons or premises. A hunting preserve certificate is not valid if the certificate holder no longer holds a valid farm−raised deer herd registration certificate under s. ATCP 10.46 (1).

Note: A hunting preserve certificate issued under this subsection only authorizes hunting for farm−raised deer. Hunting of other animals in a farm−raised deer hunting preserve is illegal. See s. 951.09, Stats.

(b) A person shall apply for a hunting preserve certificate under par. (a) on a form provided by the department. The application shall include all of the following:

1. The applicant's name, address, and registration number under s. ATCP 10.46 (1).

2. The address of the premises, registered under s. ATCP 10.46 (1), for which the applicant seeks a hunting preserve certificate.

3. Documentation showing that farm−raised deer hunted on the premises will have unimpeded access to at least 80 contiguous acres of land.

4. A nonrefundable fee of $500.

5. An estimate of the farm−raised deer population on the hunting preserve premises, by species, age, and sex.

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

Note: A person may obtain an application form under par. (b) by calling (608) 224−4889, by visiting the department website at http://datcp.wi.gov, or by writing to the following address:

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

(c) The department shall grant or deny an application under par. (b) within 90 business days after the department receives a complete application. The department shall inspect the premises before issuing a hunting preserve certificate, and may inspect records as necessary to determine whether the applicant and premises qualify for a certificate.

(3m) DENYING, SUSPENDING, OR REVOKING A HUNTING PRESERVE CERTIFICATE. The department may deny, suspend, or revoke a hunting preserve certificate under sub. (3) for cause, including any of the following:

(a) Filing an incomplete or fraudulent application, or misrepresenting any information on an application.

(b) Violating ch. 95, Stats., this chapter, or department of natural resources fencing rules under s. 90.20 or 90.21, Stats., or s. NR 16.45.

(c) Violating the terms of the hunting preserve certificate.

(4) CHRONIC WASTING DISEASE TESTING. A person required to hold a hunting preserve certificate under this section shall comply with chronic wasting disease testing requirements under s. ATCP 10.52. The person shall give a hunter the results of each chronic wasting disease test, required under s. ATCP 10.52 (1m) (b) 4., which was conducted on a farm−raised deer killed by that hunter on the person's hunting preserve if either of the following occurs:

(a) The hunter requests test results.

(b) The test results are positive.

(4m) OFFICIAL INDIVIDUAL IDENTIFICATION. All non−natural additions to a hunting preserve premises shall have one visible official individual identification, and one microchip implanted at the base of the ear or the base of the tail of the deer.

Note: See s. ATCP 10.01 (71).

(5) REMOVING OR ALTERING OFFICIAL IDENTIFICATION. No person may remove, alter, or tamper with the official individual identification given to a farm−raised deer, except as authorized by the department or the federal bureau.

(6) CARCASS IDENTIFICATION. A person who is required by sub. (2) (b) to hold a hunting preserve certificate shall identify the carcass of every farm−raised deer killed on the hunting preserve, before the carcass leaves the premises. Identification shall comply with s. ATCP 10.46 (13).

(7) RECORDS. A person who is required by sub. (2) (b) to hold a hunting preserve certificate shall do all of the following:

(a) Keep the records required under s. ATCP 10.46 (10).

(b) Keep all of the following records related to each farm−raised deer that is killed on the hunting preserve:

1. The name and address of the person who killed the farm−raised deer.

2. The date when the farm−raised deer was killed, and the location of the premises where it was killed.

3. The name and address of the person who collected the test sample for the chronic wasting disease test required under sub. (4).

4. The laboratory test reports from the chronic wasting disease test required under sub. (4).

5. The disposition of the carcass. This record shall include the name and address of the person who took custody of the carcass. If the carcass is buried or otherwise disposed of, the record shall identify the disposal method and location.

6. All individual identifications attached to or implanted in the carcass, and the number of any dead tag attached to the carcass under s. ATCP 10.46 (13).

(c) Retain the records under pars. (a) and (b) for at least 5 years, and make the records available to the department for inspection and copying upon request.

(8) PROHIBITED CONDUCT. No person required to hold a hunting preserve certificate under sub. (2) may do any of the following:

(a) Violate or allow others to violate s. 29.314 (3), Stats.

(b) Violate or assist any violation of this chapter or ch. ATCP 12.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−061: am. (3) (b) 4. Register June 2008 No. 630, eff. 7−1−09; CR 07−107: cr. (3) (b) 5., 6. and (4m), am. (7) (b) 6. Register November 2008 No. 635, eff. 12−1−08; renumbering in (4m) made under s. 13.92 (4) (b) 1., Stats., Register November 2008 No. 635; CR 11−048: cr. (3m) Register July 2012 No. 679, eff. 8−1−12; CR 13−058: renum. (4) to (4) (intro.), cr. (4) (a), (b), am. (4m), (7) (b) 6. Register March 2014 No. 699, eff. 6−1−14; correction in (4) (intro.) made under s. 35.17, Stats., Register March 2014 No. 699.

ATCP 10.48 Tuberculosis in farm−raised deer. **(1)** WHO MAY TEST. (a) A person may not perform a tuberculosis test on a farm−raised deer, or collect a sample for a tuberculosis test on a farm−raised deer, unless the person has completed tuberculosis testing or tuberculosis sample collection training approved by the department and is one of the following:

File inserted into Admin. Code 11−1−2015. May not be current beginning 1 month after insert date. For current adm. code see:
http://docs.legis.wisconsin.gov/code/admin_code

1. An accredited veterinarian. If the veterinarian performs the test or collects the sample in this state, the veterinarian shall also be a Wisconsin certified veterinarian.

2. A veterinarian employed by the department or the federal bureau.

(c) A veterinarian may not collect a sample from a farm−raised deer, for a comparative cervical tuberculin test under this chapter or ch. ATCP 12, unless authorized to do so by the department or the federal bureau.

(d) A veterinarian may not perform a tuberculosis test on or collect a test sample from a farm−raised deer from a quarantined or known infected herd, except with the department's approval.

(4) VETERINARIAN TO REPORT. A veterinarian who performs a tuberculosis test on a farm−raised deer, or collects a test sample for a tuberculosis test on a farm−raised deer, shall report the test result according to s. ATCP 10.04.

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

(5) TEST POSITIVE ANIMALS. Whenever the department receives a positive tuberculosis test report under sub. (4), the department shall classify the tested farm−raised deer as a tuberculosis suspect and shall conduct additional testing to determine whether the farm−raised deer is a tuberculosis reactor under the tuberculosis uniform methods and rules.

(6) TUBERCULOSIS REACTORS. (a) The department shall classify a farm−raised deer as a tuberculosis reactor if the farm−raised deer qualifies as a reactor under the tuberculosis uniform methods and rules.

(b) Within 15 days after the department classifies a farm−raised deer as a tuberculosis reactor, the keeper of the farm−raised deer shall do all of the following:

1. Have the farm−raised deer identified as a reactor, and shipped directly to slaughter, according to the tuberculosis uniform methods and rules. The operator shall obtain a department permit under s. ATCP 10.08 (3) for the slaughter shipment.

2. Clean and disinfect the premises where the farm−raised deer was kept.

(c) The department may for good cause extend a deadline under par. (b), but may not extend a deadline under par. (b) 1. by more than 30 additional days.

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

(7) SLAUGHTERED ANIMALS. (a) A tuberculosis reactor shall be slaughtered and inspected according to the tuberculosis uniform methods and rules.

(b) If a tuberculosis suspect is slaughtered, it shall be slaughtered and inspected according to the tuberculosis uniform methods and rules.

Note: The tuberculosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−107: am. (6) (c) Register November 2008 No. 635, eff. 12−1−08; CR 11−048: am. (1) (a), r. (1) (b) Register July 2012 No. 679, eff. 8−1−12.

ATCP 10.49 Farm−raised deer; tuberculosis herd certification. (1) HERD CERTIFICATION. (a) The department may certify a herd of farm−raised deer as one of the following if the herd qualifies for that certification under 9 CFR 77:

1. An accredited tuberculosis−free herd.

2. A tuberculosis monitored herd.

3. A tuberculosis qualified herd.

(b) To acquire and maintain certification, a keeper of farm−raised deer shall comply with applicable requirements in the tuberculosis uniform methods and rules.

Note: The tuberculosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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

(c) A tuberculosis herd certification may cover multiple herds of farm−raised deer of one deer keeper or farm−raised deer of multiple deer keepers if all of the farm−raised deer included in the certification are commingled and managed as one herd for disease control purposes. This paragraph does not apply to herds considered by the department to be medically separated herds.

(1m) CERTIFICATION FEE. Every application for certification under sub. (1) or (4) shall include a nonrefundable application fee of $150 for a 3−year certification. This fee may be prorated for certifications of less than 3 years.

(3) SUSPENDING OR REVOKING CERTIFICATION. (a) The department may, by written notice, summarily suspend or revoke a herd certification under sub. (1) if any of the following occur:

1. Any farm−raised deer in the herd tests positive for tuberculosis.

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

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

Note: A keeper of farm−raised deer may request a hearing on a suspension or revocation under sub. (3), pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for a hearing does not automatically stay a summary suspension or revocation.

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

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

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−061: cr. (1m) Register June 2008 No. 630, eff. 7−1−09; CR 07−107: cr. (4) Register November 2008 No. 635, eff. 12−1−08; CR 11−048: renum. (1) to be (1) (a) and am., cr. (1) (b), (c), r. (2), am. (1m), (3) (a) 2. Register July 2012 No. 679, eff. 8−1−12; CR 13−058: am. (1m) Register March 2014 No. 699, eff. 6−1−14.

ATCP 10.50 Brucellosis in farm−raised deer. (1) WHO MAY TEST. A person who collects a brucellosis test sample from a farm−raised deer, for purposes of this chapter or ch. ATCP 12, shall be one of the following:

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

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

(2) TEST PROCEDURES. A person who collects a brucellosis test sample under sub. (1) shall comply with applicable requirements in the brucellosis uniform methods and rules. The person shall submit the sample to a state or federal laboratory that the department or the federal bureau has approved to conduct brucellosis tests.

(3) VETERINARIAN TO REPORT. A veterinarian who collects a brucellosis test sample from a farm−raised deer in this state shall report the test result according to s. ATCP 10.04.

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

(4) BRUCELLOSIS REACTORS. (a) The department shall classify a farm−raised deer as a brucellosis reactor if the farm−raised deer qualifies as a reactor under the brucellosis uniform methods and rules.

(b) Within 15 days after the department classifies a farm−raised deer as a brucellosis reactor, the keeper of the farm−raised deer shall do all the following:

1. Ensure the farm−raised deer is identified as a reactor, and shipped directly to slaughter, according to the brucellosis uniform methods and rules. The operator shall obtain a department permit under s. ATCP 10.08 (3) for the slaughter shipment.

2. Clean and disinfect the premises where the farm−raised deer was kept.

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

(d) An animal owner may request an indemnity under s. 95.26 (7), Stats., for a brucellosis reactor slaughtered under par. (b) 1. The animal owner shall file the request with the department, on a form provided by the department. The owner shall include, with the request, a slaughter confirmation signed by an authorized employee of the department or the federal bureau. An animal owner does not qualify for an indemnity if the owner fails to comply with par. (b).

Note: The brucellosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06.

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

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

(c) A brucellosis herd certification may cover multiple herds of farm−raised deer of one deer keeper or farm−raised deer of multiple deer keepers if all of the farm−raised deer included in the certification are commingled and managed as one herd for disease control purposes. This paragraph does not apply to herds considered by the department to be medically separated herds.

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

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

1. The keeper of the farm−raised deer requests the change.

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

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

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

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

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

(2m) Every application for certification under sub. (1), (2), or (4) shall include a nonrefundable application fee of $150 for a 3−year certification. The department may prorate the fee for certification of less than 3 years.

(3) SUSPENDING OR REVOKING CERTIFICATION. (a) The department may, by written notice, summarily suspend or revoke a herd certification under sub. (1) if any of the following occur:

1. A farm−raised deer in the herd tests positive for brucellosis.

2. The keeper of the farm−raised deer fails to comply with sub. (2).

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

Note: A keeper of farm−raised deer may request a hearing on a suspension or revocation notice under sub. (3), pursuant to s. 227, Stats., and ch. ATCP 1. A request for a hearing does not automatically stay a summary suspension or revocation.

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

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

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−061: cr. (1m) Register June 2008 No. 630, eff. 7−1−09; EmR0822: emerg. r. and recr. (1) and (2), eff. 7−9−08; CR 07−107: r. and recr. (1) and (2), cr. (4) Register November 2008 No. 635, eff. 12−1−08; CR 11−048: am. (1) (title), cr. (1) (c), r. (1m), cr. (2m) Register July 2012 No. 679, eff. 8−1−12; CR 13−058: am. (2m) Register March 2014 No. 699, eff. 6−1−14; correction in (2m) made under s. 35.17, Stats., Register March 2014 No. 699.

ATCP 10.52 Chronic wasting disease in farm−raised deer. (1) TEST−ELIGIBLE FARM−RAISED DEER. A farm−raised deer is a test−eligible deer if it is either of the following:

(a) At least 16 months old.

(b) At least 12 months old if enrolled in the chronic wasting disease herd status program under s. ATCP 10.53, unless a different age is required under USDA rules.

(1m) TESTING REQUIRED. A person who keeps farm−raised deer in this state shall have a chronic wasting disease test performed on test−eligible farm−raised deer according to this section:

(a) A farm−raised deer keeper whose herd is enrolled in the chronic wasting disease herd status program under s. ATCP 10.53 shall have a chronic wasting disease test performed on each of the following test−eligible farm−raised deer:

1. A farm−raised deer that dies or is killed while kept by that person.

2. A farm−raised deer that the person ships directly to a slaughtering establishment.

Note: A hunting preserve certified under s. ATCP 10.47 that is enrolled in the chronic wasting disease herd status program under s. ATCP 10.53 must comply with par. (a).

(b) A farm−raised deer keeper whose herd is not enrolled in the chronic wasting disease herd status program under s. ATCP 10.53 shall have a chronic wasting disease test performed on all of the following test−eligible farm−raised deer:

1. All farm−raised deer that are killed intentionally, including escaped deer.

2. All farm−raised deer that die by accidental death or natural causes on the premises while kept by that person.

3. Twenty−five percent of all farm−raised deer that are sent to slaughter.

4. Notwithstanding subd. 1., fifty percent of all farm−raised deer that are intentionally killed while being kept on a hunting preserve certified under s. ATCP 10.47.

(2) MOVING LIVE FARM−RAISED DEER FROM HERDS IN THIS STATE. No person may move a live farm−raised deer from a herd in this state unless the movement complies with s. ATCP 10.56 (1).

(3) COLLECTING TEST SAMPLES. (a) A chronic wasting disease test under sub. (1m) shall be performed on a tissue sample that complies with all of the following requirements:

1. The tissue sample shall be collected by a qualified person under sub. (4).

2. The tissue sample shall be collected within 7 calendar days after the farm−raised deer dies or is killed or slaughtered, or within 7 calendar days after its death is first discovered.

3. Except as provided in par. (b), the tissue sample shall be collected before any part of the farm−raised deer carcass leaves the premises where the farm−raised deer died, or was killed or slaughtered.

(b) A keeper of farm−raised deer who holds a valid herd registration certificate under s. ATCP 10.46 (1) may separate the head of a farm−raised deer carcass from the rest of the carcass, and may ship the head to the person who collects the test sample under sub. (1m), if the keeper identifies both the head and the rest of the carcass according to s. ATCP 10.46 (13) before either the head or the rest of the carcass leaves the herd premises.

(c) A person who collects a test sample under this section shall do all of the following:

1. Comply with standard procedures established by the department or the federal bureau when collecting the test sample.

2. Submit the test sample as follows:

a. If the collector of a test sample is a veterinarian, to a laboratory approved under sub. (5) within 10 calendar days.

b. If the collector is not a veterinarian, to a veterinarian within 2 business days for submission to a laboratory under par. (d).

(d) A certified veterinarian who accepts a test sample from a test sample collector under this section shall submit the test sample to a laboratory approved under sub. (5) within 10 calendar days.

(4) PERSONS QUALIFIED TO COLLECT TEST SAMPLES. (a) A person may not collect a test sample under sub. (1m) unless the department verifies that the person has successfully completed, within 5 years prior to the sample collection date, sample collection training approved by the department and the person is one of the following:

1. A Wisconsin certified veterinarian.

2. An employee of the department or the federal bureau.

3. A person approved by the department or the federal bureau.

4. A registered farm−raised deer keeper, an employee of a farm−raised deer keeper's deer farm, or a registered farm−raised deer keeper's immediate family member.

Note: Only farm−raised deer keepers registered as individuals or married couples would have immediate family members eligible to be qualified CWD test sample collectors. Other types of legal entities do not have immediate family members.

(ag) For persons eligible under par. (a) 1. and 4. for qualification as a test sample collector under this subsection, an application shall include a nonrefundable application fee of $50. The application fee is waived for persons eligible under par. (a) 2. and 3. All qualifications under this subsection expire on June 30, 2018, and every fifth year thereafter. Except as authorized under par. (ar), a person eligible as an employee of a farm−raised deer keeper may only be qualified by the department to perform sample collection for the employing farm−raised deer keeper, and may not collect test samples for any other farm−raised deer keeper. A person may reapply to be a qualified test sample collector after expiration by successfully completing a chronic wasting disease test sample collection training approved by the department, and submitting a nonrefundable application fee of $50.

(ar) An employee of a registered farm−raised deer keeper who qualifies as a test sample collector may transfer that employee's qualification to perform sample collections to qualification on another farm−raised deer keeper's deer farm, if the new employing farm−raised deer keeper requests the transfer from the department.

(b) The department may by written notice, without prior notice of hearing, disqualify a person from collecting samples under sub. (1m). The notice shall specify the reason for the disqualification. The department may disqualify a person if the person lacks required qualifications, fails to collect samples that are consistently testable, leaves the employment of a farm−raised deer keeper, or fails to meet other responsibilities under this chapter. A disqualified person may not collect test samples under sub. (1m). A disqualified person may later apply to be a qualified chronic wasting disease test sample collector only after successfully completing training offered or approved by the department.

Note: A disqualified person may request a hearing on a disqualification under par. (b), pursuant to s. 227, Stats., and ch. ATCP 1. A request for a hearing does not automatically stay a summary disqualification.

(c) No person may misrepresent, directly or by implication, that any person is qualified to collect test samples under sub. (1m).

(5) APPROVED LABORATORIES. Tests under sub. (1m) shall be performed at a laboratory that the department and the federal bureau have approved to conduct chronic wasting disease tests.

(6) REPORTING TEST RESULTS. Whenever any person receives a laboratory test result that is positive for chronic wasting disease, that person shall report that test result according to s. ATCP 10.03.

Note: The reporting requirement under sub. (6) applies to any laboratory test result that is positive for chronic wasting disease, not just the result of a test required under sub. (1m). Telephone and FAX reports should be made to the following numbers:

Phone: (608) 224−4872
FAX: (608) 224−4871

Written reports should be made to the following address:

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

(7) HERD QUARANTINE. The department shall quarantine a farm−raised deer herd under s. ATCP 10.89, whenever any farm−raised deer from that herd tests positive for chronic wasting disease. The department shall conduct an epidemiological evaluation of the quarantined herd to determine the appropriate disposition of the herd.

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

1. Specify a reasonable deadline for the slaughter or destruction.

2. Direct appropriate disease testing and disposition of the carcasses.

3. Require the herd owner or custodian to enter into a premises plan agreement under par. (b), within a reasonable time specified in the order, as a condition to the payment of indemnities under par. (c). The terms of a premises plan agreement may be contingent on the outcome of disease testing.

(b) A premises plan agreement under par. (a) 3. may require the herd owner or custodian to clean and disinfect the herd premises, limit future cervid movement to and from the premises, or comply with other requirements that are reasonably designed to prevent the spread of disease. An agreement may include a restrictive covenant, such as a fence maintenance requirement,

that is binding on subsequent property owners for the duration of the agreement.

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

Note: A person may obtain an application form under par. (c) by calling (608) 224−4872, by visiting the department website at http://datcp.wi.gov, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53718

(9) KEEPER SHALL NOTIFY VETERINARIAN. Whenever a keeper of farm−raised deer observes signs or symptoms of chronic wasting disease in any animal in the herd, the keeper shall report the signs or symptoms to a Wisconsin certified veterinarian. The keeper shall make the report within 24 hours after observing the signs or symptoms.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−107: am. (1) (intro.), r. and recr. (3) (a), (c) 2. and (8) Register November 2008 No. 635, eff. 12−1−08; CR 11−048: renum. (1) to be (1m) and am., cr. (1), am. (3) (a) (intro.), (b), (c), (4) (a) (intro.), (b), (c), (5) Register July 2012 No. 679, eff. 8−1−12; CR 13−058: renum. (1) to (1) (intro.), (a), and (b); (1m) (b) 1. to (1m) (b) 1., 2.; (b) 2. to (1m) (b) 3.; (1m) (b) 3. to (1m) (b) 4.; (3) (c) 2. to (3) (c) 2. (intro.) and (a) and am. (1) (intro.), (a), (b), (1m) (b) 1., 2., 4., (3) (c) 2. (intro.), (a)., cr. (3) (c) 2. b., (d), am. (4) (a) (intro.), cr. (4) (a) 4., (ag), (ar), am. (4) (b), (7) Register March 2014 No. 699, eff. 6−1−14.

ATCP 10.53 Farm−raised deer; chronic wasting disease herd status program. (1) GENERAL. A person who keeps farm−raised deer in this state and holds a valid farm−raised deer keeper registration under s. ATCP 10.46 may enroll the herd in the chronic wasting disease herd status program under this section.

Note: No person may move a live farm−raised deer from a herd in this state unless the herd is enrolled in the status program under this section. See ss. ATCP 10.52 (2) and 10.56 (1).

(1m) HERD STATUS, MULTIPLE HERDS. A chronic wasting disease herd status may cover multiple herds of farm−raised deer of one deer keeper or farm−raised deer of multiple deer keepers if all of the farm−raised deer included in the herd status are commingled and managed as one herd for disease control purposes. This subsection does not apply to herds considered by the department to be medically separated herds.

(2) APPLICATION. To enroll a herd in the status program under this section, a person shall submit an application on a form provided by the department. The application shall include all the following:

(a) The name, address, and telephone number of the herd owner, and any trade names under which the herd owner does business.

(b) The name, address, and telephone number of the herd custodian, if other than the herd owner.

(c) The herd location, including the county, town, section, and fire number assigned to that location.

(d) A report of a complete herd census completed no more than 30 days prior to the date of application. The applicant shall submit the census report on a form provided by the department. The census report shall include all the following:

1. The number, species, and sex of farm−raised deer in the herd.

2. The number of farm−raised deer at least one year old.

3. The number of farm−raised deer less than one year old.

4. The 2 individual identifications of each farm−raised deer. Each farm−raised deer shall have 2 individual identifications, one an official individual identification and the second identification shall be either an official individual identification or an individual identification unique to the herd.

5. The month and year of birth of each farm−raised deer.

(e) A written statement, by a Wisconsin certified veterinarian, which certifies all of the following:

1. That the veterinarian is the herd veterinarian, having established a valid veterinarian−client relationship with the herd keeper and a valid veterinarian−patient relationship with the herd.

2. That no farm−raised deer in the herd has shown any clinical signs of chronic wasting disease in the past 12 months.

Note: A person may obtain an application form under sub. (2) by calling (608) 224−4872, by visiting the department website at http://datcp.wi.gov, or by writing to the following address:

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

(f) A physical herd inventory verifying the herd census and completed by the herd veterinarian or an authorized agent of the department listing each farm−raised deer's 2 individual identifications, required under par. (d) 4.

(3) ACTION ON APPLICATION. The department shall grant or deny an application under sub. (2) within 30 days after the department receives a complete application. Except as provided in sub. (9), a herd is enrolled on the day that the department accepts the application. The department shall notify the herd keeper of the enrollment date.

(4) CONTINUED ENROLLMENT. A person who enrolls a herd in the status program under this section shall do all the following to continue that enrollment:

(a) Identify every farm−raised deer in the herd with 2 individual identifications before the farm−raised deer is one year old. One identification shall be official individual identification and the second identification shall be either an official individual identification or an individual identification unique to the herd.

(b) Have a chronic wasting disease test performed, according to s. ATCP 10.52, on each of the following farm−raised deer that is at least 12 months old:

1. A farm−raised deer that dies or is killed while kept by that person.

2. A farm−raised deer that the person ships to slaughter.

(c) Notify the herd veterinarian within 24 hours after observing any signs or symptoms of chronic wasting disease in the herd.

(d) Complete an annual herd census and file a report of that herd census under sub. (5).

(e) Create and maintain complete herd records under sub. (6).

(f) Provide the department with an annual written statement from the herd veterinarian. A Wisconsin certified veterinarian shall sign and submit the statement within 30 days before or after the anniversary of the herd's enrollment under sub. (3). The statement shall certify all the following:

1. That the veterinarian is the herd veterinarian, having established a valid veterinarian−client relationship with the herd keeper and a valid veterinarian−patient relationship with the herd.

2. That the herd has not had any signs of chronic wasting disease, or any positive test results for chronic wasting disease, in the past 12 months.

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

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

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

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

(h) Submit a physical herd inventory completed by the herd veterinarian or an authorized agent of the department at least once

every 3 years. Each farm−raised deer in the herd shall have 2 forms of individual identification, as required under par. (a), which meet the requirements of sub. (2) (d) 4. Each farm−raised deer keeper with a herd enrolled in the herd status program under this section shall submit the first complete physical herd inventory by December 31, 2015.

(5) ANNUAL HERD CENSUS. A person shall complete an annual herd census under sub. (4) (d) within 30 days before or after the anniversary of the herd's enrollment under sub. (3). The person shall file an annual census report under sub. (4) (d), on a form provided by the department, within 10 days after completing the annual herd census. The report shall include all of the following:

(a) A whole herd census that shall include all of the following:

1. The total number of farm−raised deer in the herd at least one year old.

2. The total number of farm−raised deer less than one year old.

3. The species, sex, and month and year of birth of all farm−raised deer in the herd.

4. The 2 individual identifications which meet the requirements of sub. (2) (d) 4. for each farm−raised deer that is at least one year old.

5. The following information for each farm−raised deer added to the herd since the last herd census:

a. Whether the new farm−raised deer was born in the herd or added from another source.

b. If the farm−raised deer was added from another source, the name and address of the person from whom it was obtained.

Note: Farm−raised deer less than one year old may be grouped by like species, sex, and month and year of birth, for example: 5 WTD, Female, born in herd, June, 2011.

(b) A report that indicates, for each farm−raised deer that has left the herd since the last reported herd census, by escape, death, slaughter, or transfer of ownership, all of the following:

1. The total number of farm−raised deer less than one year old that left the herd.

2. The 2 individual identifications which meet the requirements of sub. (2) (d) 4. for each farm−raised deer that has left the herd.

3. Species, sex, and month and year of birth for each farm−raised deer that left the herd.

4. Whether the farm−raised deer escaped, died on the premises, was shipped directly to a slaughtering establishment for slaughter, or was shipped to a place other than a slaughtering establishment.

5. If the farm−raised deer was shipped live to a place other than a slaughtering establishment, the name and address of the person to whom it was shipped and the place to which it was shipped.

6. If the farm−raised deer died on the premises, was slaughtered, or killed, and the farm−raised deer was at least 12 months old, copies of the laboratory report showing the chronic wasting disease test results required under sub. (4) (b) if the test was not performed at the Wisconsin veterinary diagnostic laboratory.

7. If the farm−raised deer died on the herd premises, the disposition of its carcass. If the carcass left the premises, the report shall identify the carcass destination and recipient.

8. If the farm−raised deer was shipped directly to a slaughtering establishment, the name and address of the slaughtering establishment.

9. If the farm−raised deer escaped, the information required under par. (c).

(c) A report of escapes that shall include information related to every farm−raised deer that has escaped since the last reported herd census, including:

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

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

3. If the escaped animal was killed before returning to the herd, the date it was killed, the date the chronic wasting disease sample was submitted for testing, and the results of that test.

4. The circumstances that resulted in the escape.

5. Steps taken to prevent recurring escapes.

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

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

(5m) FINAL HERD CENSUS. (a) A registered farm−raised deer keeper who is no longer operating a deer farm or no longer participating in the chronic wasting disease herd status program under this section shall complete a final herd census. The final herd census shall include all the information required under sub. (5).

(b) A final census shall be submitted to the department within 30 days of herd dispersal, or immediately upon termination of participation in the chronic wasting disease herd status program.

Note: A farm−raised deer keeper, with a herd containing white−tailed deer, that discontinues enrollment in the chronic wasting disease herd status program may be required to comply with fencing and other requirements of the DNR, as well as other testing requirements under this chapter. See s. ATCP 10.52 (1m) (b) and s. NR 16.45.

(6) HERD RECORDS. The keeper of a herd enrolled in the status program under this section shall keep the following herd records, shall retain the records for at least 5 years, and shall make the records available to the department for inspection and copying upon request:

(a) A record of each farm−raised deer added to the herd from another source, including:

1. The species, age, sex, and 2 individual identifications which meet the requirements of sub. (2) (d) 4. for the farm−raised deer.

2. The name and address of the person from whom the farm−raised deer was obtained.

3. The address of the herd from which the farm−raised deer was obtained.

4. A copy of the certificate of veterinary inspection that accompanied the farm−raised deer.

(b) A record of each farm−raised deer leaving the herd, including all the following:

1. Whether the farm−raised deer died on the premises, was shipped directly to a slaughtering establishment, or was shipped live to a place other than a slaughtering establishment.

2. If the farm−raised deer was shipped live to a place other than a slaughtering establishment, the name of the person to whom it was shipped, the place to which it was shipped, and a copy of the certificate of veterinary inspection that accompanied the farm−raised deer.

3. If the farm−raised deer died on the premises, the apparent cause of death, the age of the farm−raised deer, and the disposition of its carcass. If the carcass left the premises, the record shall identify the carcass destination and recipient.

4. If the farm−raised deer was shipped directly to a slaughtering establishment, the age of the farm−raised deer and the name and address of the slaughter establishment.

(c) A record of all chronic wasting disease tests conducted on farm−raised deer in the herd.

(d) Records received from the herd veterinarian related to veterinary services provided to the herd.

(7) HERD ENROLLMENT; SUSPENSION. (a) The department may by written notice, without prior notice or hearing, suspend a herd's enrollment in the herd status program under this section if any of the following occur:

1. The herd keeper falsifies any information in an enrollment application, or falsifies any subsequent information required for continued enrollment.

2. The herd keeper fails to comply with requirements under subs. (4) and (5) for continued enrollment.

3. The herd keeper violates sub. (10) related to herd additions.

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

5. Fewer than 90% of the farm−raised deer that left the herd by death, escape, or slaughter in any census year, including farm−raised deer whose remains were not testable because of deterioration when found, were tested for chronic wasting disease according to sub. (4) (b).

6. A chronic wasting disease test positive farm−raised deer was previously a member of the herd.

7. The department reasonably suspects that the herd may include one or more deer infected with chronic wasting disease.

(b) The state veterinarian or designee may issue a suspension notice under par. (a). The suspension notice shall state the reasons for the suspension.

Note: No live farm−raised deer may be moved from a herd while a suspension under sub. (7) is in effect. See ss. ATCP 10.52 (2) and 10.56 (1). A herd keeper may request a hearing on a suspension, pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a summary suspension.

(8) HERD ENROLLMENT; REVOCATION. (a) The department shall by written notice, without prior notice or hearing, revoke a herd's enrollment in the herd status program under this section if a farm−raised deer in the herd tests positive for chronic wasting disease.

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

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

Note: No live farm−raised deer may be moved from a herd after a herd enrollment is revoked under sub. (8). See ss. ATCP 10.52 (2) and 10.56 (1). A herd keeper may request a hearing on a revocation, pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a summary revocation.

(9) HERD ENROLLMENT; REINSTATEMENT. (a) Except as provided in par. (b), the department may reinstate a herd's enrollment in the herd status program, following a valid suspension or revocation, if the department finds that changed circumstances warrant reinstatement. The department may specify a reinstatement date that it deems appropriate. The department may reinstate enrollment retroactively following a valid suspension, as it deems appropriate, but may not reinstate enrollment retroactively following a valid revocation.

(b) The department may not reinstate enrollment following a valid revocation under sub. (8) (a).

(c) If the department finds that a suspension or revocation was invalid when issued, the department shall reinstate the enrollment retroactive to the applicable status date of the herd at the time the invalid suspension or revocation was issued.

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

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

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

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

(10) HERD ADDITIONS. (a) No person may add a cervid to a herd enrolled in the status program under this section unless one of the following applies:

1. The cervid is a farm−raised deer that originates from another herd in this state that is enrolled under this section and is moved in compliance with s. ATCP 10.56.

2. The cervid is a farm−raised deer that is imported in compliance with s. ATCP 10.55, and originates from a herd that is one of the following:

a. Enrolled in a state−recognized chronic wasting disease program that is at least equal to the program under this section.

b. Enrolled in a federal program that complies with federal uniform methods and rules.

(b) If a person adds a farm−raised deer in a manner not in compliance with par. (a), the status date of the receiving herd will be lowered to the status date of the incoming farm−raised deer's herd of origin.

Note: If a farm−raised deer originates from the wild or from a herd that is not enrolled in a program meeting the requirements of par. (a), the destination herd will lose all status. The certificate of veterinary inspection indicates chronic wasting disease program status.

(c) The herd status of the herd of destination is not affected under this section if the herd of origin of the added cervid has 5 or more years of status in a program meeting par. (a).

(11) NEW HERD; ENROLLMENT DATE. If a person assembles a new herd consisting solely of farm−raised deer from source herds that are already enrolled in a program under sub. (10) (a), the new herd is enrolled in the program under this section on the latest enrollment date assigned to any of those source herds if all the following apply:

(a) The herd keeper submits an enrollment application under sub. (2) within 90 days after the keeper acquires the first farm−raised deer to create the new herd, and the department accepts that enrollment application.

(b) The herd keeper complies with this section.

(c) The herd keeper includes the following information in the initial herd census report under sub. (2) (d), in addition to the information required under sub. (2) (d):

1. Two individual identifications which meet the requirements of sub. (2) (d) 4. for every farm−raised deer in the new herd, including those less than one year old.

2. The source herd from which each farm−raised deer in the new herd originated, including the address of the source herd, the name and address of the source herd keeper, and the livestock premises code, if any, for the source herd premises.

3. The date on which each farm−raised deer was added to the new herd.

(d) The herd keeper conducts a chronic wasting disease test, according to s. ATCP 10.52, on any farm−raised deer in the new herd that dies or is killed or slaughtered before the herd is enrolled under this section. This paragraph does not apply to a farm−raised deer that is less than 12 months old.

(e) The herd is not kept at a location where a prior herd was depopulated because of exposure to or infection with chronic wasting disease.

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(f) The farm−raised deer in the new herd were moved in compliance with ss. ATCP 10.55 and 10.56.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−107: cr. (4) (g), (5) (f) 5., (g) to (i) and (9) (d), am. (5) (f) (intro.), 1., (7) (a) 5. and (8) (b), r. and recr. (7) (a) 4. Register November 2008 No. 635, eff. 12−1−08; CR 11−048: am. (1), cr. (1m), am. (2) (d) 4., cr. (2) (d) 5., r. and recr. (5), cr. (5m), am. (7) (a) 2., (9) (c), (10) (a) 1., r. and recr. (10) (b), (c) Register July 2012 No. 679, eff. 8−1−12; correction in (1m) (title) under s. 13.92 (4) (b) 2. Register July 2012 No. 679; CR 13−058: am. (2) (d) 4., cr. (2) (f), am. (4) (a), (b) (intro.), cr. (4) (h), am. (5) (a) (intro.), 4., (b) 2., 6., (6) (a) 1., 3., (9) (d) 2., (11) (c) 1., (d) Register March 2014 No. 699, eff. 6−1−14; correction in (9) (d) 2. made under s. 35.17, Stats., Register March 2014 No. 699.

ATCP 10.54 Farm−raised deer; identification. (1) OFFICIAL INDIVIDUAL IDENTIFICATION. (a) Whenever a veterinarian does any of the following to a farm−raised deer, the veterinarian shall identify the farm−raised deer with an official individual identification unless the farm−raised deer already bears all required individual identification:

1. Vaccinates, identifies, or tests a farm−raised deer in order to complete a certificate of veterinary inspection or other official document or certification.

2. Tests, or collects test samples from, a farm−raised deer for any disease identified in s. ATCP 10.03.

(am) Whenever a person qualified under s. ATCP 10.52 (4) collects test samples from a farm−raised deer for chronic wasting disease testing, the person shall identify the farm−raised deer with an official individual identification or a dead tag. This paragraph does not apply if the farm−raised deer already bears all the required individual identification.

(c) A keeper of farm−raised deer shall identify each of the following farm−raised deer with 2 individual identifications meeting the requirements of s. ATCP 10.53 (2) (d) 4., unless that farm−raised deer already bears all the required individual identification:

1. Each farm−raised deer that the person receives from another person.

2. Each farm−raised deer that the person ships or delivers to another person.

3. Each farm−raised deer that the person moves from one farm−raised deer herd to another.

4. Each farm−raised deer that the person moves between locations that are registered under one registration certificate under s. ATCP 10.46 (4) (b).

(d) Whenever an animal dealer or animal market operator receives any farm−raised deer, the animal dealer or animal market operator shall immediately identify that farm−raised deer with 2 individual identifications meeting the requirements of s. ATCP 10.53 (2) (d) 4., unless the farm−raised deer already bears all the required individual identification or is backtagged for slaughter under sub. (2).

(e) No animal dealer or animal market operator may deliver a farm−raised deer to the custody of any other person unless that farm−raised deer bears 2 individual identifications meeting the requirements of s. ATCP 10.53 (2) (d) 4., or is backtagged for slaughter under sub. (2).

(f) No person may remove, alter, or tamper with the official individual identification given to any farm−raised deer, except as approved by the department or the federal bureau.

(2) SLAUGHTER IDENTIFICATION. (a) Whenever an animal trucker, animal dealer, animal market operator, or slaughtering establishment operator receives any farm−raised deer for slaughter, or for sale or shipment to slaughter, that recipient shall immediately identify that farm−raised deer with an official backtag or other official slaughter identification approved by the department unless the farm−raised deer already bears official slaughter identification.

(b) Whenever any person under par. (a) receives a farm−raised deer for slaughter, or for sale or shipment to slaughter, that recipient shall immediately record the following information related to that farm−raised deer:

1. The official slaughter identification under par. (a).

2. The date on which that recipient received the farm−raised deer.

3. The name and address of the person from whom that recipient received the farm−raised deer.

(c) A person who is required to keep records under par. (b) shall do all of the following:

1. Retain each record for at least 5 years.

2. Make the records available to the department, upon request, for inspection and copying.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 11−048: am. (1) (a) 2. Register July 2012 No. 679, eff. 8−1−12; CR 13−058: am. (1) (a), cr. (1) (am), am. (1) (c) (intro.), (d), (e) Register March 2014 No. 699, eff. 6−1−14.

ATCP 10.55 Farm−raised deer; imports. (1) GENERAL. No person may import a farm−raised deer into this state without an import permit under s. ATCP 10.07 (2). Imports of farm−raised deer shall comply with this section.

Note: See also ss. ATCP 10.81 (importing circus, rodeo, racing, and menagerie animals) and 10.84 (importing wild animals).

(2) CERTIFICATE OF VETERINARY INSPECTION; REQUIREMENT. (a) Except as provided in par. (b), a valid certificate of veterinary inspection shall accompany every farm−raised deer imported into this state.

(b) A farm−raised deer imported directly to a slaughtering establishment for slaughter shall comply with all of the following:

1. The farm−raised deer shall be accompanied by a completed federal bureau form VS 1−27 or a valid certificate of veterinary inspection.

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

2. The farm−raised deer shall be tested for chronic wasting disease under the testing standards established by the state of origin.

(3) CERTIFICATE OF VETERINARY INSPECTION; CONTENTS. A certificate of veterinary inspection under sub. (2) (a) shall include all of the following:

(a) A tuberculosis certification under sub. (4).

(b) A report of compliance with brucellosis testing requirements specified, in the brucellosis uniform methods and rules, for interstate movement of farm−raised deer.

Note: The brucellosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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

(d) Official individual identification on the farm−raised deer.

Note: See ss. ATCP 10.47 (hunting preserves), 10.53 (chronic wasting disease herd status program enrollment), and 10.54 (deer identification) for requirements for 2 forms of individual identification on farm−raised deer.

(e) The following statement or a substantially similar statement:

"All cervids identified on this certificate originate from a herd enrolled for the past 5 years in a state chronic wasting disease program meeting the federal bureau standards."

(4) TUBERCULOSIS STATUS. A certificate of veterinary inspection under sub. (2) (a) shall certify one of the following:

(a) The farm−raised deer originates from a herd that qualifies as an accredited tuberculosis−free herd under s. ATCP 10.49 (1) (a).

(b) The farm−raised deer originates from a herd that qualifies as a tuberculosis qualified herd, based on a whole herd test completed within 365 days prior to the import date.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−107: r. (3) (c), (d), (4) (c), (d) and (5), am. (4) (b) Register November 2008 No. 635, eff. 12−1−08; CR 11−048: am. (3) (e) Register July 2012 no. 679, eff. 8−1−12; CR 13−058: am. (2) (b) (intro.), 1., 2., cr. (3) (d), am. (3) (e) Register March 2014 No. 699, eff. 6−1−14.

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ATCP 10.56 Moving farm−raised deer in Wisconsin. **(1)** CERTIFICATE OF VETERINARY INSPECTION REQUIRED. A valid certificate of veterinary inspection shall accompany every farm−raised deer that is moved from a herd in this state, except that no certificate of veterinary inspection is required for any of the following:

(a) A farm−raised deer moved directly to slaughter, if all the following apply:

1. The farm−raised deer is accompanied by a completed federal bureau form VS 1−27, or a department permit under s. ATCP 10.08 (3).

Note: Federal bureau form VS 1−27 may be completed by an accredited veterinarian, an authorized state animal health official, or the federal bureau.

2. The farm−raised deer, if at least 12 months old and enrolled in the chronic wasting disease herd status program under s. ATCP 10.53, or, if at least 16 months old and the herd is meeting the testing requirements under s. ATCP 10.52 (1m) (b) 3., is tested for chronic wasting disease after being slaughtered. Testing shall comply with test standards in s. ATCP 10.52.

(b) A farm−raised deer moved, pursuant to a permit under s. ATCP 10.08 (3), between institutions that are accredited by the association of zoos and aquariums.

(c) A farm−raised deer moved between 2 locations that are covered by the same registration certificate under s. ATCP 10.46 (4) (b).

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

(2) CERTIFICATE OF VETERINARY INSPECTION; CONTENTS. A certificate of veterinary inspection under sub. (1) shall be signed by a Wisconsin certified veterinarian who is the herd veterinarian for the herd of origin. The certificate shall include all of the following:

(a) The tuberculosis certification under sub. (3).

(b) The chronic wasting disease certification under sub. (4).

(c) Official individual identification of the farm−raised deer.

Note: The certificate of veterinary inspection may also include any auxiliary identification on the farm−raised deer.

(3) TUBERCULOSIS CERTIFICATION. A certificate of veterinary inspection under sub. (1) (a) shall certify one of the following:

(a) The farm−raised deer originates from an accredited tuberculosis−free herd under s. ATCP 10.49.

(b) The farm−raised deer originates from a herd that is classified as a tuberculosis qualified herd under s. ATCP 10.49, based on a whole herd test completed within the preceding 365 days.

(c) The farm−raised deer meets all of the following requirements:

1. It originates from a tuberculosis monitored herd under s. ATCP 10.49.

2. It has tested negative on a tuberculosis test conducted no more than 90 days prior to the movement date.

3. It has been continuously isolated since the test under subd. 2., in a manner that prevents it from contracting tuberculosis from other cervids.

(d) The farm−raised deer meets all of the following requirements:

1. It has tested negative on 2 tuberculosis tests conducted 90 to 270 days apart, and the second test was performed within 90 days prior to the movement date.

2. It has been isolated since the first test under subd. 1., in a manner that prevents it from contracting tuberculosis from other cervids.

Note: The department offers a pamphlet describing suggested bio−security measures to prevent the transmission of tuberculosis. You may obtain a copy by calling (608) 224−4872, by visiting the department website at http://datcp.wi.gov, or by writing to the following address:

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

(f) The farm−raised deer meets all of the following requirements:

1. The farm−raised deer is moving into a hunting preserve holding a certificate under s. ATCP 10.47.

2. It originates from a herd that has completed a whole herd test.

3. It has tested negative on a tuberculosis test conducted no more than 90 days prior to the movement date.

4. It has been continuously isolated since the tuberculosis test in a manner that prevents it from contracting tuberculosis from other cervids.

Note: See the note under par. (d) above.

(4) CHRONIC WASTING DISEASE CERTIFICATION. A certificate of veterinary inspection under sub. (1) shall certify that the farm−raised deer originates from a herd that meets all of the following requirements:

(a) It has shown no clinical signs of chronic wasting disease in the past 12 months.

(b) It has been enrolled in the chronic wasting disease herd status program under s. ATCP 10.53 and has at least 5 years of status.

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

Note: The department will notify a farm−raised deer keeper whenever a wild deer found or killed within 5 miles of the keeper's farm−raised deer herd tests positive for chronic wasting disease. Ninety days is generally a "reasonable time" to install a double protective barrier, for purposes of par. (c), although winter construction limitations may justify a longer "reasonable time."

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−107: cr. (1) (d) and (4) (c), am. (3) (d) 1., r. and recr. (4) (b) Register November 2008 No. 635, eff. 12−1−08; CR 11−048: am. (3) (b), cr. (3) (f), am. (4) (b) Register July 2012 No. 679, eff. 8−1−12; CR 13−058: am. (1) (a) 2., (b), (2) (intro.), cr. (2) (c), r. (3) (e), am. (4) (intro.) Register March 2014 No. 699, eff. 6−1−14.

ATCP 10.58 Farm−raised deer; separation from diseased wild deer. For purposes of ss. ATCP 10.53 (7) (a) 4. and 10.56 (4) (c), a double protective barrier means one of following systems, or a combination of any of the following systems, which fully encloses a farm−raised deer herd and is approved by the department:

(1) A double fence that meets all of the following requirements:

(a) Each fence is at least 8 feet high at every point.

(b) The 2 fences are at least 10 feet but not more than 16 feet apart at every point.

(2) A solid barrier that is at least 8 feet high at every point.

History: CR 07−107: cr. Register November 2008 No. 635, eff. 12−1−08; correction in (intro.) and renumbering made under s. 13.92 (4) (b) 1. and 7., Stats., Register November 2008 No. 635.

Subchapter VIII — Fish

ATCP 10.60 Definitions. In this subchapter:

(1) "Contiguous parcels" means land parcels that are adjacent or that share a common boundary. "Contiguous parcels" includes parcels that are separated only by a river, stream, section line, public road, private road, or railroad or utility right of way.

(1m) "Fish farm" means a facility or group of facilities, all located on a single parcel of land or on 2 or more contiguous parcels, at which a person hatches fish eggs, rears live fish, or holds live fish for the purpose of introduction into the waters of the state, human or animal consumption, fishing, use as bait or fertilizer, or for sale to another person to rear for one of those purposes.

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(2) "Food processing plant" means a facility that is required to be licensed under s. 97.29, Stats.

(2m) "Listed species" means the species of fish listed on the shipment documents or listed on the fish farm registration application as hatched or kept at the fish farm. "Listed species" does not include species that the department determines are incidentally included in the shipment or located on the fish farm.

Note: Although this exempts the incidental fish in a shipment from fish health certificate and department import permit requirements, it does not exempt a fish importer from the prohibitions or restrictions on fish imports in ch. NR 40.

(3) "Operator" means a person who owns or controls a fish farm. "Operator" includes the operator's employees and agents.

(4) "Ornamental fish" means goldfish, koi, tropical freshwater fish that cannot survive in temperatures below 38°F, saltwater fish, and other fish that the department designates in writing.

(5) "Qualified fish health inspector" means an individual who qualifies under s. ATCP 10.67 (1).

(6) "Qualified laboratory" means a laboratory that qualifies under s. ATCP 10.67 (2).

(7) "Retail food establishment" means a facility that is required to be licensed under s. 97.30, Stats.

(8) "Restaurant" means a facility that is required to be licensed under s. 254.64, Stats.

(9) "Salmonid" means fish or fish eggs of the family that includes trout, salmon, grayling, char, Dolly Vardon, whitefish, cisco, and inconnu.

(10) "Untreated water" means water that has not been rendered free of pathogens.

(10m) "Waters of the state" includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems, and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction. For this subchapter "waters of the state" do not include those waters registered as a fish farm under s. ATCP 10.61.

Note: *See* s. 281.01(18), Stats.

(11) "Wild source" means waters within or without this state that meet both of the following:

(a) The waters are not determined to be fish farms under the laws of the state of location.

(b) The waters are not exempt from any requirements of the state of location to be licensed or registered as a fish farm. Waters that are exempt from licensing or registration in the state of location are not "wild sources."

Note: The Wisconsin department of natural resources is considered a "person" for purposes of this subchapter. *See* s. ATCP 10.01 (77).

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−107: renum. (1) to be (1m) and am., cr. (1) Register November 2008 No. 635, eff. 12−1−08; CR 11−048: am. (1m), cr. (2m), am. (10), cr. (10m), am. (11) Register July 2012 No. 679, eff. 8−1−12.

ATCP 10.61 Fish farms. (1) REGISTRATION CERTIFICATE REQUIRED. Except as provided in sub. (2), no person may operate a fish farm for any of the following purposes without a current annual registration certificate from the department that identifies that fish farm:

(a) Hatching fish eggs or holding or rearing live fish for any of the following purposes:

1. Sale or distribution.
2. Introduction into the waters of the state.
3. Fishing.
4. Use as bait or fertilizer.
5. Use as human food or animal feed.
6. Education, demonstration or research.

(b) Holding live fish or fish eggs owned by another person.

Note: A Wisconsin department of natural resources (DNR) fish stocking permit is needed to stock fish into the waters of the state. However, a DNR fish stocking permit is not needed to stock fish into a fish farm registered under sub. (1). *See* s. 29.736, Stats.

A DNR sport fishing license is not required to fish at a registered fish farm. Persons fishing at a registered fish farm do not need to comply with season, size, or bag limits. *See* s. 29.001 (27), Stats.

Toxicants required for fish farming operations may be used in self−contained fish rearing facilities (as defined in s. 29.001 (76), Stats.) if there is no discharge from the facility, or if the discharge of the chemical is allowed under a Wisconsin pollutant discharge elimination system (WPDES) permit. A DNR aquatic pesticide use permit is required in other cases. *See* ss. 29.601 (5) (b) and 283.31, Stats.

Pesticide applications must comply with ch. ATCP 29, administered by the department of agriculture, trade and consumer protection. Pesticide applications may also be subject to other federal, state, and local regulations.

(2) EXEMPTIONS. A person may do any of the following without a registration certificate under sub. (1):

(a) Hold, rear, sell, or distribute live ornamental fish, or hatch the eggs of ornamental fish, unless the ornamental fish or fish eggs are commingled with non−ornamental fish or fish eggs or are reared for bait, human food, or animal feed.

(b) Hold or rear live fish, or hatch fish eggs, in a fully enclosed building solely for purposes of education, display, or research where the fish spend the remainder of their lives within that building, provided that all of the following apply:

1. The live fish and eggs are not commingled with fish or fish eggs that will be used for any other purposes.

2. The facility does not discharge to waters of the state any untreated water used to hold those fish or fish eggs.

3. All of the dead fish and offal from the building are disposed of by rendering, composting, municipal solid waste disposal, or other means approved by the department.

(c) Exhibit live fish in a public forum for not more than 15 days in a calendar year, or for a longer period of time that the department authorizes in writing for a specific exhibit.

(d) Hold live fish or fish eggs for not more than 30 days at a food processing plant, retail food establishment, or restaurant pending slaughter or sale to consumers at that facility, provided that all of the following apply:

1. The live fish and fish eggs are not commingled with fish or fish eggs that will be used for other purposes.

2. The facility does not discharge to waters of the state any untreated water used to hold or process those fish or fish eggs.

3. All of the dead fish and offal from the buildings are disposed of by means of rendering, composting, municipal solid waste disposal, or other means approved by the department.

(e) Transport live fish or fish eggs to or from a fish farm.

(f) Operate as a bait dealer licensed under s. 29.509, Stats., provided that the person does not hatch fish eggs or rear fish for any purpose other than for retail sale as bait.

(g) Hold live fish at a temporary public fishing event if all of the following requirements are met:

1. No fish leave the event alive, except to return to the registered fish farm of origin or directly to slaughter.

2. Fish are not commingled with fish from another source.

3. Fish are held in a self−contained enclosure.

4. No untreated water used to hold the fish or fish eggs is discharged to waters of the state.

5. The event lasts no more than 15 days.

(h) Hold or rear live fish solely for the purpose of sale as pet fish for personal home aquaria, provided that the facility does not discharge to waters of the state any untreated water used to hold or process those fish or fish eggs and the fish are not commingled with fish or fish eggs that will be used for other purposes.

Note: The Wisconsin department of natural resources wild harvest laws under s. 29.509, Stats., and s. NR 19.057, may apply.

(i) Temporarily hold live fish in a Wisconsin department of natural resources fish egg collection station located in waters of the state, solely for the purpose of collecting eggs, if all of the following requirements are met:

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http://docs.legis.wisconsin.gov/code/admin_code

1. Fish in the fish egg collection station are obtained from the waters in which the egg collection station is located.

2. Fish are not retained at the egg collection station after egg collection. The fish are returned to the waters from which they were obtained.

3. The fish eggs collected are not hatched at the egg collection station, but are taken to a registered fish farm for hatching.

Note: A permit under s. ATCP 10.655, must be obtained to return the fish or fish eggs to the same waters of the state from which they were collected.

(3) REGISTRATION TYPE. (a) A fish farm registration certificate under sub. (1) shall specify whether the fish farm is registered as a type 1, type 2, or type 3 fish farm. Except as provided in par. (g), the registration type may vary from year to year.

(b) Except as provided in par. (d), a fish farm operator may not sell or distribute live fish or fish eggs from that fish farm unless the fish farm is registered as a type 2 or type 3 fish farm.

(c) Except as provided in par. (d), the operator of a fish farm that receives any fish or fish eggs obtained from a wild source of a species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia may not sell or distribute any live fish or fish eggs from that fish farm unless the fish farm is registered as a type 3 fish farm.

(d) The operator of a registered fish farm may do any of the following, regardless of whether that fish farm is registered as a type 1, type 2, or type 3 fish farm:

1. Allow public fishing at the fish farm, including public fishing for a fee.

2. Ship live fish or fish eggs from the fish farm to a food processing plant, retail food establishment, or restaurant, for processing or direct sale to consumers, provided that the receiving entity does not do any of the following:

a. Hold any of the fish or fish eggs for more than 30 days prior to slaughter or direct sale to consumers.

b. Commingle the fish or fish eggs with fish or fish eggs that may be used for any other purpose.

c. Sell or distribute unprocessed fish or fish eggs to consumers at any place other than the food processing plant, retail food establishment, or restaurant at which the entity first receives them.

d. Discharge to waters of the state any untreated water used to hold or process any of the fish or fish eggs.

e. Dispose of any dead fish, dead fish eggs, or fish offal except by rendering, composting, municipal solid waste disposal, or other means approved by the department.

3. Ship live fish or fish eggs to a specific location for direct sale to consumers as food provided that all of the following requirements are met:

a. Records are kept in compliance with sub. (10).

b. No fish leave the event alive, except to return to the farm of origin or directly to slaughter.

c. Fish are held in a self−contained enclosure.

d. Fish are not commingled with fish from any other source.

e. No untreated water used to hold the fish or fish eggs is discharged to waters of the state.

Note: A fish farm registration holder may change the registration type during a registration year only pursuant to the process in sub. (6m).

(g) A fish farm operator may not register, as a type 1 or type 2 fish farm, a fish farm that was previously registered as a type 3 fish farm unless one of the following conditions is met:

1. The fish farm operator first removes all fish and fish eggs from the fish farm and disinfects the fish farm.

2. A qualified fish health inspector issues a fish health certificate under s. ATCP 10.65 that covers all of the fish and fish eggs on the fish farm. The fish health certificate shall further certify that all fish or fish eggs received onto the fish farm from a wild source in the immediately preceding 12 months were accompanied by a fish health certificate that included all of the certifications required under s. ATCP 10.65 (4) (b).

(4) ANNUAL EXPIRATION DATE. An annual fish farm registration certificate under sub. (1) expires on March 31 of each year.

(5) REGISTERING 2 OR MORE FISH FARMS. A separate annual registration certificate is required for each fish farm registered under sub. (1). A person may obtain annual registration certificates for 2 or more fish farms by filing a single annual application under sub. (6) and paying for each registration certificate the applicable annual fee under sub. (7). A registration certificate is not transferable between persons or locations.

Note: See s. ATCP 10.60 (1) and (1m). A fish farm operator may register, as a single fish farm, all fish farm facilities that are located on the same land parcel or on contiguous land parcels. Fish farm facilities located on non−contiguous land parcels must be registered as separate fish farms. A fish farm operator may choose to register fish farm facilities as separate fish farms, even though the facilities are located on the same land parcel or contiguous land parcels, if the facilities comply with sub. (5m).

(5m) REGISTERING 2 OR MORE FISH FARMS AT A SINGLE LOCATION. (a) A person may obtain separate registration certificates for 2 or more fish farms located on the same or contiguous land parcels. The fish farms shall be medically separated if at least one of the fish farms is a type 3 fish farm. Fish farms are considered to be medically separated if all of the following apply:

1. Fish and fish eggs in each fish farm are effectively separated from fish and fish eggs in every other fish farm.

2. Bio−security procedures, including procedures to prevent the commingling of fish, fish eggs, or water that may bear disease organisms, effectively prevent disease transmission between the fish farms.

3. The department finds that the fish farms comply with subds. 1. and 2., based on an inspection under par. (c).

(b) Each registered fish farm under par. (a) is considered a separate fish farm for purposes of disease control and movement. Fish and fish eggs, from species found to be susceptible to viral hemorrhagic septicemia (VHS), that are moved from a type 3 fish farm to any location in the state shall be accompanied by a valid health certificate under s. ATCP 10.65 (4) (c). The fish farm operator shall keep a record, under sub. (10) (a), related to each movement of fish or fish eggs between any of the registered fish farms.

(c) Before the department issues separate registration certificates under par. (a) for fish farms located on the same land parcel or contiguous land parcels that include at least one type 3 fish farm, the department shall inspect the fish farms for compliance with par. (b). The fish farm operator shall pay a nonrefundable fee of $400 for each day, or portion of a day, needed to complete the inspection. A single fee covers all of the inspected fish farms. No inspection is required for the renewal of an existing fish farm registration if the department has previously inspected the fish farm under this paragraph.

(6) APPLYING FOR A REGISTRATION CERTIFICATE. To obtain an annual fish farm registration certificate under sub. (1), a fish farm operator shall submit an application to the department on a form provided by the department. The application shall include all of the following:

(a) The operator's name, address, and telephone number.

(b) The following information for each fish farm that the operator wishes to register:

1. The fish farm location, including all of the following:

a. The county in which the fish farm is located.

b. The city, village, or town in which the fish farm is located.

c. The street name or road on which the fish farm access is located.

d. The physical address number or fire number of the fish farm location, or driving directions to the fish farm access point.

2. The livestock premises code assigned to the fish farm under s. ATCP 17.02 (7).

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3. A statement indicating whether the operator wishes to register the fish farm as a type 1, type 2, or type 3 fish farm.

4. Applicable fees required under sub. (7).

5. The name, address, and telephone number of the individual responsible for administering the fish farm.

6. The species of fish or fish eggs hatched or kept at the fish farm.

7. A description of the fish farm facilities.

8. A description of the fish farming activities conducted at the fish farm.

9. A statement indicating whether wild source fish or fish eggs are received at or shipped from the fish farm facility.

10. A statement indicating whether the operator is registering any other fish farms located on the same land parcel or a contiguous land parcel.

(c) A statement indicating whether the fish farm operator engages in any of the following activities:

1. Buying, trading, or importing fish or fish eggs for resale, processing, or exchange within this state, other than solely for breeding, bait, or human consumption.

2. Distributing fish or fish eggs, other than fish or fish eggs produced on the operator's fish farm, from any place in this state to any place outside this state.

(d) Other relevant information required by the department.

Note: A person may obtain an application form under sub. (6) by calling (608) 224−4872, by visiting the department website at: http://datcp.wi.gov, emailing to datcpfishfarms@wisconsin.gov, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53718

(6m) AMENDING REGISTRATION CERTIFICATE. (a) A fish farm registration certificate under this section may be amended during a registration year to do any of the following:

1. Add or remove ponds in a registered facility.

2. Add or remove species of fish or fish eggs hatched or kept at the fish farm.

3. Change registration type.

4. Combine previously separate fish farms located on the same or contiguous parcels and operated by the same legal entity.

(b) To amend a fish farm registration certificate, a fish farm operator shall submit a request to the department on a form provided by the department. The request for amendment shall include all of the following:

1. Current fish farm registration number for each fish farm registration to be amended.

2. The operator's name, address, and telephone number.

3. Type of amendment requested.

4. A description of the fish farm facilities, identifying any changes made to the facilities since the last registration.

5. Documents demonstrating compliance with the requirements in sub. (3) (g), if amending a type 3 registration to a type 2 or type 1 registration.

6. The registration fee under sub. (7) (a) 2. when amending a type 1 registration to a type 2 or type 3 fish farm registration. The previous type 1 registration fee payment is not credited toward payment of the type 2 or type 3 fish farm registration.

7. The registration fee under sub. (7) (a) 1. when amending a type 2 or type 3 registration to a type 1 registration. The previous type 2 or type 3 registration fee payment is not credited toward payment of the type 1 fish farm registration.

(c) Fees are nonrefundable and not prorated for partial year registrations. Registrations are nontransferable between locations or persons.

Note: A person may obtain a fish farm registration certificate form by calling (608)224−4872, by visiting the department website at http://datcp.wi.gov, or by writing to the following address:

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

(7) REGISTRATION FEES. (a) Except as provided in par. (c), a fish farm operator shall pay the following annual fish farm registration fees, as applicable:

1. A nonrefundable fee of $37.50 for a type 1 fish farm, or a total nonrefundable fee of $50 for 2 or more type 1 fish farms.

2. A total nonrefundable fee of $125 for up to 5 type 2 or type 3 fish farms, $150 for more than 5 but not more than 10 type 2 or type 3 fish farms, $200 for more than 10 but not more than 20 type 2 or type 3 fish farms, and $300 for more than 20 type 2 or type 3 fish farms.

(b) A fish farm operator who proposes to register 2 or more fish farms, and one or more of the fish farms are a type 3 fish farm located on the same land parcel or contiguous land parcels, shall pay the inspection fee required under sub. (5m) (c) after the department conducts the inspection and bills the fee to the operator.

(c) 1. Primary and secondary school districts are exempt from registration fees under par. (a).

2. An individual who is eligible for the veteran's fee waiver program under s. 45.44, Stats., is exempt from the registration fee under par. (a).

(d) A fish farm operator shall pay the full annual registration fee under par. (a) for a fish farm that is registered for any portion of a registration year.

(e) A fish farm operator shall pay, in addition to the annual registration fee under par. (a), a surcharge equal to the amount of the fee for the applicable registration fee category if the department determines that, within 365 days prior to submitting a registration application under sub. (6), the operator operated the fish farm without a registration certificate required under sub. (1) or (3). Payment of the surcharge does not relieve the operator of any other penalty or liability that may result from the violation, nor does it constitute evidence of a violation.

(8) ACTION ON REGISTRATION APPLICATION. The department shall grant or deny a registration application within 30 business days after the department receives a complete application under sub. (6), except that the department shall grant or deny the application within 60 calendar days if the department is required to perform an inspection under sub. (5m) (c).

(9) DENYING, SUSPENDING, OR REVOKING A REGISTRATION CERTIFICATE. The department may deny, suspend, or revoke a fish farm registration certificate for cause, including any of the following:

(a) Filing an incomplete or fraudulent application, or misrepresenting any information on an application.

(b) Violating applicable provisions of ch. 95, Stats., or this chapter.

(c) Violating the terms of the registration certificate.

Note: A fish farm operator adversely affected by the denial, suspension, or revocation of a fish farm registration certificate may request a hearing under s. 227.42, Stats., and ch. ATCP 1. The department will not deny registration to a new owner of a fish farm merely because ownership has changed.

(10) RECORDS. (a) *Fish and fish eggs received.* A fish farm operator shall keep all of the following records related to live fish or fish eggs that the operator receives at the fish farm:

1. The name, address, and fish farm registration number, if any, of the person from whom the operator received live fish or fish eggs.

2. The date on which the operator received the live fish or fish eggs.

3. The location at which the operator received the live fish or fish eggs.

4. The listed species, quantity, and size of live fish or fish eggs received.

5. Any import permit or health certificate required under s. ATCP 10.62.

(b) *Records retention.* An operator required to keep records under this section shall retain those records for at least 5 years and shall make them available to the department, upon request, for inspection and copying.

(c) *Records on sales and delivery of fish and fish eggs.* Except as provided under par. (d) or (e), a fish farm operator shall keep all of the following records related to live fish or fish eggs that the operator sells or ships from the fish farm:

1. The name, address, and fish farm registration number, if any, of the person to whom the operator sold or delivered live fish or fish eggs.

2. The date on which the operator sold or delivered the live fish or fish eggs.

3. The location at which the operator sold or delivered the live fish or fish eggs.

4. The listed species, quantity, and size of live fish or fish eggs sold or delivered.

5. Any import permit or health certificate required under s. ATCP 10.62.

(d) *Records on sales to consumers for food.* A fish farm operator who sells live fish or fish eggs directly to consumers for food is not required to keep records on those sales of fish or fish eggs directly to consumers for food.

Note: A fish farm operator who sells live fish or fish eggs directly to consumers for food is, however, still required to keep records of all other sales and deliveries of fish and fish eggs as specified in this subsection.

(e) *Records on sales of bait.* A fish farm operator who sells farm−raised fish or fish eggs from the fish farm in a retail sale directly to a consumer for bait is not required to keep records on those sales of fish or fish eggs directly to consumers for bait.

Note: A fish farm operator who sells live fish or fish eggs directly to consumers for bait is, however, still required to keep records of all other sales and deliveries of fish and fish eggs as specified in this subsection.

(11) FISH SOURCE. (a) No person selling or distributing fish or fish eggs may misrepresent, directly or by implication, the source or disposition of those fish or fish eggs.

(b) Except as provided in par. (c), a person transporting fish or fish eggs from a fish farm shall have documentary evidence showing that the person obtained those fish from that fish farm. Evidence may include a bill of sale, bill of lading, import permit, health certificate, certificate of veterinary inspection, or other document which identifies the fish farm.

(c) A person transporting fish or fish eggs, not required under this subchapter to be accompanied by any of the documents listed in par. (b), shall keep with the shipment a copy of the current fish farm registration certificate and a copy of the most recent fish farm registration application listing the species of fish held or reared by the fish farm.

(12) REGISTRANT RESPONSIBILITY. A person who registers a fish farm under sub. (1) shall ensure that fish farm operations comply with relevant provisions of this chapter. This subsection does not relieve other persons of liability for violations of this chapter.

Note: If the Wisconsin Department of Natural Resources (DNR) registers as the operator of a privately owned "cooperator" fish farm under sub. (1), DNR is responsible for ensuring that all operations of that fish farm comply with this chapter (the private operator may also be held responsible if that operator violates this chapter).

(13) REINSPECTIONS. (a) The department may charge, to the holder of a registration under this section, a reinspection fee of $150 for a reinspection that the department makes to determine whether that person has corrected a previous violation of this chapter noted on a previous inspection report. The department may not charge a reinspection fee under this subsection for a routine or regularly scheduled inspection, or for an inspection that is required under this chapter.

(b) A reinspection fee under par. (a) is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a registration renewal application form to the fish farm operator.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−061: am.(4), (5), (6) (c) and (7) (a), r. and recr. (7) (b) Register June 2008 No. 630, eff. 7−1−08; EmR0822: emerg. cr. (12), eff. 7−9−08; CR 07−107: am. (1) (intro.), (2) (intro.) and (5), r. and recr. (3), (6) and (7), cr. (5m) and (12) Register November 2008 No. 635, eff. 12−1−08; CR 11−048: am. (1) (a), (2) (b), cr. (2) (b) 3., am. (2) (d), cr. (2) (d) 3., (g), (h), (i), am. (3) (c), cr. (3) (d) 3., r. (3) (e), (f), am. (5m) (a) (intro.), (c), cr. (6m), am. (7) (b), (e), (10) (a), (b), cr. (10) (c), (d), (e), am. (11) (b), cr. (11) (c), (13) Register July 2012 No. 679, eff. 8−1−12; correction in (7) (b) under s. 13.92 (4) (b) 7. Register July 2012 No. 679; CR 13−058: am. (5m) (b), renum. (6) (b) 1. to (6) (b) 1. (intro.), a., b., d., cr. (6) (b) 1. c., renum. (7) (c) to (7) (c) 1., cr. (7) (c) 2., am. (8), renum. (10) (d) (intro.) to (10) (d) and am., r. (10) (d) 1. to 5., renum. (10) (e) (intro.) to (10) (e) and am., r. (10) (e) 1. to 3. Register March 2014 No. 699, eff. 6−1−14.

ATCP 10.62 Fish imports. (1) IMPORT PERMIT REQUIRED. (a) Except as provided in sub. (2), no person may import live fish or fish eggs into this state for any of the following purposes without a written import permit from the department that covers all of the imported fish or fish eggs:

1. Introducing the fish or fish eggs into waters of the state.

2. Using the fish or fish eggs as bait.

3. Holding or rearing the fish, or hatching the fish eggs, at a fish farm for which a registration certificate is required under s. ATCP 10.61 (1).

4. Selling or distributing the fish or fish eggs for any of the purposes listed under subds. 1. or 2.

(b) An import permit under par. (a) expires on the next October 31, unless the department specifies an earlier expiration date in the permit. A permit is not transferable between importers. A permit does not authorize any of the following:

1. An import shipment that violates the terms of the permit.

2. An import shipment that is not covered by a valid health certificate under s. ATCP 10.65.

(c) An import permit under par. (a) shall include all of the information required under sub. (3).

(d) A complete copy of the import permit, and one or more valid health certificates under s. ATCP 10.65 that cover all of the listed species of fish or fish eggs imported in the shipment, shall accompany every import shipment under par. (a). A health certificate does not cover an import shipment that occurs after the health certificate expires.

(e) A single import permit under par. (a) may authorize imports from multiple sources.

Note: If a single import permit covers 2 or more import shipments, a copy of the permit must accompany each shipment. If a person wishes to import from additional sources not listed on the import permit, the person must apply for additional import permits. A person importing any of the following must also obtain an import permit from the Wisconsin department of natural resources (DNR):

• Live fish or fish eggs of species not native to Wisconsin. *See* s. 29.735 (1), Stats.

• Live rough fish or rough fish eggs, except goldfish, dace, and suckers. *See* s. 29.407 (4), Stats.

An application for an import permit under this section also serves as an application for a DNR import permit. The department will forward the permit application to DNR if DNR permit requirements apply.

Under s. 29.736, Stats., no person may use imported fish or fish eggs to stock waters of the state without a stocking permit from DNR (unless the stocking is subject to an exemption under s. 29.736, Stats.). An import permit application under this section does not serve as an application for a DNR stocking permit.

(2) EXEMPTIONS. No permit is required under sub. (1) to import any of the following:

(a) Live ornamental fish or the eggs of ornamental fish, unless the ornamental fish or fish eggs are commingled with non−ornamental fish or fish eggs, or are reared for bait, human food, or animal feed.

(b) Live fish or fish eggs that will be held for the remainder of their lives in fully enclosed buildings solely for purposes of display, education, or research, provided that all of the following apply:

1. The fish or fish eggs are not commingled with fish or fish eggs that are held or used for other purposes.

2. No untreated water used to hold the fish or fish eggs is discharged to waters of the state.

3. All of the dead fish and offal from the buildings are disposed of by rendering, composting, municipal solid waste disposal, or other means approved by the department.

(c) Live fish or fish eggs imported directly to a food processing plant, retail food establishment, or restaurant, where they will be held for not more than 30 days pending slaughter or sale to consumers at that facility, provided that all of the following apply:

1. The fish or fish eggs are not commingled with fish or fish eggs that are held or used for other purposes.

2. The receiving facility does not discharge to waters of the state any untreated water used to hold or process the fish or fish eggs.

3. All of the dead fish and offal from the receiving facility are disposed of by rendering, composting, municipal solid waste disposal, or other means approved by the department.

(d) Live fish or fish eggs that are directly imported by the Wisconsin department of natural resources from a fish farm in another state to a fish farm in Wisconsin.

(e) Live fish or fish eggs of species that are not susceptible to viral hemorrhagic septicemia, as determined by the federal bureau, imported directly for personal use as bait, in amounts not exceeding 600 fish or fish eggs per shipment, and in compliance with s. NR 20.08.

Note: Species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia are listed at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth.

(f) Live fish or fish eggs imported to a Wisconsin fish farm from an out of state fish farm if the shipment is accompanied by one or more valid fish health certificates under s. ATCP 10.65 covering all of the listed species of fish or fish eggs in the shipment. A fish health certificate does not cover an import shipment that occurs after the fish health certificate expires.

(3) IMPORT PERMIT; CONTENTS. An import permit under sub. (1) shall include all of the following:

(a) The name, address, and telephone number of the importer to whom the permit is issued.

Note: The importer may or may not be the import recipient, or the operator of the import source. The importer is the person who owns the imported fish or fish eggs when the import shipment enters this state.

(b) Identification of the fish farm or wild source from which the importer may import live fish or fish eggs under the permit. Identification of a fish farm source shall include all of the following:

1. The name and address of the fish farm operator.

2. The address of the fish farm.

(c) A description of the fish or fish eggs that the permit holder may import from the source identified under par. (b). The description shall include the listed species of fish or fish eggs, and the size of fish of each listed species.

(4) APPLYING FOR A PERMIT. (a) Except as specified under par. (b), a person shall apply for an import permit under sub. (1) on a form provided by the department. The application shall include all of the following:

1. Permit information required under sub. (3), other than permit information added by the department.

2. A nonrefundable fee of $90.

Note: You may obtain an import permit application form by contacting the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708−8911
Phone: (608) 224−4872
Email: datcpfishfarms@wisconsin.gov

(b) An individual who is eligible for the veteran's fee waiver program under s. 45.44, Stats., is exempt from the fee under par. (a) 2.

(5) ACTION ON PERMIT APPLICATION. The department shall grant or deny an application under sub. (4) within 30 days after the department receives a complete application. If the department denies the application, the department shall issue the denial notice in writing and shall state the reasons for the denial.

Note: A permit applicant may request a hearing on a denial notice, pursuant to s. 227.42, Stats., and ch. ATCP 1.

(6) IMPORT RECIPIENTS. A person may import live fish or fish eggs to the following persons, and no others, pursuant to an import permit under sub. (1):

(a) A person holding a current fish farm registration certificate, under s. ATCP 10.61, which authorizes that person to hold live fish or fish eggs of the type imported.

(b) The state of Wisconsin department of natural resources.

(c) A person holding a current fish stocking permit, under s. 29.736, Stats., which authorizes that person to stock live fish or fish eggs of the type imported.

(d) A person holding a current bait dealer license under s. 29.509, Stats., which authorizes that person to hold live fish or fish eggs of the type imported.

(e) A person hosting a temporary public fishing event meeting the requirements of s. ATCP 10.61 (2) (g).

(f) Other persons identified by the department in the permit.

(7) IMPORT RECORDS REQUIRED. If a person is required to hold an import permit under sub. (1) for an import shipment of fish or fish eggs, that person shall keep all of the following records related to that import shipment which shall be made available to the department upon request:

(a) The import permit under sub. (1).

(b) The date of the import shipment.

(c) Identification of the fish farm or wild source from which the person imported the fish or fish eggs. Fish farm identification shall include all of the following:

1. The name and address of the fish farm operator.

2. The address of the fish farm.

(d) The listed species, quantity, and size or class of fish or fish eggs included in the import shipment.

(e) The following information related to the person who received the import shipment in this state:

1. The recipient's name and address.

2. The address of the premises in this state at which the recipient took delivery of the import shipment.

3. The recipient's fish farm registration number under s. ATCP 10.61, stocking permit number under s. 29.736, Stats., or a bait dealer license number under s. 29.509, Stats., if relevant to the recipient's qualification under sub. (6).

(f) The name and address of the fish hauler, if different from the importer.

Note: An importer must keep records under sub. (7), regardless of whether the importer is located in this state or another state. The department may deny, suspend, or revoke an import permit under sub. (1) if the importer fails to keep records, or fails to make them available to the department for inspection and copying upon request.

(g) The fish health certificates that cover all of the listed species of fish or fish eggs imported under the permit.

(8) IMPORT RECORDS; RETENTION AND AVAILABILITY. A person who is required to keep import records under sub. (7) shall retain those records for at least 5 years, and shall make them available to the department for inspection and copying upon request.

(9) IMPORTING DISEASED FISH. No person may import any live fish or fish eggs into this state if that person knows, or has reason to know, that those fish or fish eggs are infected or show clinical signs of any reportable disease under s. ATCP 10.66.

(10) SUSPENDING OR REVOKING AN IMPORT PERMIT. (a) The department may by written notice, without prior notice or hearing, suspend or revoke an import permit under sub. (1) for cause, including any of the following:

1. Filing an incomplete or fraudulent permit application, or misrepresenting any information on a permit application.

2. Violating applicable provisions of ch. 95, Stats., or this chapter.

3. Violating the terms of the import permit, or exceeding the import authorization granted by the permit.

(b) The state veterinarian may issue a notice under par. (a) on behalf of the department. A notice under par. (a) shall state the reasons for the suspension or revocation.

Note: A permit holder may request a hearing on the suspension or revocation of an import permit, pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a summary suspension or revocation under par. (a).

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−061: am. (4) (c) Register June 2008 No. 630, eff. 7−1−08; CR 07−107: cr. (2) (b) 3. and (c) 3., am. (3) (c) Register November 2008 No. 635, eff. 12−1−08; CR 11−048: am (1) (a) 3., (b) (intro.), 2., (c), cr. (1) (e), am. (2) (b) (intro.), 3., (c) 3., cr. (2) (e), am. (3) (b) 2., (c), r. (3) (d) to (f), (4) (b), renum. (6) (e) to be (f), cr. (6) (e), am. (7) (intro.), (c) 2., (d), (e) 2., cr. (7) (g) Register July 2012 No. 679, eff. 8−1−12; CR 13−058: am. (1) (a) 4., (2) (d),cr. (2) (f), renum. (4) (intro.) to (4) (a) (intro.) and am., renum. (4) (a) and (c) to (4) (a) 1. and 2., cr. (b) Register March 2014 No. 699, eff. 6−1−14.

ATCP 10.63 Fish introduced into waters of the state. **(1)** VALID HEALTH CERTIFICATE REQUIRED. (a) Except as provided under par. (b), no person may introduce any fish or fish eggs into waters of the state unless those fish or fish eggs are covered by a valid health certificate under s. ATCP 10.65. A qualified fish health inspector shall issue the health certificate based on an inspection of the fish or fish eggs, or of the farm from which they originate. A health certificate does not cover an introduction that occurs after the health certificate expires.

Note: See also fish stocking regulations under s. 29.736, Stats.

(b) A health certificate is not required for live fish or fish eggs of species that are not susceptible to viral hemorrhagic septicemia, as determined by the federal bureau, imported directly for personal use as bait in amounts not exceeding 600 fish or fish eggs per shipment and in compliance with s. NR 20.08.

Note: Species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia are listed at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth.

(2) DISEASED FISH. No person may introduce live fish or fish eggs into waters of the state, or distribute live fish or fish eggs for sale as bait, if that person knows, or has reason to know, that those fish or fish eggs are infected with or show clinical signs of any reportable disease under s. ATCP 10.66.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; EmR0822: emerg. am. (2), eff. 7−9−08; CR 07−107: am. (2) Register November 2008 No. 635, eff. 12−1−08; CR 11−048: renum. (1) to be (1) (a) and am., cr. (1) (b) Register July 2012 No. 679, eff. 8−1−12.

ATCP 10.64 Fish moved within this state. **(1)** VALID HEALTH CERTIFICATE REQUIRED. Except as provided in sub. (3), no person may move any live fish or fish eggs of a species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia (VHS) from a type 3 fish farm to any other location in this state, unless those fish or fish eggs are covered by a valid health certificate under s. ATCP 10.65. A qualified fish health inspector shall issue the health certificate based on an inspection of the fish or fish eggs, or of the farm from which they originate. A health certificate does not cover a movement that occurs after the health certificate expires.

Note: Species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia are listed at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth.

(2) DISEASED FISH. No person may move any live fish or fish eggs between fish farms in this state, or from a fish farm to any other location in this state, if that person knows, or has reason to know, that those fish or fish eggs are infected with or show clinical signs of any reportable disease under s. ATCP 10.66.

(3) EXEMPTIONS. Subsection (1) does not apply to any of the following:

(a) Live fish or fish eggs moved between type 3 fish farms registered under s. ATCP 10.61 by the same fish farm operator, if the operator keeps a complete record of the movement under s. ATCP 10.61 (10).

(b) Fish or fish eggs moved to a food processing plant, retail food establishment, or restaurant, for processing or direct sale to consumers, provided that the receiving entity does not do any of the following:

1. Hold any of the fish or fish eggs for more than 30 days prior to slaughter or direct sale to consumers.

2. Commingle the live fish or fish eggs with fish or fish eggs that may be used for any other purpose.

3. Sell or distribute unprocessed fish or fish eggs to consumers at any place other than the food processing plant, retail food establishment, or restaurant at which the entity first receives them.

4. Discharge to waters of the state any untreated water used to hold or process any of the fish or fish eggs.

5. Dispose of any dead fish, dead fish eggs or fish offal except by rendering, composting, municipal solid waste disposal, or other means approved by the department.

(c) Live fish or fish eggs shipped to a specific location for direct sale to consumers as food, provided that all of the following requirements are met:

1. Records are kept in compliance with s. ATCP 10.61 (10).

2. No fish leave the event live, except to return to the farm of origin or directly to slaughter.

3. Fish are held in a self−contained enclosure.

4. Fish are not commingled with fish from any other source.

5. No untreated water used to hold the fish or fish eggs is discharged to waters of the state.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; EmR0822: emerg. am. (1) and (2), cr. (3), eff. 7−9−08; CR 07−107: am. (1) and (2), cr. (3) Register November 2008 No. 635, eff. 12−1−08; CR 11−048: am. (1), (3) (a), (b) (intro.), 2., cr. (3) (c) Register July 2012 no. 679, eff. 8−1−12.

ATCP 10.645 Bait fish from wild sources. No bait dealer who is required to hold a license under s. 29.509, Stats., may distribute for use as bait any of the following fish or fish eggs, of a species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia (VHS), unless the fish or fish eggs are covered by a valid fish health certificate that complies with s. ATCP 10.65:

(1) Fish or fish eggs collected from a wild source within the 12 month period immediately preceding the distribution date.

(2) Fish or fish eggs from a type 3 fish farm.

Note: A "wild source" under s. ATCP 10.645 includes a wild source in this state or outside this state. Fish and fish eggs imported from other states (including bait fish and fish eggs) must also comply with import requirements under s. ATCP 10.62. Species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia are listed at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Section ATCP 10.645 applies to additional species if and when the federal bureau finds that those species are susceptible. DATCP will identify susceptible species (per USDA findings) in the fish health certificate form under s. ATCP 10.65.

History: EmR0822: emerg. cr. eff. 7−9−08; CR 07−107: cr. Register November 2008 No. 635, eff. 12−1−08.

ATCP 10.65 Fish health certificates. **(1)** GENERAL. A fish health certificate under s. ATCP 10.61 (3) (g) 2., 10.62 (1) (d), 10.63 (1), 10.64 (1), or 10.645 shall comply with this section.

(2) ISSUING A HEALTH CERTIFICATE. A qualified fish health inspector shall issue a fish health certificate on a form provided by the department, or on a form approved by the department, and shall file a copy of the health certificate with the department within 7 days after issuing the health certificate.

Note: To obtain a health certificate form, contact the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708−8911
Phone: (608) 224−4872
Email: datcpfishfarms@wisconsin.gov

(3) INSPECTION REQUIRED. A qualified fish health inspector shall issue a fish health certificate based on his or her personal inspection of one of the following, using appropriate inspection, sampling, and diagnostic methods specified in the certificate form:

File inserted into Admin. Code 11−1−2015. May not be current beginning 1 month after insert date. For current adm. code see:
http://docs.legis.wisconsin.gov/code/admin_code

(a) An individual shipment of live fish or fish eggs. The health certificate shall clearly identify the source and contents of the individual shipment. The description shall include the species of live fish or fish eggs, the quantity of live fish or fish eggs of each species, and the size of live fish of each species.

(b) A fish farm. The fish health certificate shall include the name and address of the fish farm operator, the name and address of the fish farm, and the fish farm's livestock premises code if any.

Note: A certificate form that specifies inspection, sampling, and diagnostic requirements under sub. (3) constitutes an order under s. 93.07 (10), Stats., which is subject to review in a contested case hearing under ch. 227, Stats., and ch. ATCP 1, unless the department adopts those requirements by rule. If a fish health certificate does not comply with instructions on the certificate form, the health certificate is invalid.

(4) CERTIFICATE CONTENTS. (a) A fish health certificate under s. ATCP 10.62 (1) (d) shall certify that the listed species of fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all of the following:

1. Visible signs of contagious or infectious disease.

2. Infectious hematopoietic necrosis, viral hemorrhagic septicemia (VHS), and whirling disease (*Myxobolus cerebralis*) if an import shipment covered by the health certificate includes salmonids.

3. White sturgeon iridovirus if an import shipment covered by the health certificate includes sturgeon.

4. Viral hemorrhagic septicemia (VHS) if an import shipment covered by the health certificate includes fish or fish eggs of a species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia and the fish or fish eggs are from a state or province where that disease is known to occur.

5. Other diseases, if any, specified on the certificate form. The certificate form shall identify the species for which, and circumstances under which, the disease−free certification is required.

(b) Except as provided in s. ATCP 10.655, a fish health certificate issued under s. ATCP 10.61 (3) (g) 2. or 10.63 (1) shall certify that the listed species of fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all of the following:

1. Visible signs of contagious or infectious disease.

2. Whirling disease (*Myxobolus cerebralis*) if a fish farm or shipment covered by the health certificate includes salmonids.

3. Viral hemorrhagic septicemia (VHS) if the health certificate covers fish or fish eggs of a species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia (VHS) and the fish or fish eggs are from a wild source or a type 3 fish farm.

Note: A "wild source" under subd. 3. includes a wild source in this state or outside this state. Fish and fish eggs imported from other states (including bait fish and fish eggs) must also comply with import requirements under s. ATCP 10.62. Species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia are listed at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Subdivision 3. applies to additional species if and when the federal bureau finds that those species are susceptible. DATCP will identify susceptible species (per USDA findings) in the fish health certificate form under s. ATCP 10.65.

4. Other diseases, if any, specified on the certificate form. The certificate form shall identify the species for which, and circumstances under which, the disease−free certification is required.

(c) A fish health certificate issued under s. ATCP 10.64 (1) shall certify that the listed species of fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all of the following:

1. Visible signs of contagious or infectious disease.

2. Viral hemorrhagic septicemia (VHS) if the health certificate covers fish or fish eggs of species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia (VHS).

Note: A health certificate under s. ATCP 10.64 (1) is for species of fish or fish eggs that the federal bureau has found to be susceptible to viral hemorrhagic septicemia (VHS) and are being moved from a type 3 fish farm.

3. Other diseases, if any, specified on the certificate form. The certificate form shall identify the species for which, and circumstances under which, the disease−free certification is required.

(d) A fish health certificate issued under s. ATCP 10.645 shall certify that the listed species of fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all of the following:

1. Visible signs of contagious or infectious disease.

2. Viral hemorrhagic septicemia (VHS).

3. Other diseases, if any, specified on the certificate form. The certificate form shall identify the species for which, and circumstances under which, the disease−free certification is required.

Note: A fish health certificate is required under s. ATCP 10.645 whenever a bait dealer distributes as bait any of the following fish or fish eggs of a species that the federal bureau has found to be susceptible to VHS:

• Fish or fish eggs collected from a wild source (in Wisconsin or elsewhere) within the 12 month period immediately preceding the distribution date.

• Fish or fish eggs from a type 3 fish farm.

(e) A fish health certificate shall include test results from a qualified laboratory to confirm the statements under pars. (a) to (d) if those test results are required by the certificate form.

(f) Fish egg inspection under this subsection may be based on brood stock inspection or an egg disinfection method approved by the federal bureau and listed on the certificate form. If testing is required by the certificate form, testing of the brood stock shall also be performed.

Note: A certificate form that includes requirements under par. (a) 5., (b) 4., (c) 3., (d) 3., (e), or (f) constitutes an order under s. 93.07 (10), Stats., which is subject to review in a contested case hearing under ch. 227, Stats., and ch. ATCP 1, unless the department adopts those requirements by rule. If a health certificate does not comply with instructions on the certificate form, the health certificate is invalid.

(4m) EXPIRATION DATE. (a) Except as provided in par. (b):

1. A health certificate based on an inspection under sub. (3) (a) expires 30 days after it is issued unless the department by written notice specifies a different expiration date.

2. A health certificate based on an inspection under sub. (3) (b) expires one year after it is issued unless the department by written notice specifies a different expiration date.

(b) A health certificate covering a fish farm, or covering a shipment of fish or fish eggs, is automatically voided if any fish or fish eggs not covered by a valid health certificate are added to that fish farm or shipment.

Note: A shipment of fish or fish eggs that is covered by more than one fish health certificate must be delivered prior to the expiration of ANY of the fish health certificates covering fish or fish eggs in that shipment.

(5) DEPARTMENT ACTION. (a) The department may, for cause, do any of the following by issuing written notice to the person who issued a fish health certificate:

1. Invalidate the health certificate.

2. Change the expiration date of the health certificate.

3. Impose conditions or limitations on the health certificate.

Note: In addition to giving the required notice under par. (a), the department will also attempt to notify other persons identified on the health certificate.

(b) Cause under par. (a) may include any of the following:

1. An apparent violation of this section.

2. Reasonable grounds to suspect that the health certificate may be inaccurate or unreliable.

3. New disease concerns that are not adequately addressed by the health certificate.

4. Special disease concerns that are not adequately addressed by the health certificate. These may include special disease concerns related to the species of fish or fish eggs, or the source from which the fish or fish eggs originate.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; EmR0822: emerg. am. (1), r. and recr. (4), (4m) and (5) (b) 4., eff. 7−9−08; CR 07−107: am. (1), r. and recr. (4), (4m) and (5) (b) 4. Register November 2008 No. 635, eff. 12−1−08; CR 11−048: am. (1), (2), (3) (a), (4) (a) (intro.), 4., (b) (intro.), (c) (intro.), 2., (d), (f) Register July 2012 No. 679, eff. 8−1−12.

ATCP 10.655 Fish reintroduced into their original wild source. (1) HEALTH CERTIFICATE EXEMPTION. Section ATCP 10.65 (4) (b) does not apply to the reintroduction of fish or fish eggs to the same lake from which they, or the eggs from which they were hatched, were collected, or to the same point or a down-

stream point in the same river system from which they, or the eggs from which they were hatched, were collected, if all of the following apply:

(a) The state veterinarian or designee issues a permit under sub. (2) authorizing the reintroduction.

(b) The collection and reintroduction are approved, in writing, by the Wisconsin department of natural resources.

(c) The reintroduction is designed to increase or rehabilitate a population of desirable sport fish species.

(d) The fish or fish eggs are reintroduced within 30 days after they are collected, or within 30 days after the fish are hatched, whichever is later.

(e) The fish or fish eggs are not commingled with fish or fish eggs from any other source.

(2) PERMIT. A permit under sub. (1) (a) may authorize one or more reintroductions under sub. (1), subject to conditions specified in the permit. A permit shall be based on a complete application under sub. (3). The state veterinarian, or the state veterinarian's designee, shall grant or deny an application under sub. (3) within 30 days after the department receives a complete application.

(3) PERMIT APPLICATION. A person applying for a permit under sub. (2) shall submit the application in writing. The application shall include all of the following:

(a) The correct legal name and address of the applicant.

(b) The location from which the fish or fish eggs will be collected.

(c) The location at which the fish or fish eggs will be reintroduced.

(d) The purpose for the reintroduction.

(e) Documentation showing that the Wisconsin department of natural resources has approved the collection and reintroduction under sub. (1) (b).

(f) Documentation indicating that the reintroduction will comply with other requirements under sub. (1) (c) to (e).

(g) Other relevant information required by the department.

(4) PERMIT RECORD. The department shall keep, for at least 5 years, a record of each permit issued under sub. (2).

History: EmR0822: emerg. cr. eff. 7−9−08; CR 07−107: cr. Register November 2008 No. 635, eff. 12−1−08; CR 11−048: am. (1) (title), (intro.) Register July 2012 No. 679, eff. 8−1−12.

ATCP 10.66 Fish diseases; reporting. (1) REPORT REQUIRED. Except as provided in sub. (2), a person who tests for or obtains credible diagnostic evidence of any of the following diseases in this state shall report that diagnosis or evidence to the department in writing, by mail, e−mail, or fax, within 10 days after making the diagnosis or obtaining the evidence:

(a) Any aquatic animal disease that is foreign or exotic to Wisconsin.

(b) Any fish disease identified in ch. ATCP 10 Appendix B.

(2) EXEMPTIONS. (a) Subsection (1) does not require a person to report a diagnosis made by, or a diagnostic evidence received from, the department, the Wisconsin veterinary diagnostic laboratory, or the Wisconsin department of health services.

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

Note: For example, if a qualified fish health inspector submits a test sample to a laboratory and receives a positive test result for a disease identified under sub. (1), the inspector is not required to report the test result to the department if the laboratory does so.

(3) NOTICE TO THE DEPARTMENT OF NATURAL RESOURCES. If the department determines that a disease reported under sub. (1) may present a threat to fish or other aquatic animals in waters of the state, the department shall notify the department of natural resources of the report contents.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−107: r. and recr. (1) (b), r. (1) (c) to (L) Register November 2008 No. 635, eff. 12−1−08; correction in (2) (a) made under s. 13.92 (4) (b) 6., Stats., Register May 2011 No. 665; correction in (1) (b) made under s. 13.92 (4) (b) 7., Stats., Register April 2013 No. 688.

ATCP 10.67 Fish health inspectors and laboratories. (1) QUALIFIED FISH HEALTH INSPECTORS. (a) The following individuals are qualified fish health inspectors, for purposes of this subchapter, unless disqualified under par. (b):

1. A Wisconsin certified veterinarian who has completed a fish health inspection training program approved by the department.

2. For purposes of an action taken under this chapter outside this state, any accredited veterinarian.

3. An individual who is currently certified by the American fisheries society as a fish health inspector or fish pathologist, and who has completed fish health inspection training approved by the department.

4. An individual who is currently authorized by a state to conduct official fish health inspections in that state, and who has completed a fish health inspection training program approved by the department.

(b) The department may for cause, by written notice and without prior notice or hearing, disqualify an individual from acting as a qualified fish health inspector under this subchapter. Cause may include a violation of this subchapter, or the issuance of unreliable health certificates under this subchapter. The state veterinarian may issue a disqualification notice on behalf of the department. The notice shall specify the cause for which it is issued.

Note: An individual disqualified under sub. (1) (b) may request a hearing on the disqualification, pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a summary disqualification.

(2) QUALIFIED LABORATORIES. (a) The following laboratories are qualified laboratories, for purposes of this subchapter, unless disqualified under par. (c):

1. A laboratory approved by the federal bureau for purposes of disease testing related to interstate movement of fish or fish eggs.

2. A laboratory approved by the department for purposes of disease testing related to compliance with this subchapter, including imports of fish or fish eggs.

3. A federal or state veterinary diagnostic laboratory.

Note: You may obtain information related to qualified laboratories by contacting the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708−8911
Phone: (608) 224−4872
Email: datcpfishfarms@wisconsin.gov

(b) A laboratory operator may request department approval under par. (a) 2. The department may require documentation to show that the laboratory is qualified to test fish and fish eggs for relevant diseases. The department shall approve or disapprove a laboratory within 30 days after the department receives the approval request or, if the department requests documentation under this paragraph, within 30 days after the department receives all of the requested documentation.

(c) The department may for cause, by written notice and without prior notice or hearing, disqualify a laboratory from acting as a qualified laboratory under this subchapter. Cause may include a violation of this subchapter, a record of incorrect test results under this subchapter, or other material evidence that the laboratory is not qualified. The state veterinarian may issue a disqualification notice on behalf of the department. The notice shall specify the cause for disqualification.

Note: The operator of a laboratory disqualified under sub. (1) (b) may request a hearing on the disqualification, pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a summary disqualification.

(3) MISREPRESENTATION. No person may misrepresent any of the following, directly or by implication:

(a) That an individual is a qualified fish health inspector.

(b) That a laboratory is a qualified laboratory.

File inserted into Admin. Code 11−1−2015. May not be current beginning 1 month after insert date. For current adm. code see:
http://docs.legis.wisconsin.gov/code/admin_code

(c) Any relevant matters related to a fish health inspection or laboratory test under this subchapter.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06.

Subchapter IX — Sheep

ATCP 10.68 Sheep; brucella ovis−free flock. (1) INITIAL CERTIFICATION. The department may certify a flock of sheep as a certified brucella ovis−free flock if the flock owner provides proof that all rams in the flock over 6 months old have tested negative for brucella ovis in 2 successive enzyme linked immune serum assay (ELISA) tests, or other tests approved by the department. The tests shall be conducted at least 45 days but not more than 60 days apart.

(2) RENEWAL. The department may renew a certification under sub. (1) if, within 14 months after the last certification date, the flock owner submits the results of another flock test showing that all rams in the flock have tested negative for brucella ovis. If a herd owner fails to meet the deadline under this subsection, certification expires and may not be reinstated except by the procedure under sub. (1).

(2m) Every application for certification under sub. (1) or certification renewal under sub. (2) shall include a nonrefundable fee of $50 for each year of certification.

(3) REVOCATION. The department may by written notice to the flock owner, without prior notice or hearing, summarily revoke a flock certification under this section if any ram in the flock tests positive for brucella ovis. The state veterinarian may issue the revocation notice on behalf of the department.

Note: A flock owner affected by a revocation notice under sub. (3) may request a hearing under s. 227.42, Stats., and ch. ATCP 1. A request for a hearing does not automatically stay a summary suspension or revocation.

(4) HANDLING REACTORS. If a ram tests positive for brucella−ovis, the flock owner shall do one of the following:

(a) Segregate and castrate the ram, under department supervision.

(b) Ship the ram directly to a slaughtering establishment for slaughter, pursuant to a completed federal bureau form VS 1−27 or a department permit under s. ATCP 10.08 (3).

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

(5) STATUS OF INDIVIDUAL ANIMALS. No ram qualifies as a member of a brucella ovis−free flock unless at least one of the following applies:

(a) The ram was included in the initial certification under sub. (1).

(b) The ram originates from another brucella ovis−free flock.

(c) The ram has been in the flock for at least 60 days, and was in the flock at the time of the last flock test for brucella ovis.

(d) The ram was born to a flock member.

(6) FLOCK ADDITIONS. No ram may be added to a brucella ovis−free flock unless at least one of the following applies:

(a) The ram originates from another brucella ovis−free flock, and was included in the last flock test of that flock.

(b) The ram tests negative for brucella ovis within 30 days before entering the brucella ovis−free flock, and again within 45 to 60 days after entering the flock.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−061: cr. (2m) Register June 2008 No. 630, eff. 7−1−09.

ATCP 10.69 Sheep imports. (1) Except as provided in sub. (2), no person may import a sheep into this state unless the sheep is accompanied by a valid certificate of veterinary inspection. The certificate shall include the official individual identification of the sheep.

(2) A certificate of veterinary inspection is not required under sub. (1) for any of the following:

(a) A sheep imported directly to a slaughtering establishment for slaughter.

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

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

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

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 11−048: cr. (2) (d) Register July 2012 No. 679, eff. 8−1−12.

ATCP 10.70 Moving sheep in Wisconsin. (1) Except as provided in sub. (2), no person may sell or move a sheep within this state unless that sheep bears an official individual identification.

(2) Subsection (1) does not apply to any of the following:

(a) A neutered sheep under 12 months old.

(b) A sheep under 12 months old that is shipped directly to a slaughtering establishment for slaughter.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06.

Subchapter X — Goats

ATCP 10.73 Goats; brucellosis−free herd certification. (1) INITIAL CERTIFICATION. The department may certify a herd of goats as a brucellosis−free herd if the herd owner provides proof that all goats over 6 months old have tested negative for brucellosis in 2 consecutive brucellosis tests conducted at least 10 months apart, but not more than 14 months apart.

(2) RENEWAL. The department may renew a certification under sub. (1) if, within 14 months after the last certification date, the herd owner submits proof that the herd has again tested negative for brucellosis in a herd test that included all goats over 6 months old. If a herd owner fails to meet the deadline under this subsection, certification expires and may not be reinstated except by the procedure under sub. (1).

(2m) Every application for certification under sub. (1) or certification renewal under sub. (2) shall include a nonrefundable fee of $50.

(3) TEST PROCEDURE. Testing under this section shall comply with the brucellosis uniform methods and rules.

Note: The brucellosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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

(4) REVOCATION. The department may by written notice to the herd owner, without prior notice or hearing, summarily revoke a certified brucellosis−free herd certification if any goat in the herd is found positive for brucellosis. The state veterinarian may issue a revocation notice on behalf of the department.

Note: A herd owner may request a hearing on a revocation under sub. (4), pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a revocation.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−061: cr. (2m) Register June 2008 No. 630, eff. 7−1−09.

ATCP 10.74 Goats; tuberculosis−free herd. (1) INITIAL CERTIFICATION. The department may certify a herd of goats as an accredited tuberculosis−free herd if the herd qualifies for that certification under the tuberculosis uniform methods and rules.

Note: The tuberculosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by writing to the following address:

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

(1m) Every application for certification under sub. (1) shall include a nonrefundable fee of $50 for each year of certification.

(2) MAINTAINING CERTIFICATION. To maintain a herd certification under sub. (1), a herd owner shall comply with applicable requirements in the tuberculosis uniform methods and rules.

(3) SUSPENDING OR REVOKING CERTIFICATION. (a) The department may by written notice to the herd owner, without prior notice or hearing, summarily suspend or revoke a herd certification under sub. (1) if any of the following occur:

1. A goat in the herd tests positive for tuberculosis.

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

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

Note: A herd owner affected by a suspension or revocation notice under sub. (3) may request a hearing under s. 227.42, Stats., and ch. ATCP 1. A request for a hearing does not automatically stay a summary suspension or revocation.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−061: cr. (1m) Register June 2008 No. 630, eff. 7−1−09.

ATCP 10.75 Goats; Johne's disease. The state program for Johne's disease in goats is equivalent to the program for bovine animals in ss. ATCP 10.15, 10.16, and 10.18 to 10.20, except that test eligible animals in the goat program shall be 18 months of age or older.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−107: am. Register November 2008 No. 635, eff. 12−1−08.

ATCP 10.76 Goat imports. (1) CERTIFICATE OF VETERINARY INSPECTION. (a) Except as provided in par. (b), no person may import a goat into this state unless the goat is accompanied by a valid certificate of veterinary inspection. The certificate shall include the official individual identification of the goat.

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

1. A goat imported directly to a slaughtering establishment for slaughter.

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

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

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

(2) IMPORTS FROM TUBERCULOSIS MODIFIED ACCREDITED STATES OR ZONES. (a) No person may import a goat from a tuberculosis modified accredited state or a tuberculosis modified accredited zone in a state with split multiple tuberculosis statuses as determined by USDA, other than to a slaughtering establishment for slaughter, unless all of the following apply:

1. The goat is accompanied by a valid certificate of veterinary inspection. The certificate shall include the import permit number under subd. 2., the whole herd tuberculosis test result under subd. 3., and the individual test result under subd. 4.

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

3. The goat originates from a herd that has tested negative on a whole herd tuberculosis test conducted within 12 months prior to the import date. The whole herd test shall include every goat that is at least 12 months old.

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

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

(b) A goat from a tuberculosis modified accredited state may not be imported to an animal market.

(c) A goat imported from a modified accredited state may not be removed from the premises where it is first received in this state unless one of the following applies:

1. The goat test negative for tuberculosis under par. (d).

2. The goat is shipped directly from the premises to a slaughtering establishment for slaughter.

3. The goat is imported directly to an exhibition in this state, and is returned directly from that exhibition to its state of origin.

(d) The owner of a goat imported from a tuberculosis modified accredited state shall have the goat tested for tuberculosis not less than 60 days nor more than 90 days after it is imported.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 11−048: am. (1) (b) 4., (2) (title), (a) (intro.) Register July 2012 No. 679, eff. 8−1−12.

ATCP 10.77 Moving goats in Wisconsin. (1) Except as provided in sub. (2), no person may sell or move a goat within this state unless that goat bears an official individual identification.

(2) Subsection (1) does not apply to any of the following:

(a) A neutered goat under 12 months old.

(b) A goat under 12 months old that is shipped directly to a slaughtering establishment for slaughter.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06.

Subchapter XI — Other Animals

ATCP 10.80 Dogs and domestic cats; imports. (1) CERTIFICATE OF VETERINARY INSPECTION. No person may import any dog or domestic cat into this state unless it is accompanied by a valid certificate of veterinary inspection. The certificate shall indicate all of the following:

(a) The age of the dog or domestic cat.

(b) A report of rabies vaccination if required under sub. (2). The report shall include the date on which the dog or domestic cat was last vaccinated for rabies by a licensed veterinarian.

(c) The date on which the dog or domestic cat is due to be vaccinated or re−vaccinated for rabies.

(2) RABIES VACCINATION REQUIREMENT. (a) Except as provided in par. (b), no person may import a dog or domestic cat into this state unless the dog or domestic cat has a current rabies vaccination.

(b) An imported dog or domestic cat that is under 5 months of age may be imported without a current rabies vaccination administered by a licensed veterinarian, provided that the owner has the dog or cat vaccinated by a licensed veterinarian by the date on which the dog or cat reaches 5 months of age.

(c) A rabies vaccination under this section shall comply with label instructions, age standards, and time standards approved by the federal bureau for the type of vaccine used.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 11−048: cr. (1) (title), r. and recr. (1) (a), am. (1) (b), (c), r. and recr. (2), renum. (3) to be (2) (c) Register July 2012 No. 679, eff. 8−1−12.

ATCP 10.81 Circus, rodeo, and menagerie animals; imports. (1) PERMIT REQUIRED. No person may import any circus, rodeo, or menagerie animal into this state without a written permit from the department under s. ATCP 10.07 (2).

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

(a) Every animal shall be accompanied by a valid certificate of veterinary inspection. The certificate shall include the number of the import permit issued by the department under sub. (1).

(b) All animals shall meet applicable import requirements under this chapter.

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http://docs.legis.wisconsin.gov/code/admin_code

(c) All animals shall be isolated from non−circus, non−rodeo, and non−menagerie animals, and from native wildlife in the state. Facilities and vehicles used for the animals shall be cleaned and disinfected before being used for other animals.

Note: Animals used for racing events must comply with the import requirements for that species under this chapter.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 11−048: am. (title), renum. (1) (a) to be (1) and am., r. (1) (b), am. (2) (a) Register July 2012 No. 679, eff. 8−1−12; CR 13−058: renum. (1) (a) to (1) Register March 2014 No. 699, eff. 6−1−14.

ATCP 10.82 Exotic ruminants; imports. (1) CERTIFICATE OF VETERINARY INSPECTION. No person may import an exotic ruminant into this state unless a valid certificate of veterinary inspection accompanies the animal. The certificate shall include the following information:

(a) The import permit number under sub. (2).

(b) A report of a negative tuberculosis test under sub. (3).

(c) A report of a negative brucellosis test under sub. (4).

(2) IMPORT PERMIT. No person may import an exotic ruminant into this state without an import permit under s. ATCP 10.07 (2).

(3) TUBERCULOSIS TEST REQUIRED. (a) Except as provided under par. (b), no person may import an exotic ruminant into this state unless the exotic ruminant tests negative on a tuberculosis test that is approved by the department for that species of exotic ruminant. The test shall be conducted not more than 60 days prior to the import date.

Note: To obtain a list of tuberculosis tests approved for various species of exotic ruminants, contact the department at the following address:

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

(b) Paragraph (a) does not apply to an exotic ruminant imported directly to an institution accredited by the association of zoos and aquariums. An animal imported to an accredited institution under this paragraph may not be moved to any place that is not an accredited institution unless the animal tests negative on a tuberculosis test approved for that species by the department. The test shall be conducted not more than 60 days before the animal is moved.

(c) The veterinarian performing a tuberculosis test under par. (a) or (b) shall be one of the following:

1. An accredited veterinarian, except that a test performed in this state shall be performed by a Wisconsin certified veterinarian.

2. An employee of the department or the federal bureau.

(4) BRUCELLOSIS TEST REQUIRED. (a) Except as provided in par. (b), no person may import an exotic ruminant into this state unless the animal tests negative on a brucellosis test conducted not more than 30 days prior to the import date.

(b) Paragraph (a) does not apply to an exotic ruminant imported directly to an institution accredited by the association of zoos and aquariums. An exotic ruminant imported to an accredited institution under this paragraph may not be moved to any place which is not an accredited institution under this paragraph, unless the exotic ruminant tests negative on a brucellosis test conducted not more than 30 days before the exotic ruminant is moved.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 11−048: am. (2) Register July 2012 No. 679, eff. 8−1−12; CR 13−058: am. (3) (b), (4) (b) Register March 2014 No. 699, eff. 6−1−14.

ATCP 10.83 Ratites; imports. No person may import a ratite into this state unless both the following apply:

(1) The person holds an import permit under s. ATCP 10.07 (2).

(2) The ratite is accompanied by a valid certificate of veterinary inspection. A certificate of veterinary inspection is not required if the ratite is imported directly from a federal quarantine facility.

Note: The department recommends, but does not require, that every ratite imported into Wisconsin be isolated on the recipient's premises for at least 14 days, and that the bird be tested for avian influenza before being allowed to commingle with other ratites or poultry.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06.

ATCP 10.84 Wild animal imports. (1) IMPORT REQUIREMENTS; GENERAL. (a) Except as provided in par. (b), no person may import a wild animal to this state unless all of the following apply:

1. The person holds an import permit under s. ATCP 10.07 (2) for that import.

2. The animal is accompanied by a valid certificate of veterinary inspection.

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

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

2. A domestic animal identified in s. ATCP 10.02.

Note: Domestic animals are subject to other import regulations under this chapter.

(2) HARMFUL WILD ANIMALS. The department may not issue a permit under s. ATCP 10.07 (2) for a wild animal import requiring department of natural resources authorization under s. 169.11 (1) (c), Stats., unless the department of natural resources has given that authorization.

(3) IMPORTS PROHIBITED. Except as provided in sub. (4), no person may import any of the following animals to this state:

(a) Prairie dogs.

(b) Any of the following rodents from Africa:

1. Tree squirrels.

2. Rope squirrels.

3. Dormice.

4. Gambian giant pouched rat.

5. Brush−tailed porcupine.

6. Striped mice.

(4) EXEMPTIONS. The department may issue an import permit under s. ATCP 10.07 (2) for an animal identified in sub. (3) if all of the following apply:

(a) The department complies with sub. (2).

(b) One of the following applies:

1. The animal is imported directly to an institution accredited by the association of zoos and aquariums, or to a wildlife exhibition licensed by USDA.

2. The animal is imported directly to a research facility that, in the department's judgment, is a bona fide research facility.

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

4. The animal is returning directly to this state following veterinary treatment in another state, provided there was no change of ownership while the animal was outside this state.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 13−058: am. (4) (b) 1. Register March 2014 No. 699, eff. 6−1−14.

ATCP 10.85 South American camelids; imports. No person may import a South American camelid into this state unless the South American camelid is accompanied by a valid certificate of veterinary inspection. The certificate shall include the official individual identification of the South American camelid.

History: CR 07−107: cr. Register November 2008 No. 635, eff. 12−1−08; CR 11−048: am. Register July 2012 No. 679, eff. 8−1−12; CR 13−058: am. Register March 2014 No. 699, eff. 6−1−14.

Subchapter XII — Fairs and Exhibitions

ATCP 10.87 Fairs and exhibitions. (1) ORGANIZER RESPONSIBILITIES. The organizer of a fair or exhibition shall do all of the following:

(a) Comply with this section, and take reasonable steps to ensure that all exhibitors comply.

(b) Obtain, review, and keep in writing all of the information required under sub. (2) (b). The organizer may keep the written

information in electronic form if it is received in that form. The organizer shall keep the information for at least 5 years, and shall make it available to the department for inspection and copying upon request.

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

1. Conduct a daily inspection of the exhibited animals.

2. Review information under sub. (2) (b) on behalf of the organizer.

Note: A "fair," as defined in s. ATCP 10.01 (41), means a state, county, or district fair. An "exhibition," as defined in s. ATCP 10.01 (37), means an organized fair, swap meet, rodeo, trail ride, show, or other organized event at which animals owned by different persons are brought together and exhibited on the same premises. An "exhibition" does not include any of the following:

• An animal market.

• An exhibition operated by an institution accredited by the association of zoos and aquariums.

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

(2) EXHIBITOR RESPONSIBILITIES. A person who exhibits an animal at a fair or exhibition shall do all of the following:

(a) Comply with applicable requirements under this chapter related to the movement and exhibition of animals.

(b) Provide all of the following to the organizer of the fair or exhibition:

1. The exhibitor's name and address.

2. Identification of animals exhibited, including number, type, and description.

3. Appropriate and reliable documentation to show compliance with disease testing and other health requirements under this section.

Note: Documentation may include certificates of veterinary inspection or other appropriate and reliable documentation.

4. The livestock premises code, if any, of the premises from which the animals originate.

5. Appropriate and reliable documentation, if requested by the organizer of the fair or exhibition, to show that the animals were lawfully imported or moved to the fair or exhibition.

(3) SWINE. (a) No person may exhibit swine at a fair or exhibition unless the swine are accompanied by a certificate of veterinary inspection. The certificate shall certify that the veterinarian has inspected the entire herd of origin within the past 30 days and that no apparent disease was present at the time of inspection. The certificate shall also include a report of test results, herd classification, or other health information that the exhibitor relies upon to document compliance with this subsection.

(b) No person may exhibit any breeding swine at a fair or exhibition unless the exhibitor documents one of the following:

1. The swine tested negative for pseudorabies in a pseudorabies test performed not more than 30 days before the person exhibits the swine.

2. The swine originate from a qualified pseudorabies negative herd or a qualified pseudorabies negative grow−out herd in this state.

3. The swine originate from a state or area that the federal bureau has currently designated as a pseudorabies stage IV or V state or area.

(c) No person may exhibit non−breeding swine at a fair or exhibition unless one of the following applies:

1. All breeding swine have been removed from the premises of the fair or exhibition before the non−breeding swine arrive, and the non−breeding swine are shipped directly from the fair or exhibition to a slaughtering establishment for slaughter.

2. The exhibitor documents that the swine tested negative for pseudorabies in a test performed within 30 days before the swine are exhibited.

3. The exhibitor documents that non−breeding swine originate from a qualified pseudorabies negative herd or qualified negative pseudorabies grow−out herd in this state.

4. The exhibitor documents that the swine originate from a state or area that the federal bureau has currently designated as a pseudorabies stage IV or V state or area.

(4) BOVINE ANIMALS. (a) Bovine animals infected with mange, scab, ringworm, or warts may not be exhibited at any fair or exhibition. Animals showing evidence of infection shall be isolated from other susceptible animals and shall be removed from the premises.

(b) Paragraph (a) does not apply to animals with ringworm or wart lesions if, in the opinion of the veterinarian in charge of the fair or exhibition, the lesions are inactive and not capable of transmitting the disease.

(5) POULTRY AND FARM−RAISED GAME BIRDS. No person may exhibit poultry or farm−raised game birds at a fair or exhibition unless the exhibitor documents compliance with s. ATCP 10.40.

(6) EQUINE ANIMALS. (a) Except as provided in par. (b), no person may exhibit any equine animal at a fair or exhibition unless the exhibitor documents the animal has tested negative on an equine infectious anemia test conducted within 12 months of the date on which the animal is first exhibited.

(b) Paragraph (a) does not apply to a nursing foal accompanying its dam if the dam has tested negative for equine infectious anemia according to par. (a).

(7) SHEEP. No person may exhibit a sheep at a fair or exhibition unless the exhibitor documents that the sheep bears official individual identification as required in s. ATCP 10.70.

(8) GOATS. No person may exhibit a goat at a fair or exhibition unless the exhibitor documents that the goat bears official individual identification as required in s. ATCP 10.77.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 11−048: am. (3) (a) Register July 2012 No. 679, eff. 8−1−12; CR 13−058: cons. (6) (a) (intro.) and 1. and renum. (6) (a) and am., r. (6) (a) 2. Register March 2014 No. 699, eff. 6−1−14.

Subchapter XIII — Enforcement

ATCP 10.89 Quarantines. (1) QUARANTINE ORDER. (a) The department may, without prior notice or hearing, issue an order quarantining domestic animals or captive wild animals in this state for any of the following purposes:

1. To prevent, suppress, control, or eradicate contagious, infectious, or communicable diseases that may affect animals, or that may be transmitted from animals to humans.

2. To prevent the movement or commingling of animals pending further testing, diagnosis, traceback, or investigation related to known or suspected disease.

(b) A quarantine order under par. (a) may prohibit the commingling of animals, the movement of quarantined animals, the movement of animals from quarantined premises, or the movement of animals onto quarantined premises without department approval.

(c) No person may move any animal in violation of a quarantine order under par. (a), or fail to comply with the terms and conditions of a quarantine order.

(2) SERVICE OF QUARANTINE ORDER. A quarantine order under sub. (1) shall be served upon a person having custody or control of the quarantined animals, or shall be posted on the premises affected by the quarantine order. A quarantine order may be served by any of the following methods:

(a) Personal service.

(b) Certified mail.

(c) Posting a copy of the order at 2 conspicuous places on the premises affected by the quarantine.

(3) PROOF OF SERVICE. Service under sub. (2) may be proved by affidavit or by certified mail return receipt.

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(4) CONTENTS OF QUARANTINE ORDER. A quarantine order under sub. (1) shall contain the following information:

(a) The name and address of a person having custody or control of the quarantined animals, if known.

(b) A description of the animals affected by the quarantine.

(c) A description of the premises affected by the quarantine.

(d) The reason or justification for the quarantine.

(e) All terms and conditions applicable to the quarantine.

(f) Notice that persons adversely affected by the quarantine may request a hearing to review the quarantine order.

(5) DURATION OF QUARANTINE ORDER. A quarantine order under sub. (1) remains in effect until the department releases or modifies the order in writing.

(6) REVIEW OF QUARANTINE. A person adversely affected by a quarantine order under sub. (1) may, within 30 days after the quarantine order is served, request a hearing before the department to review the quarantine. The department shall conduct an informal hearing as soon as reasonably possible, and not later than 10 days after receiving a request for hearing. If the matter is not resolved after informal hearing, the person requesting the hearing may seek a formal hearing under ch. 227, Stats., and ch. ATCP 1. A request for hearing does not stay a quarantine order.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06.

ATCP 10.90 Temporary animal hold order. (1) DEPARTMENT MAY ISSUE ORDER. The department may issue a temporary animal hold order whenever the department has reason to believe that animals may have been illegally moved, or may have been exposed to an infectious, contagious, or communicable disease. A temporary animal hold order may prohibit the movement of animals for up to 90 days while the department investigates the suspected illegal movement or disease exposure. The department may issue the order without prior notice or hearing. The department may, for good cause, extend the order for up to 90 days.

(2) CONTENTS OF ORDER. A temporary animal hold order under sub. (1) shall contain the following information:

(a) The name and address of the person having custody or control of the animals covered by the order, if known.

(b) A description of the animals covered by the order.

(c) A description of the premises where the animals are to be held.

(d) The reason or justification for the order.

(e) The duration of the order, and all terms and conditions applicable to the order.

(f) Notice that a person adversely affected by the order may request a hearing under sub. (5).

(3) SERVICE OF ORDER. The department shall serve a temporary animal hold order under sub. (1) in one of the following ways:

(a) Delivering the order, in person or by certified mail, to a person having custody or control of the animals covered by the order.

(b) Posting the order at 2 conspicuous places on the premises where the animals are kept.

(4) PROOF OF SERVICE. The department may prove service under sub. (3) by means of an affidavit or certified mail return receipt.

(5) REVIEW OF ORDER. A person adversely affected by a temporary animal hold order under sub. (1) may request a hearing before the department to review the order. The department shall conduct an informal hearing as soon as reasonably possible, and not later than 10 days after receiving a request for hearing. If the matter is not resolved after informal hearing, the person requesting the hearing may seek a formal hearing under ch. 227, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a temporary animal hold order.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−107: am. (1) Register November 2008 No. 635, eff. 12−1−08.

ATCP 10.91 Destruction or removal of animals illegally moved. (1) SUMMARY ORDER. The department may, without prior notice or hearing, order the destruction or removal from this state of animals moved into or within this state if any of the following apply:

(a) The owner or custodian of the animals fails to produce a valid certificate of veterinary inspection, if a certificate is required under this chapter or ch. ATCP 12.

(b) The animals are imported in violation of this chapter or ch. ATCP 12, or in violation of any condition specified in an import permit under this chapter.

(2) SERVICE OF ORDER. An order under sub. (1) shall be served upon a person having custody or control of the animals affected by the order. The order may be served in person or by certified mail. Service may be proved by affidavit or by certified mail return receipt.

(3) CONTENTS OF ORDER. An order under sub. (1) shall contain all of the following information:

(a) The name and address of the person having custody or control of the animals, if known.

(b) A description of the animals affected by the order.

(c) The reason or justification for the order.

(d) A reasonable deadline for compliance with the order.

(e) Notice that persons adversely affected by the order may request a hearing to review the order.

(4) REVIEW OF ORDER. A person adversely affected by an order under sub. (1) may, within 30 days after receiving the order, request a hearing before the department to review the order. If a hearing is requested, the department shall conduct an informal hearing as soon as reasonably possible, and not later than 10 days after receiving the request for hearing. If the matter is not resolved after informal hearing, the person requesting the hearing may seek a formal hearing before the department under ch. 227, Stats. A request for hearing under this subsection does not postpone the deadline for compliance with the order unless the deadline is postponed by further order of the department.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−107: am. (title) and (1) (intro.) Register November 2008 No. 635, eff. 12−1−08.

ATCP 10.92 Prohibited conduct. No person may do any of the following:

(1) Violate this chapter or ch. ATCP 12, or any order issued under this chapter or ch. ATCP 12.

(2) Falsify any information filed with the department under this chapter, including any information contained in an application for a license, permit, or registration.

(3) Misrepresent to any person the identity, origin, or disease status of any animal, or of the herd from which an animal originates.

(4) Falsify, remove, alter, or tamper with any official identification or official back tag required under this chapter or ch. ATCP 12.

(5) Fail or refuse to permit reasonable department inspection of any of the following:

(a) Animals, including animals in transit.

(b) Relevant records related to the health and movement of animals, including health or shipping documents related to animals in transit.

(6) Obstruct, interfere with, or assault a department employee or agent engaged in the performance of his or her official duties.

(7) Knowingly make any false or misleading statements to the department related to the ownership, identification, age, vaccination, disease testing, origin, health status, sale, or movement of animals, or related to other matters relevant to the administration of this chapter or ch. ATCP 12.

(8) Misrepresent the identity or interest of any person engaged in the purchase, sale, lease, exchange, or transportation of animals.

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http://docs.legis.wisconsin.gov/code/admin_code

(9) Misrepresent the origin, destination, or contents of any shipment of animals.

(10) 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.

(11) Cause or permit the commingling of different livestock species, other than different species of fish, poultry, camelids, or ratites, during transit.

(12) Misrepresent that a person holds a license, permit, or registration certificate from the department, or has met applicable requirements under this chapter or ch. ATCP 12.

(13) Falsify, or fail to submit to the department, upon request, any record required under this chapter or ch. ATCP 12.

(14) Falsify or misappropriate any brand or tattoo, or misappropriate any branding or tattooing device.

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

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

(17) Import manure from any slaughter plant or stock yard without a permit from the department, unless the manure has been fully composted or treated to destroy pathogens. The department shall grant or deny a permit request within 5 days after the department receives a complete permit application.

(18) Sell, move, or dispose of any live animal that has been tested for a disease identified in ch. ATCP 10 Appendix A or ch. ATCP 10 Appendix B before the result of that test is known.

History: CR 06−009: cr. Register September 2006 No. 609, eff. 10−1−06; CR 07−107: cr. (18) Register November 2008 No. 635, eff. 12−1−08; renumbering made under s. 13.92 (4) (b) 1., Stats., Register November 2008 No. 635; correction in (18) made under s. 13.92 (4) (b) 7., Stats., Register April 2013 No. 688.

ATCP 10.93 Waiver. The department may, in response to a written request, grant a written waiver from a requirement under this chapter if the department finds that the waiver is reasonable and necessary, is consistent with objectives of this chapter, and will not conflict with state law. The waiver shall be issued in writing, shall include the department's findings, and shall include the specific terms of the waiver, including any time limit on the waiver. A request for a waiver shall include information to show that the waiver is justified under this section. The state veterinarian, or that person's designee, shall sign each waiver under this section. The department may not grant a waiver from a statutory requirement.

History: CR 11−084: cr. Register July 2012 No. 679, eff. 8−1−12.