

Wisconsin Department of Agriculture, Trade and Consumer Protection

Initial Regulatory Flexibility Analysis

Rule Subject: **Livestock Premises Registration**
Adm. Code Reference: **ATCP 17**
Rules Clearinghouse #: **Not yet assigned**
DATCP Docket #: **17-R-04**

Rule Summary

This rule specifies requirements for livestock premises registration. The livestock premises registration program was created after the discovery of bovine spongiform encephalopathy (Mad Cow Disease) in the United States in 2003. The registration program was developed to protect animal health and the security of the food chain. The program is authorized by Wis. Stat. § 95.51 and implemented under Wis. Admin. Code ch. ATCP 17.

The rule requires, with some exceptions, that any person who keeps livestock at a location in this state register that location. One of the exceptions is for an individual who is a member of a recognized religious group and who has sincerely held religious beliefs opposing livestock premises registration pursuant to Wis. Stat. § 95.51 and Wis. Admin. Code ch. ATCP 17.

The current rule provides that persons who keep livestock in this state must register every three years with the Department of Agriculture, Trade and Consumer Protection (“DATCP” or “department”). To register, a person generally provides information concerning types of livestock kept, their locations, and information as to whom to contact in case of an animal disease emergency. There is no fee to register. Registration information is confidential as specified by Wis. Stat. § 95.51(5) and Wis. Admin. Code § ATCP 17.03. The location of the livestock, or the premises, is assigned a unique identification code. The department has established a database for premises information.

The current rule allows a registered location to have a primary and up to three secondary locations listed under a single premises code. A secondary location is a location which shares or commingles animals with the primary location and is related to the primary location.

Secondary premises are not searchable in the database and will not, therefore, be included in a group of interest in the event of a disease outbreak. For example, in the event of a disease outbreak, a specified area around the infected premises will be searched in the database for additional premises which house susceptible livestock species, so that livestock owners can be notified, and their animals tested if necessary. At the present time, a secondary premises located in the specified area will not be included in that search if the primary premises under which it is registered is not listed in the specified

area. Because of this oversight, the secondary location neither gets informed nor receives the benefits of testing.

This proposed rule will remedy this situation by requiring that secondary premises be registered separately with their own concurrent premises code, so that these secondary premises will not be ignored during future disease responses.

Additionally, this proposed rule does all of the following:

- Eliminates a note at the beginning of the rule relating to when certain entities must register their premises. This note was created when the rule was first drafted. Because these entities are now registered, the note is no longer needed.
- Repeals the following definitions: “animal dealer”, “animal dealer premises”, “animal market”, “animal market operator”, “animal trucker”, “animal trucker premises”, “dairy farm”, “description”, “milk producer”, “primary location”, “registered location”, and “secondary location”. These definitions are no longer needed because the provisions for which the definitions were created are being repealed.
- Repeals the definition of “deer farm” and creates a definition for “farm-raised deer” because the latter is used in this rule.
- Clarifies department contact information and updates informational links.
- Repeals the provision allowing a person to renew a premises registration at the same time at which the applicant applies for or renews another license held with the department. When premises registration was originally created, it was logical that license holders would apply for their premises registration at the same time they would apply for their license. The premises registration requirement has been in place long enough that all premises should now be registered. Allowing a person to renew a premises at the same time he or she renews a license is no longer reasonable because: 1) A person must have a premises registered before applying for a license with the department; 2) In most cases, the premises registration process occurs every three years while the licensing process occurs annually; and 3) The premises registration process is provided by a contracted entity separate and distinct from the department’s licensing process.

Small Business Affected

Pursuant to Wis. Stat. § 95.51 and Wis. Admin. Code § ATCP 17.02, a person may not keep livestock at a location in this state unless that premises is registered. This requirement does not apply to a person who has submitted documentation to the department affirming that the individual has a sincerely held religious belief opposing registration of a livestock premises.

Small businesses affected include farms (beef cattle, dairy cattle, deer, fish, poultry, swine, etc.), animal markets, animal dealers, slaughter establishments, equine quarantine stations, rendering establishments, animal food processing establishments, grease processing establishments, and in some cases, animal truckers.

Currently, there are more than 60,000 primary premises registered in the state of Wisconsin. The number of secondary premises is unknown because, as previously mentioned, these secondary premises are listed as part of the primary premises account and cannot be separated.

Premises registration is free, and renewal occurs every three years. The next renewal date is July 31, 2019. Although registration is free, the only conceivable cost could be postage for those individuals who decide to mail the application materials to the department instead of calling or applying on-line.

Reporting, Bookkeeping and other Procedures

Besides registering a premises, the rule does not require any reporting or bookkeeping.

Professional Skills Required

The proposed rule does not necessitate any professional skills required for small businesses.

Accommodation for Small Business


Many of the businesses affected by this rule are “small businesses.” This rule does not apply to a person who has submitted documentation to the department affirming that the individual has a sincerely held religious belief opposing registration of a livestock premises.

Conclusion

This rule will not have a significant adverse effect on “small business” and is not subject to the delayed “small business” effective date provided in Wis. Stat. § 227.22(2)(e).

Dated this 8th day of January, 2018.

STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION



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