

Chapter ATCP 12

LIVESTOCK MARKETS, DEALERS AND TRUCKERS

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Note: Chapter Ag 12 as it existed on December 31, 1990 was repealed and a new ch. Ag 12 was created effective January 1, 1991; Chapter Ag 12 was renumbered ch. ATCP 12 under s. 13.93 (2m) (b) 1, Stats., Register, April, 1993, No. 448.

ATCP 12.01 Definitions. As used in this chapter:

(1) "Bovine animal" means cattle or American bison of anyage or sex.

(2) "Buying station" means premises which are open to the public to receive livestock for direct shipment to slaughter.

(3) "Commingled" means kept or brought together with other animals in any environment which permits direct physical contact between the animals.

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

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

(6) "Department" means the state of Wisconsin department of agriculture, trade and consumer protection.

(7) "Diseased" means afflicted with a contagious, infectious or communicable disease.

(8) "Downer animal" means an animal which is in a sitting or prone position and cannot move to a normal standing or upright position under its own power, without application of inhumane stimulus.

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

- (a) Non-spayed female that is not parturient or postparturient.
- (b) Spayed heifer.
- (c) Steer.

(10) "Feeder swine" means swine, excluding boars, weighing less than 175 pounds and kept for the sole purpose of feeding for slaughter.

(11) "Fomite" means an inanimate object or substance which serves to transfer infectious organisms from one animal to another.

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

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

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

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

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

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

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

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

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

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

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

- (a) The animal's official ear tag number.
- (b) The animal's breed association tattoo.
- (c) The animal's breed association registration number.
- (d) Other identification approved by the department.

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

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

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(23) "Pen" means any enclosure confining animals to a specific area and may include stanchion or tie stalls.

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

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

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

(27) "Vehicle" means any truck, car, trailer or mechanical conveyance used to transport livestock.

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

ATCP 12.02 Livestock markets (1) LICENSE REQUIRED. No person may operate a livestock market without an annual license from the department, as provided under s. 95.70 (2), Stats. A separate license is required for each livestock market. A license is not transferable between persons or livestock markets. As a condition to licensing, a livestock market operator shall do all of the following:

(a) Pass a test prescribed and administered by the department.

(b) File proof of any bond or other financial security instrument required by state or federal law.

(c) Submit a license application fee required by s. 95.70 (2), Stats.

(d) Comply with other applicable requirements under s. 95.70, Stats., and this section.

Note: No livestock market may receive interstate shipments of bovine animals as a part 78 market unless the market is specifically approved for that purpose under s. ATCP 11.12. No livestock market may receive interstate shipments of swine as a part 76 market unless the market is specifically approved for that purpose under s. ATCP 11.21.

(2) **LICENSE APPLICATION AND RENEWAL.** An initial license application, signed by the applicant, shall be submitted on a form provided by the department. The department shall grant or deny a license application within 30 business days after an application is received, provided that the application is complete. Original and renewal licenses expire on June 30. To renew an annual license, the license holder shall submit a renewal application on a form provided by the department.

(3) **DENIAL, SUSPENSION OR REVOCATION OF LICENSE.** The department may deny, suspend or revoke a livestock market license, pursuant to s. 93.06 (7), Stats. Grounds for the denial, suspension or revocation of a livestock market license include:

(a) Violation of any provision of ch. 951, Stats., prohibiting crimes against animals.

(b) Preventing a department employe from performing his or her official duties, or interfering with the lawful performance of his or her duties.

(c) Physically assaulting a department employe while the employe is performing his or her official duties.

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(d) Improper or unauthorized use of any official tag, brand, or tattoo.

(e) Refusal or failure, without just cause, to produce required records or respond to a department subpoena.

(f) Payment of an application fee with a worthless check.

(g) Violation of other applicable provisions under s. 95.70, Stats., ch. ATCP 10, 11 or this chapter.

(4) **LIVESTOCK MARKET OPERATOR; RESPONSIBILITIES.** A livestock market operator shall do all of the following:

(a) Comply with the construction requirements under sub. (5).

(b) Maintain the market premises in a clean and sanitary condition, and disinfect the premises between public sales.

(c) Provide adequate food, water, shelter, bedding and pen space for all animals held more than 12 hours.

(d) Identify bovine animals and swine in compliance with s. ATCP 12.05.

(e) Keep records in compliance with s. ATCP 12.06 (1).

(f) Handle downer animals in a humane manner as required by s. ATCP 12.07.

(g) Remove animals from the market premises within 7 days.

(5) **CONSTRUCTION REQUIREMENTS.** No person may operate a livestock market until the market premises are inspected and approved by the department. Barns, pens, alleys and other livestock holding areas shall be kept clean and in good repair. Floors of livestock holding areas shall be constructed of cement or other impervious material, and shall be sloped for proper drainage. Every livestock market shall have a livestock chute with a headgate. Livestock chutes and headgates shall be adequate to restrain livestock without injuring them. Pens shall be adequate to confine the animals and shall have no sharp edges or protrusions that could injure them. Dead animal holding areas and manure holding areas shall be enclosed to keep out dogs and wild animals, unless the entire market is fenced to keep out dogs and wild animals.

Note: Rules governing equine markets are contained in s. ATCP 11.31. Rules governing the shipment of downer animals to slaughter plants are contained in s. ATCP 55.16 (8).

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

ATCP 12.03 Livestock dealers. (1) LICENSE REQUIRED. No person may operate as a livestock dealer without an annual livestock dealer license from the department, as provided under s. 95.70 (2), Stats., except that a livestock market operator licensed under s. ATCP 12.02 need not be licensed as a livestock dealer. The operator of a buying station which is not affiliated with a licensed slaughtering establishment shall be licensed as a livestock dealer. A separate license is required for each livestock dealer. A license is not transferable between persons. As a condition to licensing, a livestock dealer shall do all of the following:

(a) Pass a test prescribed and administered by the department.

(b) File proof of any bond or other financial security instrument required by state or federal law.

(c) Submit a license application fee required by s. 95.70 (2), Stats.

(d) Comply with other applicable requirements under s. 95.70, Stats., and this section.

(2) LICENSE APPLICATION AND RENEWAL. An initial license application, signed by the applicant, shall be submitted on a form provided by the department. The department shall grant or deny a license application within 30 business days after an application is received, provided that the application is complete. Original and renewal licenses expire on June 30. To renew a livestock dealer license, a license holder shall submit a renewal application on a form provided by the department.

(3) DENIAL, SUSPENSION OR REVOCATION OF LICENSE. The department may deny, suspend or revoke a livestock dealer license, pursuant to s. 93.06 (7), Stats. Grounds for the denial, suspension or revocation of a livestock dealer's license include:

(a) Violation of any provision of ch. 951, Stats. prohibiting crimes against animals.

(b) Preventing a department employe from performing his or her official duties, or interfering with the lawful performance of his or her duties.

(c) Physically assaulting a department employe while the employe is performing his or her official duties.

(d) Improper or unauthorized use of any official tag, brand, or tattoo.

(e) Refusal or failure, without just cause, to produce records or respond to a department subpoena.

(f) Payment of an application fee with a worthless check.

(g) Violation of other applicable requirements under s. 95.70, Stats., ch. ATCP 10, 11 or this chapter.

(4) LIVESTOCK DEALER; RESPONSIBILITIES. A livestock dealer shall do all of the following:

(a) Maintain the dealer premises in a clean and sanitary condition.

(b) Provide adequate food, water, shelter, bedding and pen space for all animals held more than 12 hours.

(c) Identify bovine animals and swine in compliance with s. ATCP 12.05.

(d) Keep records in compliance with s. ATCP 12.06 (1).

(e) Handle downer animals in a humane manner, as required by s. ATCP 12.07.

(f) Notify the department of any address change within 10 days.

(g) Carry or post the livestock dealer identification card issued by the department, and show the identification card upon request while conducting business.

(h) Equip and maintain all transport vehicles so that the vehicles are safe for the transportation of livestock. Vehicles used by a livestock dealer to transport livestock

shall be registered and operated in compliance with s. ATCP 12.04 (6), regardless of whether the livestock dealer is subject to licensing as a livestock trucker under s. ATCP 12.04 (1).

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

ATCP 12.04 Livestock truckers (1) LICENSE REQUIREMENTS. No person may operate as a livestock trucker without an annual license from the department, as provided under s. 95.70 (2), Stats. A livestock market operator or livestock dealer licensed under this chapter shall also be licensed as a livestock trucker if the market operator or dealer transports the cattle or swine of others for hire. A livestock trucker license expires on June 30 of each year. A separate license is required for each trucker. A license is not transferable between persons. As a condition to licensing, a livestock trucker shall do all of the following:

(a) Pass a test prescribed and administered by the department.

(b) File proof of any bond or other financial security instrument required by state or federal law.

(c) Submit a license application fee required by s. 95.70 (2), Stats.

(d) Comply with other applicable requirements under s. 95.70, Stats., and this section.

(2) LICENSE APPLICATION AND RENEWAL. An initial license application, signed by the applicant, shall be submitted on a form provided by the department. The department shall grant or deny a license application within 30 business days after an application is received, provided that an application is complete. To renew an annual license, a license holder shall submit a renewal application on a form provided by the department.

(3) DENIAL, SUSPENSION OR REVOCATION OF LICENSE. The department may deny, suspend or revoke a livestock trucker license pursuant to s. 93.06 (7), Stats. Grounds for the denial, suspension or revocation of a livestock trucker's license include:

(a) Violation of any provision of ch. 951, Stats., prohibiting crimes against animals.

(b) Preventing a department employe from performing his or her official duties, or interfering with the lawful performance of his or her duties.

(c) Physically assaulting a department employe while the employe is performing his or her official duties.

(d) Improper or unauthorized use of any official tag, brand or tattoo.

(e) Refusal or failure, without just cause, to produce records or respond to a department subpoena.

(f) Payment of an application fee with a worthless check.

(g) Violation of any other applicable requirement under s. 95.70, Stats., ch. ATCP 10, 11 or this chapter.

(4) LIVESTOCK TRUCKER RESPONSIBILITIES. A livestock trucker shall do all of the following:

(a) Satisfy the sanitation requirements of sub. (5).

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(b) Identify bovine animals and swine in compliance with applicable requirements under s. ATCP 12.05.

(c) Keep records in compliance with s. ATCP 12.06 (2).

(d) Transport and handle animals in a safe and humane manner. Transport vehicles shall be equipped and maintained in a condition which is safe for the transportation of livestock.

(e) Install and use equipment necessary to transport and handle downer animals in a humane manner, as required by s. ATCP 12.07, if the livestock trucker transports downer animals.

(f) Provide adequate food, water, shelter, bedding, and pen space for all animals held more than 12 hours.

(g) Notify the department of any address change within 10 days.

(5) SANITATION REQUIREMENTS. (a) Livestock transport vehicles shall be kept in a clean and sanitary condition. Vehicles used to transport diseased or downer animals shall be cleaned and disinfected before being used to transport any other animals. No disinfectant may be used unless it has first been approved by the department, and is used in the recommended quantities and dilutions.

(b) A livestock trucker may not cause or permit different species of livestock to be commingled on the same vehicle.

(c) A livestock trucker may not transport diseased or downer animals with healthy animals on the same vehicle, unless the entire load is transported directly to a slaughter establishment. Downer animals shall be segregated from healthy animals to prevent injury to them.

(6) VEHICLES. (a) Every vehicle used by a livestock trucker or livestock dealer to transport livestock shall be registered with the department on a form approved by the department. The operator's name, business address, livestock dealer license number if any, and livestock trucker license number shall be prominently displayed on each vehicle. This information shall be displayed in legible letters at least 2 inches in height and at least 1/4 inch in width, on both sides of the vehicle.

(b) Every vehicle used by a livestock dealer or livestock trucker to transport livestock shall be equipped and maintained in a condition which is safe for the transportation of livestock. A vehicle used to transport downer animals shall be furnished with equipment necessary to transport and handle downer animals in a humane manner, and shall be inspected by the department prior to registration.

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

ATCP 12.05 Identification of bovine animals and swine.
(1) IDENTIFICATION OF BOVINE ANIMALS. (a) *Official individual identification.* Whenever a livestock dealer or livestock market operator receives a bovine animal, the livestock dealer or market operator shall immediately record the animal's official individual identification. If a bovine animal has no official individual identification at the time of receipt, the animal shall immediately be identified with an official ear tag. Ear tagging is not required under this paragraph for steers, calves under 6 months old, or feeder cattle.

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Note: See also s. ATCP 11.10 (1).

(b) *Slaughter identification.* Whenever a livestock dealer, livestock market operator or livestock trucker receives a bovine animal for sale or shipment to slaughter, that person shall immediately identify the animal with an official backtag and record the backtag number. If a bovine animal is already backtagged at the time of receipt, the person receiving the animal shall record its backtag number. Backtagging is not required for steers, official spayed heifers, or animals under 2 years old.

Note: See also s. ATCP 11.10 (4).

(2) IDENTIFICATION OF SWINE. (a) *Official individual identification.* Whenever a livestock dealer or livestock market operator receives any swine, the livestock dealer or market operator shall immediately record the official individual identification of that swine. If a swine has no official individual identification at the time of receipt, the swine shall immediately be identified with an official eartag. Ear tagging is not required under this paragraph for swine which are backtagged for slaughter under par. (b).

(b) *Slaughter identification.* Whenever a livestock dealer, livestock market operator or livestock trucker receives any sow, boar or stag for sale or shipment to slaughter, that person shall immediately identify the swine with an official backtag and record the backtag number. If a sow, boar or stag is already backtagged at the time of receipt, the person receiving the swine shall record its backtag number.

Note: See also s. ATCP 11.22.

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

ATCP 12.06 Recordkeeping. (1) LIVESTOCK DEALERS AND MARKET OPERATORS. (a) *Daily record of transactions.* Every livestock dealer and every livestock market operator shall keep a daily record of all transactions involving the purchase, receipt, sale or delivery of bovine animals or swine.

(b) *Animals purchased or received.* For each bovine animal or swine purchased or received by a livestock dealer or livestock market operator, the daily record under par. (a) shall include:

1. The name and address of the person from whom the animal was purchased or received.
2. The animal's official individual identification if required under s. ATCP 12.05 (1) (a) or (2) (a).
3. The animal's backtag number if the animal is backtagged for slaughter under s. ATCP 12.05 (1) (b) or (2) (b).
4. The date of receipt, and the place where the animal was received.
5. The breed of bovine animal or class of swine received.

(c) *Animals sold or delivered.* For each bovine animal or swine sold or delivered by a livestock dealer or livestock market operator, the daily record under par. (a) shall include:

1. The name and address of the person from whom the animal was sold or delivered.

2. The animal's official individual identification if required under s. ATCP 12.05 (1) (a) or (2) (a).

3. The animal's backtag number if the animal is backtagged for slaughter under s. ATCP 12.05 (1) (b) or (2) (b).

4. The date of delivery, and the place to which the animal was delivered.

5. The breed of bovine animal or class of swine received.

(d) *Animals dying in custody.* Every livestock dealer and every livestock market operator shall keep a record of every bovine animal and every swine which dies in the custody of the livestock dealer or market operator. The record shall indicate the disposition of the dead animal.

(e) *Records retained for 2 years; inspection and copying.* Records required under this subsection shall be retained for at least 2 years, and shall be made available for inspection and copying by the department upon request.

(2) **LIVESTOCK TRUCKER.** (a) *Daily record of receipts and deliveries.* Every livestock trucker shall keep a daily record of all bovine animals and swine which are received or delivered by the livestock trucker. Records shall be made at the time the animals are loaded or unloaded from the transport vehicle.

(b) *Animals received.* The record of receipts under par. (a) shall include:

1. The number of bovine animals or swine received.
2. A description of the animals received, including the breed of bovine animals or class of swine received.
3. The date of receipt, and the place at which the animals were received.
4. The person from whom the animals were received.

(c) *Animals delivered.* The record of deliveries under par. (a) shall include:

1. The number of bovine animals or swine delivered.
2. A description of the animals delivered, including the breed of bovine animals or class of swine received.
3. The date of delivery, and the place to which the animals were delivered.
4. The person to whom the animals were delivered.

(d) *Animals dying in transit.* A livestock trucker shall keep a record of every animal which died while in the trucker's custody. The record shall indicate the disposition of the dead animal.

(e) *Records retained for 2 years; inspection and copying.* Records required under this subsection shall be retained for at least 2 years, and shall be made available for inspection and copying by the department upon request. Records shall be retained for at least 2 years, and shall be made available for inspection and copying by the department upon request.

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

ATCP 12.07 Handling downer animals. (1) A person who receives, transports, or handles downer animals shall register with the department, and shall have adequate facilities

and equipment for the humane transportation, handling and holding of the animals. Adequate facilities and equipment include separate holding pens, skids, mats, and sling-type hoisting equipment for downer animals.

(2) Downer animals may not be dragged or pulled by the neck or other extremity, or subjected to any other mistreatment or abuse. Downer animals shall be confined in separate holding pens and shall be segregated from healthy animals by a rigid barrier when transported in any vehicle. A downer animal may not be held for more than 24 hours by any livestock market operator, livestock dealer or livestock trucker before the downer animal is shipped to slaughter.

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

ATCP 12.08 Prohibited conduct. No person may:

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

- (a) The ownership, identification, age, vaccination status, test status, or health status of livestock; or
- (b) The purchase, sale or movement of livestock.

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

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

(4) Transport any livestock without health certificates, permits, or any other documents required by ch. ATCP 10 or 11.

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

- (a) Animals in transit; or
- (b) Health or shipping documents accompanying animals in transit.

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

(7) Knowingly cause or permit a susceptible healthy animal to commingle with a diseased animal while in transit, unless the entire load of animals is shipped directly to slaughter or the commingling is authorized by the department.

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

(9) Advertise or claim to be licensed as a livestock market operator, livestock dealer or livestock trucker unless the claim or advertisement is true.

(10) Receive interstate shipments of bovine animals as a part 78 market, unless the market is specifically approved as a part 78 market under s. ATCP 11.12.

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(11) Receive interstate shipments of swine as a part 76 market unless the market is specifically approved as a part 76 market under s. ATCP 11.21.

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

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

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

(15) Conduct business as a livestock dealer without carrying or posting a dealer identification card issued by the department. The dealer identification card shall be readily available for inspection upon request.

(16) Operate a livestock market or slaughter plant in which the dead animal and manure holding area is not enclosed as required by s. ATCP 12.02 (5).

(17) Transport animals for more than 12 hours without providing potable water.

(18) Transport equine animals in a vehicle which is not of adequate size.

Note: Equine animals over 14 hands high should not ordinarily be transported in a vehicle which is less than 6 feet high.

(19) Knowingly deliver, for use as food or feed, any livestock which:

(a) Contain prohibited residues of drugs, hormones, steroids, antibiotics, pesticides or other food or feed adulterants.

(b) Have been treated with any product listed under par. (a), if the delivery violates an applicable withholding period specified on the product label.

(20) Deliver a downer animal to a livestock market, livestock dealer or slaughter plant, or remove a downer animal from a livestock market or livestock dealer premises, without a drug certificate signed by the animal's current owner.

(21) Falsify a drug certificate.

(22) Administer any drug, hormone, steroid, antibiotic or pesticide to a livestock animal without the owner's knowledge or authorization.

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