

Clearinghouse Rule 96-071

STATE OF WISCONSIN)
) ss. Clearinghouse Rule
DEPARTMENT OF AGRICULTURE,) No. 96-71
TRADE & CONSUMER PROTECTION)

CERTIFICATION:

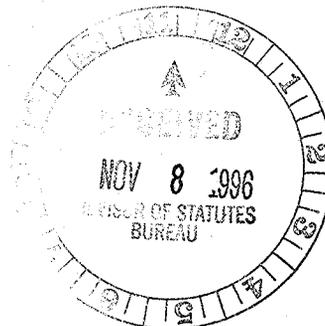
I, Alan T. Tracy, Secretary of the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, and custodian of the department's official records, hereby certify that the attached rulemaking order relating to animal diseases and animal movements was signed and adopted by the Department on November 6, 1996.

I further certify that I have compared the attached copy to the original on file in the department, and that the attached copy is a complete and accurate copy of the original.

Signed and sealed this 6th day of November, 1996.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION


By Deputy Secretary
Alan T. Tracy, Secretary



1-1-97

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

1 The state of Wisconsin department of agriculture, trade and
2 consumer protection adopts the following order to amend ATCP
3 10.01(15m) and (38), 10.70(1), 11.01(18m) and (41), 11.02(5)(b),
4 11.10(3)(a), 11.56(2)(b), 11.70(1), 12.01(13), 12.06(1)(b)2. and
5 3. and (c)2. and 3., and 12.06(2)(b)2. and (c)2.; to renumber
6 ATCP 10.151(4)(intro.) and (a) to (c); to repeal and recreate
7 ATCP 10.151(3), 10.65, 10.66(10)(a) and 11.56(2)(e); and to
8 create ATCP 10.01(22m), (36) and (37), 10.02(2)(bm), (cm), (dm),
9 (dr) and (i), 10.15(4), 10.151(4)(a), 10.651, 10.652,
10 10.66(10)(am) and (11)(am), 11.01(29m), (40) and (40e),
11 11.02(1)(em), 11.545, 11.56(2)(bm), 11.56(4), 12.01(8w), (12m)
12 and (12p), 12.03(1)(note) and 12.05(5); relating to animal
13 health, including farm-raised deer and poultry disease reporting
14 requirements.

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

Statutory Authority: ss. 93.07(1) and (2), 93.21(5),
95.55(3), 95.68(8), 95.69(8), and
95.71(8), Stats.

Statutes Interpreted: ss. 93.07(10), 93.21(5), 95.25(2m) and
(4m), 95.55, 95.68, 95.69 and 95.71,
Stats.

This rule modifies current animal health rules under chs. ATCP 10-12, Wis. Adm. Code. Among other things, this rule does the following:

- Interprets and implements 1995 Wis. Act 79, which regulates keepers of "farm-raised deer." Act 79 transfers regulatory authority from the department of natural resources (DNR) to the department of agriculture, trade and consumer protection, and requires keepers of "farm-raised deer" to register with the department.
- Modifies current procedures under the department's tuberculosis control program. The rule incorporates new USDA regulations related to branding and slaughter shipment of bovine tuberculosis reactors. Pursuant to 1995 Wis. Act 79, it also requires owners of tested animals to provide adequate restraints for safe testing.
- Requires veterinarians to report certain poultry diseases to the department. This will strengthen poultry disease controls and make it possible for Wisconsin producers to export poultry meat to Russia, under an agreement between Russia and the U.S. government.

BOVINE TUBERCULOSIS CONTROL

Tuberculosis Testing; Bovine Animals

Under 1995 Wis. Act 79, a person who owns or possesses bovine animals must provide animal handling facilities to ensure the safety of animals tested for bovine tuberculosis, and to ensure the safety of persons conducting the tests. This rule incorporates this new statutory requirement.

Bovine Tuberculosis Reactors; Branding and Slaughter

In September, 1995, the United States department of agriculture, animal and plant health inspection service (federal bureau), changed its regulations related to branding and slaughter shipment of bovine animals identified as "reactors" on bovine tuberculosis tests. This rule amends current state rules to make them consistent with the new federal regulations.

Under current state rules, a reactor must be branded on the left jaw with the letter "T" unless it is shipped directly to slaughter in a vehicle that is sealed by the department. Under this rule, a reactor must be branded on the hip (not the jaw), near the tailhead, with the letter "T." A reactor need not be branded if all of the following apply:

- Its left ear is spray painted yellow and tattooed with the letters "TB."

- A state or federal veterinarian accompanies the reactor as it is shipped to slaughter, or the reactor is shipped to slaughter in a vehicle sealed by the department or the federal bureau. If the animal is shipped in a sealed vehicle, the seal may only be removed by the department or the federal bureau.

"FARM-RAISED DEER" AND OTHER CERVIDAE

Persons Keeping "Farm-Raised Deer;" Registration

Under 1995 Wisconsin Act 79, persons keeping "farm-raised deer" in this state must register with the department. This rule implements the new registration requirement.

This rule, like 1995 Wis. Act 79, defines "farm-raised deer" to include farm-raised fallow deer, caribou, reindeer, sambar, sunda sambar, Philippine sambar, visayan deer, barasingha, Schomburgk's deer, thamin or brow antlered deer, sika deer, Thorold's deer, red deer, wapiti and elk. "Farm-raised deer" do not include north american moose, white-tailed deer or mule deer.

Under this rule, a person who "keeps farm-raised deer" must obtain a registration certificate from the department. This includes any person who owns, rents, leases or serves as the custodian of "farm-raised deer." A registration application must identify both the owner and the custodian of the "farm-raised deer." Thus, if the owner and custodian are different persons, they need only complete one registration between them.

Under this rule, a person keeping "farm-raised deer" at more than one location may do either of the following:

- Obtain a separate registration certificate, and pay a separate registration fee, for each location. A keeper may not move "farm-raised deer" between separately-registered locations without an interstate health certificate or certificate of veterinary inspection, unless the deer are exempt under current exemptions to the requirements for intra-state movement. If disease is detected at one location, animals at other locations will not be considered part of the same herd, and will not be treated as exposed animals unless a traceback shows that suspect or reactor animals have actually moved between the locations.
- Register multiple locations under one registration certificate, and pay only one registration fee. If a keeper registers multiple locations under one registration, the keeper may freely move "farm-raised deer" between those locations without an interstate health certificate or certificate of veterinary inspection. But if disease is

detected at one location, all of the "farm-raised deer" at all of the locations are automatically considered to be part of a single exposed herd.

A registration certificate expires on December 31 annually. However, there is no requirement for annual renewal after December 31, 1998.

This rule establishes an annual registration fee of \$50 for persons who keep 15 or fewer "farm-raised deer," and \$100 for persons who keep more than 15 "farm-raised deer." If the department certifies a herd as an accredited tuberculosis-free herd, the keeper of that herd must register but is not required to pay a fee. The annual registration fee does not apply after December 31, 1998.

To register with the department, a keeper of "farm-raised deer" must submit a registration application on a form provided by the department. The application must include all of the following information:

- The name, address and telephone number of the owner of the "farm-raised deer."
- The name, address and telephone number of the custodian of the "farm-raised deer," if the custodian is anyone other than the owner.
- The location at which the "farm-raised deer" will be kept, including the county, township, section and fire number assigned to the location.
- The number of "farm-raised deer" being kept.
- The species, age and sex of the "farm-raised deer" being kept. Age may be specified as fawn, yearling or adult.
- If the herd is certified by the department as an accredited tuberculosis-free herd, the accreditation number assigned to the herd.

Under this rule, the department must grant or deny a registration application within 30 days after the department receives a complete application. The department may deny, suspend or revoke a registration for cause, including any of the following:

- Violations of applicable requirements under ch. 95, Stats. (animal health), or chs. ATCP 10-12, Wis. Adm. Code.

- Preventing a department employe from performing his or her official duties, or interfering with the lawful performance of his or her duties.
- Physically assaulting a department employe while the employe is performing his or her official duties.
- Refusing or failing, without just cause, to produce records or respond to a department subpoena.
- Paying a registration fee with a worthless check.

Under this rule, a person who keeps "farm-raised deer" must keep a record of all of the following, and must retain that record for at least 2 years:

- The name and address of each person from whom that keeper purchases or receives "farm-raised deer."
- The name and address of each person to whom the keeper sells or delivers "farm-raised deer."
- The official identification of every "farm-raised deer" which the keeper purchases, receives, sells or delivers.
- The date on which the keeper receives or delivers each "farm-raised deer."
- The location at which the keeper receives each "farm-raised deer," or to which the keeper delivers each "farm-raised deer."

A person keeping "farm-raised deer" must make these records available to the department for inspection and copying by the department upon request.

"Farm-Raised Deer" and Other Cervidae; Disease Control

Current rules spell out tuberculosis testing requirements, import requirements, intrastate movement requirements and herd certification requirements related to tuberculosis in "cervidae." In the current rules, "cervidae" are defined as members of the family of animals which includes deer, elk, moose, caribou, reindeer and the sub-family musk deer.

The current definition of "cervidae" is different from the new statutory definition of "farm-raised deer." This rule amends the definition of "cervidae" to include all "farm-raised deer." Rules which currently apply to cervidae will also apply to "farm-raised deer" except where this rule creates a specific exemption for "farm-raised deer."

Under this rule, whenever a veterinarian issues an interstate health certificate or certificate of veterinary inspection for farm-raised deer shipped from a location in this state, the certificate must include the registration number of the person who is registered to keep those deer at that location.

Cervidae; Tuberculosis Testing

This rule requires the owner or custodian of a cervid to restrain the cervid for tuberculosis testing by one of the following means:

- Providing animal handling facilities that will safely restrain the cervid and protect the safety of the person conducting the test. The rule spells out minimum standards for animal handling facilities.
- Adequately tranquilizing the cervid to permit safe testing. The tranquilizer must be administered at the owner's expense. Department staff will not administer the tranquilizer. A person authorized to conduct a TB test may determine that a cervid is not adequately tranquilized, and may require additional tranquilization before conducting the test.
- Transporting the cervid, under a permit issued by the department, directly to an approved isolation and testing facility. Once a cervid is transported to an approved isolation and testing facility, it may not be removed until it tests negative for bovine tuberculosis and the owner or custodian obtains an interstate health certificate or certificate of veterinary inspection. If the cervid tests positive on the bovine tuberculosis test, it may not be moved except to slaughter.

Tuberculosis Reactors; Identification and Slaughter

Under current state rules, a cervid classified as a tuberculosis reactor must be branded on the left jaw with the letter "T" unless it is shipped directly to slaughter in a vehicle that is sealed by the department. Under this rule, a reactor must be branded on the hip (not the jaw), near the tailhead, with the letter "T." A reactor need not be branded if all of the following apply:

- Its left ear is spray painted yellow and tattooed with the letters "TB."
- A state or federal veterinarian accompanies the reactor as it is shipped to slaughter, or the reactor is shipped to slaughter in a vehicle sealed by the department or the federal bureau. If the animal is shipped in a sealed

vehicle, the seal may only be removed by the department or the federal bureau.

Livestock Markets, Dealers and Truckers

Under ch. 95, Stats., and current rules, livestock market operators, dealers and truckers must be licensed by the department, and must comply with department rules. Pursuant to 1995 Wisconsin Act 79, this rule defines "livestock" to include "farm-raised deer."

Under this rule, a person who handles "farm raised deer" as a livestock market operator, dealer or trucker must be licensed as a livestock market operator, dealer or trucker, and must comply with department rules related to livestock markets, dealers and truckers. Among other things, a livestock market operator, dealer or trucker must record the receipt and disposition of all "farm-raised deer" handled by that livestock market operator, dealer or trucker.

Identifying Cervidae and "Farm-Raised Deer"

Under this rule, a veterinarian who does any of the following to a cervid must identify that cervid with an official eartag unless the cervid already bears an official individual identification:

- Vaccinates, identifies or tests a cervid in order to complete an interstate health certificate, certificate of veterinary inspection, or other official document or certification related to that cervid.
- Tests a cervid for certain diseases specified in this rule.

Under this rule, a person keeping "farm-raised deer" in this state must identify, with an official eartag, each "farm-raised deer" which that person receives from or delivers to another person.

Under this rule, livestock markets and dealers receiving "farm raised deer" must identify the deer with official eartags unless the deer already bear official individual identification or are backtagged for slaughter. No livestock dealer or livestock market operator may deliver a farm-raised deer to another person unless that deer bears an official individual identification, or unless that deer is backtagged and shipped directly to slaughter.

This rule also requires livestock markets, dealers, truckers and slaughter establishments to backtag all "farm-raised deer" which they receive for slaughter, or for sale or shipment to slaughter. Persons receiving "farm-raised deer" for slaughter, or for sale

or shipment to slaughter, must record the receipt and disposition of those "farm-raised deer."

ANIMAL HEALTH QUARANTINES

This rule clarifies the department's authority to issue animal health quarantines. Current rules provide that the department may issue quarantines to "control" contagious, infectious or communicable diseases of domestic animals. This rule clarifies that the department may issue quarantines to prevent, suppress, control or eradicate contagious, infectious or communicable diseases which may affect domestic or exotic animals in this state, or to prevent animals from being moved or commingled pending further testing, diagnosis or traceback related to suspected disease.

POULTRY DISEASE REPORTING

Under current rules, a veterinarian or diagnostic laboratory must report to the department whenever the veterinarian or laboratory diagnoses or finds evidence of certain animal diseases. Reportable poultry diseases currently include avian influenza, *mycoplasma gallisepticum*, pullorum, salmonellosis, and any disease that is foreign or exotic to Wisconsin. This rule adds the following diseases to the current list of poultry diseases that must be reported to the department:

- Avian infectious encephalomyelitis
- Infectious laryngotracheitis
- Ornithosis (psittacosis)
- Paramyxovirus infections of poultry other than Newcastle Disease
- Viscerotropic velogenic Newcastle Disease.

By requiring that these diseases be reported, the department will comply with export certification requirements negotiated between the federal bureau and the Russian Federation. This will permit Wisconsin poultry meat producers to continue exporting poultry meat to Russia.

1 **SECTION 1.** ATCP 10.01(15m) is amended to read:
2 ATCP 10.01(15m) "Cervid" is the singular form of the plural
3 "Cervidae". "Cervidae" means members of the family of animals
4 which includes deer, elk, moose, caribou, reindeer and the
5 subfamily musk deer. "Cervidae" includes all "farm-raised deer."
6

1 **SECTION 2.** ATCP 10.01(22m), (36) and (37) are created to
2 read:

3 ATCP 10.01(22m) "Farm-raised deer" has the meaning given in
4 s. 95.001(1)(a), Stats., but does not include cervidae kept by an
5 institution accredited by the american association of zoological
6 parks and aquariums.

7 (36) "Keep farm-raised deer" means to own, rent, lease or
8 serve as the custodian of farm-raised deer.

9 (37) "Keeper of farm-raised deer" means a person who keeps
10 farm-raised deer.

11 **SECTION 3.** ATCP 10.01(38) is amended to read:

12 ATCP 10.01(38) "Livestock" means farm animals including
13 bovine animals, sheep, goats, swine, farm-raised deer and equine
14 animals.

15 **SECTION 4.** ATCP 10.02(2)(bm), (cm), (dm), (dr) and (i) are
16 created to read:

17 ATCP 10.02(2)(bm) Avian infectious encephalomyelitis.

18 (cm) Infectious laryngotracheitis.

19 (dm) Ornithosis (psittacosis).

20 (dr) Paramyxovirus infections of poultry other than
21 Newcastle Disease.

22 (i) Viscerotropic velogenic Newcastle disease.

23 **SECTION 5.** ATCP 10.15(4) is created to read:

24 ATCP 10.15(4) ANIMAL HANDLING FACILITIES REQUIRED. The
25 owner or custodian of bovine animals being tested for
26 tuberculosis shall provide animal handling facilities that are

1 adequate to ensure the safety of the animals being tested and the
2 safety of the persons conducting the tests.

3 **SECTION 6.** ATCP 10.151(3) is repealed and recreated to
4 read:

5 ATCP 10.151(3) TUBERCULOSIS REACTORS; IDENTIFICATION AND
6 SLAUGHTER SHIPMENT. (a) Within 24 hours after a bovine animal is
7 classified as a tuberculosis reactor, the bovine animal shall be
8 identified for slaughter in all of the following ways:

9 1. An official reactor eartag, bearing a serial number,
10 shall be placed in the reactor's left ear.

11 2. Except as provided under par. (b), the reactor shall be
12 branded on the left hip near the tailhead with the letter "T" not
13 less than 2 inches nor more than 3 inches high.

14 (b) A reactor need not be branded under par. (a)2. if all
15 of the following apply:

16 1. The letters "TB" are legibly tattooed in the animal's
17 left ear, and the left ear is sprayed with yellow paint, within
18 24 hours after the animal is classified as a reactor.

19 2. The animal is shipped directly to slaughter, within the
20 time period specified under s. ATCP 10.151(4) (a). A veterinarian
21 employed by the department or the federal bureau shall accompany
22 and supervise the slaughter shipment, or the reactor shall be
23 shipped to slaughter in a vehicle sealed by the department or the
24 federal bureau. The vehicle seal may not be removed except by
25 the department or the federal bureau.

26

1 **SECTION 7.** ATCP 10.151(4) (intro.) and (a) to (c) are
2 renumbered ATCP 10.151(4) (b) (intro.) and 1 to 3.

3 **SECTION 8.** ATCP 10.151(4) (a) is created to read:

4 ATCP 10.151(4) (a) Within 15 days after a bovine animal is
5 classified as a tuberculosis reactor, the animal shall be
6 slaughtered with department approval. The department may, for
7 good cause, extend the slaughter deadline by up to 15 days. A
8 reactor shall be slaughtered in compliance with par. (b).

9 **SECTION 9.** ATCP 10.65 is repealed and recreated to read:

10 **ATCP 10.65 CERVIDAE; HERD IDENTIFICATION.** (1) Except as
11 provided under sub. (2), no person may keep a herd of cervidae in
12 this state unless that person first reports the following
13 information to the department in writing:

14 (a) The location of the herd.

15 (b) The number and types of animals in the herd.

16 (c) The name and address of the herd owner.

17 (d) The name and address of the local herd custodian if
18 other than the herd owner.

19 NOTE: The information under sub. (1) may be reported to the
20 following address:

21 Administrator, Division of Animal Health
22 Wisconsin Department of Agriculture, Trade and Consumer
23 Protection
24 P.O. Box 8911
25 Madison, WI 53708-8911

26 (2) A person who is registered as a keeper of farm-raised
27 deer under s. ATCP 10.652 is not required to file a report under
28 sub. (1).
29
30
31

1 NOTE: Since the definition of "cervidae" includes farm-
2 raised deer, all provisions of ATCP 10 and 11 which
3 relate to cervidae apply to farm-raised deer unless
4 farm-raised deer are specifically exempted.

5 SECTION 10. ATCP 10.651 is created to read:

6 ATCP 10.651 CERVIDAE; DISEASE TESTING. (1) ANIMALS

7 AVAILABLE FOR TESTING. The owner or custodian of a herd of
8 cervidae shall make the herd available to the department for
9 disease testing upon request.

10 (2) ANIMALS RESTRAINED FOR TESTING. The owner or custodian
11 of a herd of cervidae shall restrain the cervidae for disease
12 testing in a manner which insures the safety of the cervid and of
13 the person performing the test. The owner or custodian shall
14 restrain the cervidae by one of the following methods:

15 (a) By providing animal handling facilities that comply
16 with sub. (3).

17 (b) By tranquilizing the cervidae so they can be safely
18 tested. No department staff may tranquilize the cervidae. If
19 the department determines that a cervid is not adequately
20 tranquilized, so that the safety of the cervid and the persons
21 performing the test cannot be reasonably ensured, the department
22 may require the owner or custodian to provide additional
23 tranquilization before the department proceeds with testing. The
24 department assumes no liability for any injury or death of a
25 cervid which may be caused by tranquilization.

1 (c) By moving the cervidae, pursuant to a permit issued
2 under s. ATCP 11.60(4), to an isolation and testing facility
3 approved under s. ATCP 11.56(4) where the cervidae can be safely
4 tested.

5 (3) ANIMAL HANDLING FACILITIES. (a) Animal handling
6 facilities under sub. (2)(a) shall include all of the following:

7 1. A holding pen in which cervidae can be safely handled,
8 and from which cervidae can be safely directed into an alleyway
9 and then to a chute or individual restraining pen for testing.

10 2. An alleyway through which cervidae can be safely guided
11 into a chute or restraining pen for testing.

12 3. A chute or restraining pen which can safely hold
13 cervidae for testing.

14 4. Adequate fencing. Fences used to confine cervidae in
15 animal handling facilities shall be at least 7 feet 10 inches
16 high, except that fences used to confine cervidae of the genus
17 rangifer shall be at least 5 feet high.

18 (b) If the department determines that animal handling
19 facilities do not comply with par. (a), the department may order
20 the owner or custodian to modify the facilities, to provide
21 acceptable alternative facilities, or to provide an acceptable
22 alternative method of restraining cervidae under sub. (2). The
23 owner or custodian shall comply with the department's order
24 within 30 days, unless for good cause the department specifies a
25 different time period.

1 SECTION 11. ATCP 10.652 is created to read:

2 ATCP 10.652 FARM-RAISED DEER; KEEPERS REGISTERED. (1)

3 REGISTRATION CERTIFICATE REQUIRED. (a) Except as provided under
4 par. (b), no person may keep farm-raised deer unless that person
5 holds a current registration certificate issued by the department
6 under this section. A registration certificate is not
7 transferable.

8 (b) Paragraph (a) does not apply to an establishment
9 licensed under s. 97.42, Stats., which keeps live farm-raised
10 deer for not more than 72 hours before slaughtering those deer.

11 NOTE: A registration certificate under this section does
12 not entitle the holder of that certificate to operate
13 as a livestock dealer unless that person is also
14 licensed under s. ATCP 12.03. A livestock dealer
15 license under s. ATCP 12.03 does not entitle the holder
16 of that license to keep farm-raised deer unless that
17 person also holds a registration certificate under this
18 section.

19 (2) REGISTRATION CERTIFICATE EXPIRES. (a) Except as
20 provided under par. (b), a registration certificate under sub.
21 (1) expires on December 31 of each year. The holder of a
22 registration certificate may renew that certificate by submitting
23 an annual renewal application under sub. (4).

24 (b) A registration certificate that is in effect on
25 December 31, 1998, or that is issued on or after January 1, 1999,
26 remains in effect until the department suspends or revokes that
27 certificate. The holder of the certificate need not apply for
28 annual renewal of the certificate.

1 (3) REGISTERING MULTIPLE LOCATIONS. A person keeping farm-
2 raised deer at more than one location may do either of the
3 following:

4 (a) Obtain a separate registration certificate for each
5 location. No person may move farm-raised deer between
6 separately-registered locations without an interstate health
7 certificate or certificate of veterinary inspection, unless the
8 deer are exempt under s. ATCP 11.56(2). If disease is detected
9 at one registered location, animals at a separately registered
10 location will not be considered part of the same herd, and will
11 not be treated as exposed animals unless an investigation shows
12 that suspect or reactor animals have actually moved between the
13 locations.

14 (b) Register multiple locations under a single registration
15 certificate. If a registration certificate covers multiple
16 locations, the holder of that certificate may freely move farm-
17 raised deer between those locations without an interstate health
18 certificate or certificate of veterinary inspection. If disease
19 is detected at one location, all of the farm-raised deer at all
20 of the locations are considered to be part of a single exposed
21 herd.

22 (4) APPLYING FOR REGISTRATION CERTIFICATE. To obtain or
23 renew a registration certificate, a person keeping farm-raised
24 deer shall file a registration application on a form provided by

1 the department. The application shall be accompanied by the fee,
2 if any, that is required under sub. (5). The application form
3 shall include all of the following information:

4 (a) The name, address and telephone number of the herd
5 owner.

6 (b) If the farm-raised deer are under the care of a
7 custodian other than the herd owner, the name, address and
8 telephone number of the custodian.

9 (c) The location or locations at which the farm-raised deer
10 will be kept, including the county, township, section and fire
11 number assigned to the location.

12 (d) The number of farm-raised deer being kept at each
13 location.

14 (e) The species, age and sex of the farm-raised deer being
15 kept at each location.

16 (f) If the department has certified the herd as an
17 accredited tuberculosis-free herd, the accreditation number
18 assigned to the herd.

19 NOTE: A registration form may be obtained by writing to
20 the following address:

21
22 Wisconsin Department of Agriculture, Trade and Consumer
23 Protection
24 Division of Animal Health
25 P.O. Box 8911
26 Madison, Wi. 53708-8911
27

28 (5) FEES. Except as provided under par. (b) or (c), a
29 person applying for a registration certificate shall pay the
30 following annual registration fee:
31

1 1. \$50 if the person keeps no more than 15 farm-raised deer
2 at the locations covered by the certificate.

3 2. \$100 if the person keeps more than 15 farm-raised deer
4 at the locations covered by the certificate.

5 NOTE: Under s. 93.21(5)(b), Stats., a person who files an
6 application for the renewal or reissuance of a
7 registration certificate after the registration
8 certificate has expired must pay, in addition to the
9 fee prescribed under sub. (5), and additional fee equal
10 to 20 percent of that registration fee.
11

12 (b) The fees under par. (a) do not apply after December 31,
13 1998.

14 (c) The fees under par. (a) do not apply to a herd of farm-
15 raised deer if the department certifies that herd as an
16 accredited tuberculosis-free herd under s. ATCP 10.67(1) before
17 January 1 of the year for which the person is registering.

18 (6) ACTION ON REGISTRATION APPLICATION. The department
19 shall grant or deny a registration application under sub. (4)
20 within 30 days after the department receives a complete
21 application.

22 (7) DENIAL, SUSPENSION OR REVOCATION OF REGISTRATION
23 CERTIFICATE. The department may deny, suspend or revoke a farm-
24 raised deer registration for cause, pursuant to s. 93.06(7),
25 Stats. Grounds may include any of the following:

26 (a) Violating applicable provisions of ch. 95, Stats., this
27 chapter, or ch. ATCP 11 or 12.

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

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

3 (d) Refusing or failing, without just cause, to produce
4 records or respond to a department subpoena.

5 (e) Paying a registration fee with a worthless check.

6 (8) RECORDKEEPING. (a) A person who keeps farm-raised
7 deer shall keep all of the following records for each farm-raised
8 deer which that keeper of farm-raised deer receives from another
9 person, or which that keeper of farm-raised deer delivers to
10 another person:

11 1. The official individual identification of the farm-
12 raised deer.

13 2. The name and address of the person from whom the keeper
14 of farm-raised deer received, or to whom the keeper of farm-
15 raised deer delivered the farm-raised deer.

16 3. The date on which the keeper of farm-raised deer
17 received or delivered the farm-raised deer.

18 4. The location at which the keeper of farm-raised deer
19 received or delivered the farm-raised deer.

20 (b) A person required to keep records under par. (a) shall
21 do all of the following:

22 1. Retain those records for at least 2 years after those
23 records are made.

24 2. Make those records available to the department, upon
25 request, for inspection and copying.

26

1 **SECTION 12.** ATCP 10.66(10) (a) is repealed and recreated to
2 read:

3 ATCP 10.66(10) (a) Within 24 hours after a cervid is
4 classified as a tuberculosis reactor, the cervid shall be
5 identified for slaughter in all of the following ways:

6 1. An official reactor eartag, bearing a serial number,
7 shall be placed in the reactor's left ear.

8 2. Except as provided under par. (am), the reactor shall be
9 branded on the left hip near the tailhead with the letter "T" not
10 less than 2 inches nor more than 3 inches high.

11 **SECTION 13.** ATCP 10.66(10) (am) is created to read:

12 ATCP 10.66(10) (am) A reactor need not be branded under par.
13 (a)2 if all of the following apply:

14 1. The letters "TB" are legibly tattooed in the reactor's
15 left ear, and the left ear is sprayed with yellow paint, within
16 24 hours after the cervid is classified as a reactor.

17 2. The reactor is shipped directly to slaughter, with
18 department approval, within the time period specified under par.

19 (b). A veterinarian employed by the department or the federal
20 bureau shall accompany and supervise the slaughter shipment, or
21 the reactor shall be shipped to slaughter in a vehicle sealed by
22 the department or the federal bureau. The vehicle seal may not
23 be removed except by the department or the federal bureau.

24 **SECTION 14.** ATCP 10.66(11) (am) is created to read:

25 ATCP 10.66(11) (am) When a cervid identified in par. (a) is
26 shipped to slaughter, a veterinarian employed by the department

1 or the federal bureau shall accompany and supervise the slaughter
2 shipment, or the cervid shall be shipped to slaughter in a
3 vehicle sealed by the department or the federal bureau. The
4 vehicle seal may not be removed except by the department or the
5 federal bureau.

6 **SECTION 15.** ATCP 10.70(1) is amended to read:

7 ATCP 10.70(1) SUMMARY ACTION. The department may summarily
8 issue quarantine orders to prevent, suppress, control or
9 eradicate contagious, infectious or communicable diseases which
10 may affect domestic or exotic animals in this state, or to
11 prevent animals from being moved or commingled pending further
12 testing, diagnosis or traceback related to suspected disease. No
13 person may move any animal in violation of a quarantine order, or
14 fail to comply with the terms and conditions of a quarantine
15 order.

16 **SECTION 16.** ATCP 11.01(18m) is amended to read:

17 11.01(18m) "Cervid" is the singular form of the plural
18 "Cervidae". "Cervidae" means members of the family of animals
19 which includes deer, elk, moose, caribou, reindeer and the
20 subfamily musk deer. "Cervidae" includes all "farm-raised deer".

21 **SECTION 17.** ATCP 11.01(29m), (40) and (40e) are created to
22 read:

23 ATCP 11.01(29m) "Farm-raised deer" has the meaning given in
24 s. 95.001(1)(a), Stats., but does not include cervidae kept by an
25 institution accredited by the american association of zoological
26 parks and aquariums.

1 (40) "Keep farm-raised deer" means to own, rent, lease or
2 serve as the custodian of farm-raised deer.

3 (40e) "Keeper of farm-raised deer" means a person who keeps
4 farm-raised deer.

5 **SECTION 18.** ATCP 11.01(41) is amended to read:

6 ATCP 11.01(41) "Livestock" means farm animals including
7 bovine animals, sheep, goats, swine, farm-raised deer and equine
8 animals.

9 **SECTION 19.** ATCP 11.02(1)(em) is created to read:

10 ATCP 11.02(1)(em) If the certificate pertains to a shipment
11 of farm-raised deer shipped from any location in this state, the
12 registration number of the person registered under s. ATCP 10.652
13 who kept those farm-raised deer at that location.

14 **SECTION 20.** ATCP 11.02(5)(b) is amended to read:

15 ATCP 11.02(5)(b) For import shipments of swine, ratites,
16 farm-raised deer and bovine animals, the veterinarian shall mail
17 or telefax a copy of the certificate to the department on or
18 before the shipment date. The veterinarian shall also file a
19 copy with the state of origin under par. (a).

20 **SECTION 21.** ATCP 11.10(3)(a) is amended to read:

21 ATCP 11.10(3)(a) Tuberculosis. Within ~~15 days~~ 24 hours
22 after a bovine animal is classified as a tuberculosis reactor,
23 the animal shall be ~~branded and~~ identified for destruction as
24 required under s. ATCP 10.151(3). ~~The reactor shall be branded~~
25 ~~on the left jaw with the letter "T", which shall be not less than~~
26 ~~2 nor more than 3 inches high, and shall be identified with an~~

1 ~~official reactor cartag, bearing a serial number, which is~~
2 ~~inserted in the left ear of the animal.~~

3 SECTION 22. ATCP 11.545 is created to read:

4 ATCP 11.545 FARM-RAISED DEER AND OTHER CERVIDAE;

5 IDENTIFICATION REQUIREMENTS. (1) OFFICIAL INDIVIDUAL

6 IDENTIFICATION. (a) Form of identification. Official

7 individual identification of a cervid shall consist of one of the
8 following:

9 1. An official eartag, conforming to the national uniform
10 eartagging system, which is inserted in the cervid's right ear.

11 2. Another form of official individual identification which
12 the department approves in writing.

13 NOTE: See definition of "official individual
14 identification" under s. ATCP 11.01(54).

15
16 (b) Veterinarian required to identify cervidae. A
17 veterinarian who does any of the following to any cervid shall
18 identify that cervid with an official eartag or other official
19 individual identification unless the cervid already bears an
20 official individual identification:

21 1. Vaccinates, identifies or tests a cervid in order to
22 complete an interstate health certificate, certificate of
23 veterinary inspection, or other official document or
24 certification related to that cervid.

25 2. Tests a cervid for any disease listed under s. ATCP
26 10.03.

27 (c) Keeper of farm-raised deer required to identify farm-
28 raised deer. A person who keeps farm-raised deer in this state

1 shall identify, with an official eartag or other official
2 individual identification, each of the following farm-raised deer
3 unless that farm-raised deer already bears an official individual
4 identification:

5 1. Each farm-raised deer which that keeper of farm-raised
6 deer receives from another person.

7 2. Each farm-raised deer which that keeper of farm-raised
8 deer ships or delivers to another person.

9 (d) Livestock dealer or livestock market operator required
10 to identify farm-raised deer. 1. Whenever a livestock dealer or
11 livestock market operator receives any farm-raised deer, the
12 livestock dealer or livestock market operator shall immediately
13 identify that farm-raised deer with an official eartag or other
14 official individual identification unless the deer already bears
15 an official individual identification or is backtagged for
16 slaughter under sub. (2).

17 2. No livestock dealer or livestock market operator may
18 deliver a farm-raised deer to the custody of any other person
19 unless that deer bears an official individual identification, or
20 unless that deer is backtagged under sub. (2) and shipped
21 directly to slaughter.

22 (2) FARM-RAISED DEER; SLAUGHTER IDENTIFICATION. (a)
23 Backtag required. Whenever a livestock trucker, livestock
24 dealer, livestock market operator, stockyard operator or
25 slaughtering establishment operator receives any farm-raised deer
26 for slaughter, or for sale or shipment to slaughter, that

1 recipient shall immediately identify that farm-raised deer with
2 an official backtag unless the farm-raised deer already bears an
3 official backtag. The recipient of the farm-raised deer shall
4 affix the backtag to the deer at a point 4 inches behind the
5 shoulder and 4 inches below the topline.

6 (b) Record of receipt. Whenever any person under par. (a)
7 receives a farm-raised deer for slaughter, or for sale or
8 shipment to slaughter, that recipient shall immediately record
9 the following information related to that deer:

10 1. The number of the official backtag under par. (a) which
11 that recipient applied to that deer at the time of receipt, or
12 which that deer bore at the time of receipt.

13 2. The date on which that recipient received that deer.

14 3. The name and address of the person from whom that
15 recipient received that deer.

16 (c) Records retained for at least 2 years; inspection and
17 copying. A person required to keep records under par. (b) shall
18 do all of the following:

19 1. Retain those records for at least 2 years after the
20 records are made.

21 2. Make those records available to the department, upon
22 request, for inspection and copying.

23 (3) TUBERCULOSIS REACTOR IDENTIFICATION. Within 24 hours
24 after a cervid is classified as a tuberculosis reactor, that
25 cervid shall be identified for slaughter as required by s. ATCP
26 10.66(10).

1 **SECTION 23.** ATCP 11.56(2)(b) is amended to read:

2 ATCP 11.56(2)(b) The cervid is moved directly between 2
3 premises, both of which are owned or operated by the cervid
4 owner, and the cervid is not a farm-raised deer.

5 **SECTION 24.** ATCP 11.56(2)(bm) is created to read:

6 ATCP 11.56(2)(bm) The cervid is a farm-raised deer and is
7 moved directly between 2 premises, both of which are covered by
8 the same registration under s. ATCP 10.652.

9 **SECTION 25.** ATCP 11.56(2)(e) is repealed and recreated to
10 read:

11 11.56(2)(e) The cervid is moved to an approved tuberculosis
12 isolation and testing facility under sub. (4), pursuant to a
13 permit issued by the department under s. ATCP 11.60(4).

14 **SECTION 26.** ATCP 11.56(4) is created to read:

15 ATCP 11.56(4) TUBERCULOSIS ISOLATION AND TESTING FACILITY.

16 (a) The department may approve tuberculosis isolation and
17 testing facilities for cervidae. The department may approve a
18 facility for a period of up to 2 years, and may renew its
19 approval for periods of up to 2 years each. The department may,
20 for cause, suspend or revoke its approval.

21 (b) To obtain approval for a tuberculosis isolation and
22 testing facility, the facility operator shall file a written
23 application with the department. The department may inspect the
24 facility to determine whether it provides secure isolation and is
25 adequate to serve as a tuberculosis isolation and testing
26 facility. The department shall grant or deny an application for

1 approval within 30 days after the department receives a complete
2 application.

3 (c) No cervid may be moved from a tuberculosis isolation
4 and testing facility unless one of the following applies:

5 1. The department issues a permit under s. ATCP 11.60(4)
6 authorizing that movement.

7 2. The cervid tests negative for tuberculosis and is
8 accompanied by a certificate of veterinary inspection or
9 interstate health certificate issued in connection with that
10 movement.

11 **SECTION 27.** ATCP 11.70(1) is amended to read:

12 ATCP 11.70(1) SUMMARY ACTION. The department may summarily
13 issue quarantine orders to prevent, suppress, control or
14 eradicate contagious, infectious or communicable diseases which
15 may affect domestic or exotic animals in this state, or to
16 prevent animals from being moved or commingled pending further
17 testing, diagnosis or traceback related to suspected disease. No
18 person may move any animal in violation of a quarantine order, or
19 fail to comply with the terms and conditions of a quarantine
20 order.

21 **SECTION 28.** ATCP 12.01(8w) and (12m) are created to read:

22 ATCP 12.01(8w) "Farm-raised deer" has the meaning given in
23 s. 95.001(1)(a), Stats., but does not include cervidae kept by an
24 institution accredited by the american association of zoological
25 parks and aquariums.

1 (12m) "Keep farm-raised deer" means to own, rent, lease or
2 serve as the custodian of farm-raised deer.

3 (12p) "Keeper of farm-raised deer" means a person who keeps
4 farm-raised deer.

5 **SECTION 29.** ATCP 12.01(13) is amended to read:

6 ATCP 12.01(13) "Livestock" means farm animals including
7 bovine animals, sheep, goats, swine, farm-raised deer and equine
8 animals.

9 **SECTION 30.** ATCP 12.03(1)(note) is created to read:

10 NOTE: A registration certificate for a keeper of farm-
11 raised deer under s. ATCP 10.652 does not entitle the
12 holder of that certificate to operate as a livestock
13 dealer unless that person is also licensed under this
14 section. A livestock dealer license under this section
15 does not entitle the holder of that license to keep
16 farm-raised deer unless that person also holds a
17 registration certificate under s. ATCP 10.652.

18 **SECTION 31.** ATCP 12.05(5) is created to read:

19 ATCP 12.05(5) IDENTIFICATION OF FARM-RAISED DEER. (a)
20 Official individual identification. 1. Whenever a livestock
21 dealer or livestock market operator receives any farm-raised
22 deer, the livestock dealer or livestock market operator shall
23 immediately identify that farm-raised deer with an official
24 individual identification unless the deer already bears an
25 official individual identification or is backtagged for slaughter
26 under par. (b). The livestock dealer or livestock market
27 operator shall immediately record the official individual
28 identification of the deer.

1 2. No livestock dealer or livestock market operator may
2 deliver a farm-raised deer to the custody of any other person
3 unless that deer bears an official individual identification, or
4 unless that deer is backtagged under par. (b) and shipped
5 directly to slaughter.

6 3. Official individual identification under this paragraph
7 shall consist of an official eartag or another form of official
8 individual identification which the department approves in
9 writing.

10 (b) Slaughter identification. Whenever a livestock dealer,
11 livestock market operator or livestock trucker receives a farm-
12 raised deer for sale or shipment to slaughter, that recipient
13 shall immediately identify that deer with an official backtag
14 unless that deer already bears an official backtag. The
15 recipient shall affix the backtag to the deer at a point 4 inches
16 behind the shoulder and 4 inches below the topline. The
17 livestock dealer, livestock market operator or livestock trucker
18 shall immediately record the backtag number.

19 **SECTION 32.** ATCP 12.06(1)(b)2. and 3. are amended to read:

20 ATCP 12.06(1)(b)2. The animal's official individual
21 identification if required under s. ATCP 12.05(1)(a), (2)(a), (3)
22 ~~or~~ (4) or (5)(a).

1 (b)3. The animal's backtag number if the animal is
2 backtagged for slaughter under s. ATCP 12.05(1)(b) ~~or~~ (2)(b) or
3 (5)(b). If the animal is not sold or delivered directly to
4 slaughter, the record must correlate the backtag number with the
5 official individual identification recorded under subd. 2.

6 **SECTION 33.** ATCP 12.06(1)(c)2. and 3. are amended to read:

7 ATCP 12.06(1)(c)2. The animal's official individual
8 identification if required under s. ATCP 12.05(1)(a), (2)(a), (3)
9 ~~or~~ (4) or (5)(a).

10 (c)3. The animal's backtag number if the animal is
11 backtagged for slaughter under s. ATCP 12.05(1)(b) ~~or~~ (2)(b) or
12 (5)(b).

13 **SECTION 34.** ATCP 12.06(2)(b)2 and (c)2 are amended to read:

14 ATCP 12.06(2)(b)2 A description of the livestock animals
15 received, including backtag numbers or official individual
16 identification numbers if any, the breed of any bovine animals
17 ~~received or,~~ and the class of any swine ~~received~~. If a bovine
18 animal is a crossbreed of beef and dairy animals, the animal
19 shall be classified as a beef breed.

20 (c)2 A description of the livestock animals delivered,
21 including backtag numbers or official individual identification
22 numbers if any, the breed of any bovine animals ~~delivered or,~~ and
23 the class of any swine ~~delivered~~. If a bovine animal is a
24 crossbreed of beef and dairy animals, the animal shall be
25 classified as a beef breed.
26

