

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

1 The state of Wisconsin department of agriculture, trade and consumer protection adopts the
2 following order to repeal ATCP 10.65 and 10.652; to renumber ATCP 10.01(45)(j), 10.61,
3 10.62, 10.63(title), (1) to (6) and (7) to (14), 10.64, 10.651, 10.66, 10.67, 10.673, 10.675, 10.68,
4 10.70, 10.705, 10.71, 10.72, 11.01(54)(j), 11.545(1)(a)2., and 12.01(20)(j); to renumber and
5 amend ATCP 10.63(6)(note); to amend ATCP 10.01(1)(a) and (b), (9m)(a) and (b), (14m)(a) and
6 (b), (15)(a) and (b), (22m), (69m)(a) and (b), (69r)(a) and (b), 10.41(1)(a)(intro.), (2) and (3),
7 subchapter VII (title), subchapter VIII (title), 11.01(1)(a) and (b), (12m)(a) and (b), (17m)(a) and
8 (b), (18)(a) and (b), (29m), (42), (44), (45), (70m), (80m)(a) and (b), and (80r)(a) and (b),
9 11.02(4)(f), 11.545(1)(b)(intro.), (1)(d) and (3), 11.55(2)(a)1. and (4), 11.58(2)(c), (6)(a) and
10 (12)(a)4., 11.60(2) and (note), 12.01(8w), (14), (16) and (17), and 12.03(1)(note) and
11 12.03(5)(a)3.; to repeal and recreate ATCP 11.545(1)(c) and 11.56(1) and (2); and to create
12 ATCP 10.01(15r) and (45)(j) and (k), 10.61, 10.66, 10.67, subchapter IX (title), subchapter X
13 (title), 11.01(18r) and (54)(j) and (k), 11.545(1)(a)2., 11.55(1)(d) to (i), 11.56(2)(note) and
14 12.01(2m) and (20)(j) and (k); relating to farm-raised deer and chronic wasting disease.

15

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

Statutory Authority: ss. 93.07(1), 93.07(10) and 95.20, Stats.
Statutes Interpreted: ss. 93.07(10), 95.20, 95.22, 95.31 and 95.65, Stats.

This rule regulates the import, testing, identification and movement of farm-raised deer (including deer and elk) to prevent the spread of chronic wasting disease. This rule also modifies current rules related to the registration of farm-raised deer herds in this state. The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) administers this rule.

For the most part, this rule does not apply to wild deer or elk regulated by the Department of Natural Resources (DNR). However, this rule does regulate *imports* of wild deer and elk. This rule also requires a person to report to DATCP if a farm-raised deer *or a wild deer or elk* tests positive for chronic wasting disease.

Background

In February 2002, chronic wasting disease was discovered in the wild deer population in Wisconsin. In September 2002, chronic wasting disease was first diagnosed in captive white-tail deer in this state. Chronic wasting disease is a form of transmissible spongiform encephalopathy, a disease that is always fatal. It is known to affect several species of cervids, including elk, white-tailed deer, black-tailed deer and mule deer. Very little is known about the disease, but it appears to be spread by cervid-to-cervid contact. The disease may spread more readily where cervids are concentrated.

Registering Farm-Raised Deer Herds

DATCP currently registers approximately 300 “farm-raised deer” herds. This includes captive deer and elk, other than captive white-tail deer. DNR currently registers approximately 600 captive white-tail herds. A new captive wildlife law (2001 Wis. Act 56) will transfer registration of white-tail herds from DNR to DATCP, effective January 1, 2003. On that date, captive white-tails will also be classified as “farm-raised deer.” This rule will apply to all captive deer and elk, including captive white-tail deer.

Under current rules, a person keeping a herd of farm-raised deer must register the herd with DATCP. A person who keeps farm-raised deer at 2 separate locations may register all of those farm-raised deer as a single herd, and may freely move farm-raised deer between the 2 locations. Under this rule, a person may continue to register multiple locations as a single herd only if the person is enrolled in the chronic wasting disease monitoring program (see below) and every farm-raised deer is identified with an official individual identification before it is moved between the jointly-registered locations. The herd keeper may move farm-raised deer between the jointly registered locations without meeting other intra-state movement requirements (see below). But if a disease is found at one location, all of the farm-raised deer at all of the jointly-registered locations will be treated as a single herd for disease control purposes.

A person may register separate herds at the same location if there is “medically significant separation” of the herds. There must be adequate fencing and facilities to maintain the

separation, and the herd owner must comply with intra-state movement regulations (see below) when moving farm-raised deer between the herds. A person might choose to register separate herds at the same location if, for example, the person maintains a breeding operation (from which live animals are shipped) and a separate hunting operation (from which no live animals are shipped) at that location.

Before DATCP registers 2 herds at the same location, DATCP must inspect the premises to determine whether the facilities and fencing are adequate to maintain “medically significant separation” of the herds. The herd owner must pay, in addition to the normal registration fees, a \$150 inspection fee to cover the costs of the inspection.

Under current rules, DATCP must grant or deny registration within 30 days after DATCP receives a complete application. Under this rule, if DATCP must inspect to ensure that there is “medically significant separation” between herds kept at the same location, DATCP must grant or deny the registration within 60 days after receiving a complete application.

Duties of Herd Owners

A person keeping farm-raised deer must comply with this rule. The person must do all the following:

- Keep complete herd records, including records related to animals entering or leaving the herd.
- Refrain from adding any cervid to the herd unless the cervid is imported in compliance with this rule, or moved from another registered herd in compliance with this rule.
- Refrain from accepting into the herd, on a temporary or permanent basis, any cervid from a wild herd.
- Report any escapes of farm-raised deer, to DATCP, within 48 hours after the escape.
- Notify a certified veterinarian within 24 hours if the person observes any signs or symptoms of chronic wasting disease in the herd.
- Officially identify every farm-raised deer or farm-raised deer carcass before it leaves the herd premises.

DATCP may deny, suspend or revoke a registration certificate for cause, including violations of this rule.

Importing Deer and Elk to Wisconsin

Under current rules, no person may import a deer, elk or other cervid into Wisconsin without a permit from DATCP. The importer, or a veterinarian acting on behalf of the importer, may

apply for an import permit. The applicant must identify the herd of origin and the herd of destination. Current import rules apply to wild cervids as well as farm-raised deer.

This rule clarifies that DATCP will not issue a written import permit until DATCP receives a certificate of veterinary inspection completed by a federally accredited veterinarian. The certificate must identify each cervid to be imported, and must certify one of the following:

- The cervid originates from a herd monitored for at least 5 years under a state-approved chronic wasting disease herd certification program that complies with federal uniform methods and rules.
- The cervid originates from a herd that meets all the following criteria:
 - Herd members have all been born in the herd or kept in the herd for at least one year.
 - Herd members have not been added from any outside source, or exposed to cervids from any outside source, in the past year.
 - There have been no clinical signs of chronic wasting disease in the herd for the past 5 years.
 - Animal health officials in the state of origin have access to herd records for the past 5 years, including records of deaths and causes of death.
 - The animal originates from a herd that is enrolled in a state-approved chronic wasting disease program that complies with federal uniform methods and rules:
 - * Animals imported in 2004 must originate from herds enrolled for at least one year.
 - * Animals imported in 2005 must originate from herds enrolled for at least 2 years.
 - * Animals imported in 2006 must originate from herds enrolled for at least 3 years.
 - * Animals imported in 2007 must originate from herds enrolled for at least 4 years.
 - * Animals imported in 2008 and subsequent years must originate from herds enrolled for at least 5 years.

Moving Live Farm-Raised Deer from Herds in Wisconsin

Under current rules, no person may move a live farm-raised deer from a herd in this state without a certificate of veterinary inspection. A Wisconsin certified veterinarian must certify that the farm-raised deer has tested negative for tuberculosis not more than 90 days prior to the movement (there are some exceptions). Under this rule, the Wisconsin certified veterinarian must certify one of the following:

- The farm-raised deer originated from an accredited tuberculosis free herd and the test necessary to maintain accreditation was completed within the last 24 months.
- The farm-raised deer originated from a tuberculosis qualified herd (the herd had a whole herd tuberculosis test completed but has not yet met all the requirements to be accredited tuberculosis free), and the whole herd test was completed within 90 days prior to movement.

- The farm-raised deer originated from a tuberculosis qualified herd; the whole herd test was completed at least 91 days and not more than 365 days before the movement; and the farm-raised deer being moved tested negative on a tuberculosis test conducted not more than 90 days prior to the movement.

In addition, this rule requires the following:

- The veterinarian must also certify that the herd of origin has shown no clinical signs of chronic wasting disease in the last 12 months. The veterinarian must be the herd veterinarian for the herd of origin.
- The herd of origin must be enrolled in Wisconsin's herd monitoring program (see below). The required length of enrollment will increase over time:
 - Beginning in 2004, the herd must have been enrolled for at least one year.
 - Beginning in 2005, the herd must have been enrolled for at least 2 years.
 - Beginning in 2006, the herd must have been enrolled for at least 3 years.
 - Beginning in 2007, the herd must have been enrolled for at least 4 years.
 - Beginning in 2008, the herd must have been enrolled for at least 5 years.

These requirements do not apply to any of the following:

- A farm-raised deer moved directly to slaughter if it is tested for chronic wasting disease.
- A farm-raised deer moved with department approval between institutions that are accredited by the American association of zoological parks and aquariums.

Mandatory Testing in Wisconsin

This rule requires chronic wasting disease testing of farm-raised deer. There is no test available for live farm-raised deer. Tests must be conducted on brain tissue collected from dead farm-raised deer. Tests are only effective on farm-raised deer at least 16 months old. This rule requires herd owners to have all the following tested for chronic wasting disease:

- All farm-raised deer at least 16 months old that are shipped to slaughter.
- All farm-raised deer at least 16 months old that die or are killed on the herd premises.

No live farm-raised deer may be shipped from a herd unless that herd is enrolled in the monitoring program (see below).

Test Standards and Reports

This rule spells out standards for official chronic wasting disease testing in this state. Under this rule:

- Test samples must be collected by a DATCP-certified veterinarian, a DATCP employee, an employee of the animal and plant health inspection service of the United States department of agriculture (APHIS), or another person approved by DATCP. The person must complete training approved by DATCP.
- Test samples must be collected according to standard veterinary procedure, and tested at a laboratory approved by DATCP or APHIS.
- Veterinarians and others must report to DATCP if test results are positive for chronic wasting disease. This reporting requirement applies to voluntary tests, as well as required tests. Persons receiving positive test results must report within one day, and confirm the report in writing within 10 days.

Quarantine and Condemnation

Under this rule, if a farm-raised deer tests positive for chronic wasting disease, DATCP must quarantine the herd. DATCP will conduct an epidemiological evaluation to determine the appropriate disposition of farm-raised deer in the herd. DATCP may condemn farm-raised deer exposed to the disease, and may direct the disposition of their carcasses. The herd owner may apply for statutory indemnity payments. If the owner of a farm-raised deer is eligible, indemnities will normally cover 2/3 of the appraised value of the condemned farm-raised deer, but not more than \$1500 for each animal.

If DATCP condemns a herd because of exposure to or infection with chronic wasting disease, DATCP will provide information to the herd owner explaining actions the herd owner must take to clean and disinfect the premises. DATCP will also explain the conditions under which the herd owner may be allowed to establish a new herd on the premises where the infected or exposed animals were kept. This information will be provided at the time the herd is condemned and will reflect the latest scientific knowledge and understanding of the disease.

Herd Monitoring Program

This rule establishes a herd monitoring program for chronic wasting disease. This program supplements the mandatory testing requirements described above. No live farm-raised deer may be shipped from a herd unless that herd is enrolled in the monitoring program (see above). A herd owner who wishes to enroll in the program must do all the following:

- Complete an application form.
- Provide a report of a herd census completed not more than 30 days before the application date. The census report must include all the following:
 - The number, species and sex of farm-raised deer in the herd.
 - The number of farm-raised deer at least one year old.
 - The number of farm-raised deer less than one year old.

- The official individual identification (ear tag number or other approved identification) of each farm-raised deer that is at least one year old.
- Provide a statement from the herd veterinarian. The veterinarian must certify that he or she is the herd veterinarian, and that no farm-raised deer in the herd has shown any clinical signs of chronic wasting disease in the past 12 months.

DATCP must grant or deny the application within 30 days. A herd is enrolled in the program when DATCP accepts the herd owner's application. The herd owner must do all the following to remain in the program:

- Identify each farm-raised deer in the herd, with official individual identification, before the farm-raised deer is one year old.
- Test every farm-raised deer that dies or is shipped to slaughter, if that farm-raised deer is at least 16 months old.
- Notify the herd veterinarian within 24 hours after the herd owner observes any signs or symptoms of chronic wasting disease.
- Provide an annual statement from the herd veterinarian. The herd veterinarian must submit the annual statement to DATCP, within 30 days before or after the herd enrollment anniversary date. The veterinarian must certify that he or she is the herd veterinarian, and that no farm-raised deer in the herd has shown any clinical signs of chronic wasting disease since the last annual statement.
- File a report of an annual herd census. The herd owner must complete the annual census within 30 days before or after the enrollment anniversary date, and must file the report within 10 days after completing the census. The census report must include all the following:
 - The number, species and sex of farm-raised deer in the herd.
 - The number of farm-raised deer at least one year old, and the number less than one year old.
 - The official individual identification of each farm-raised deer that is at least one year old.
 - The number, species and sex of farm-raised deer added to the herd since the last reported herd census. The report must indicate whether these new farm-raised deer were born into the herd or added from another source. If farm-raised deer were added from another source, the report must identify the source from which they were obtained.
 - The number of farm-raised deer that died or left the herd since the last reported herd census. The report must explain how each farm-raised deer left the herd, including all the following:

- * Whether the farm-raised deer died on the premises, was shipped to slaughter, or was shipped live other than to slaughter.
 - * If the farm-raised deer was shipped live other than to slaughter, the name of the person to whom it was shipped and the place to which it was shipped.
 - * If the farm-raised deer died on the premises, the animal's age and the disposition of its carcass. If the carcass left the premises, the report must identify the carcass destination or recipient. If the animal was at least 16 months old, the report must include a chronic wasting disease test report.
 - * If the farm-raised deer was shipped to slaughter, the animal's age and the name and address of the slaughter establishment. If the farm-raised deer was at least 16 months old, the report must include a chronic wasting disease test report.
- Refrain from adding farm-raised deer to the monitored herd, except from other monitored herds. Imported animals must originate from herds that are monitored under a state-recognized chronic wasting disease monitoring program that complies with federal uniform methods and rules.
 - Notify DATCP within 14 days whenever the herd owner adds, to the monitored herd, a farm-raised deer originating from a herd that has been monitored for a shorter period than the receiving herd. The owner must provide the following information to DATCP:
 - The official individual identification of the farm-raised deer.
 - The date on which the farm-raised deer was added to the herd.
 - The keeper and location of the farm-raised deer's herd of origin, and the date on which that herd was enrolled in an approved herd monitoring program.
 - Maintain all the following records for at least 5 years, and make those records available to DATCP for inspection and copying upon request:
 - A record of each farm-raised deer added to the herd from another source, including:
 - * The species, age and sex of the animal.
 - * The name and address of the person from whom the animal was obtained.
 - * The address of the herd from which the animal was obtained.
 - A record of each farm-raised deer leaving the herd, including all the following:
 - * Whether the animal died on the premises, was shipped to slaughter, or was shipped live other than to slaughter.
 - * If the animal was shipped live other than to slaughter, the name of the person to whom it was shipped and the place to which it was shipped.

- * If the animal died on the premises, the apparent cause of death, the animal's age, and the disposition of the animal's carcass. If the carcass left the premises, the record must identify the carcass destination or recipient.
- * If the animal was shipped to slaughter, the animal's age and the name and address of the slaughter establishment.
- A copy of all records received from the herd veterinarian related to veterinary services provided to the herd.

Herd Monitoring; Enrollment Dates

A herd is enrolled in the herd monitoring program when DATCP first accepts the herd into the program (see above), except that:

- If the herd owner adds a farm-raised deer to the monitored herd, and that farm-raised deer originates from a herd that has been monitored for a shorter period than the receiving herd, the enrollment date of the receiving herd becomes the enrollment date of the source herd.
- If a herd owner assembles a new herd solely from previously monitored source herds, the enrollment date for the new herd is the latest enrollment date assigned to any of those source herds if all the following apply:
 - The herd owner submits an enrollment application within 90 days after the herd owner acquires the first farm-raised deer for the new herd.
 - The herd owner complies with applicable herd monitoring requirements under this rule.
 - The herd owner includes, in the initial herd census for the new herd, the official individual identification and source herd of every farm-raised deer in the new herd (including those less than one year old). The herd census must also indicate the date on which each animal was added to the new herd.
 - The herd owner tests, for chronic wasting disease, every farm-raised deer (16 months or older) that dies before DATCP accepts the new herd into the chronic wasting disease program.
 - The new herd is not kept at a location where a prior herd was depopulated because of exposure to or infection with chronic wasting disease.

1 **SECTION 1.** ATCP 10.01(1)(a) and (b) are amended to read:
 2 ATCP 10.01(1)(a) The department under s. ATCP 10.17, ~~10.62 or 10.67(1)~~ 10.63 or
 3 10.82.

1 (b) The authorized animal health agency in the state where the herd is located, under
2 standards comparable to s. ATCP 10.17, ~~10.62 or 10.67(1)~~ 10.63 or 10.82.

3 **SECTION 2.** ATCP 10.01(9m)(a) and (b) are amended to read:

4 ATCP 10.01(9m)(a) The department under s. ATCP ~~10.675~~ 10.65.

5 (b) The authorized animal health agency in the state where the herd is located, under
6 standards comparable to s. ATCP ~~10.675~~ 10.65.

7 **SECTION 3.** ATCP 10.01(14m)(a) and (b) are amended to read:

8 ATCP 10.01(14m)(a) The department under s. ATCP ~~10.64~~ 10.84.

9 (b) The authorized animal health agency in the state where the flock is located, under
10 standards comparable to s. ATCP ~~10.64~~ 10.84.

11 **SECTION 4.** ATCP 10.01(15)(a) and (b) are amended to read:

12 ATCP 10.01(15)(a) The department under s. ATCP 10.14, ~~10.61 or 10.675~~ 10.65 or
13 10.81.

14 (b) The authorized animal health agency in the state where the herd is located, under
15 standards comparable to s. ATCP 10.14, ~~10.61 or 10.675~~ 10.65 or 10.81.

16 **SECTION 5.** ATCP 10.01(15r) is created to read:

17 ATCP 10.01(15r) “Chronic wasting disease registration tag” means an eartag, used to
18 identify a cervid, which includes all the following:

19 (a) A premises identification number assigned by the department.

20 (b) A number that uniquely identifies the cervid.

21 **SECTION 6.** ATCP 10.01(22m) is amended to read:

1 ATCP 10.01(22m) “Farm-raised deer” has the meaning given in ~~s. 95.001(1)(a) s.~~
2 95.001(1)(ag), Stats., but does not include cervids kept by an institution accredited by the
3 American association of zoological parks and aquariums.

4 **SECTION 7.** ATCP 10.01(45)(j) is renumbered ATCP 10.01(45)(l).

5 **SECTION 8.** ATCP 10.01(45)(j) and (k) are created to read:

6 ATCP 10.01(45)(j) A chronic wasting disease registration tag.

7 (k) A premises tattoo for a farm-raised deer, provided the farm-raised deer also has a
8 unique individual identification number.

9 **SECTION 9.** ATCP 10.01(69m)(a) and (b) are amended to read:

10 ATCP 10.01(69m)(a) The department under s. ATCP ~~40.67~~ 10.63.

11 (b) The authorized animal health agency of the state in which the herd is located, using
12 standards comparable to s. ATCP ~~40.67~~ 10.63.

13 **SECTION 10.** ATCP 10.01(69r)(a) and (b) are amended to read:

14 ATCP 10.01(69r)(a) The department under s. ATCP ~~40.67~~ 10.63.

15 (b) The authorized animal health agency of the state in which the herd is located, under
16 standards comparable to s. ATCP ~~40.67~~ 10.63.

17 **SECTION 11.** ATCP 10.41(1)(a)(intro.), (2) and (3) are amended to read:

18 ATCP 10.41(1)(a)(intro.) *Quarantine.* The department shall summarily quarantine every
19 animal that tests positive on an infectious anemia test. The quarantine notice shall comply with
20 s. ATCP ~~40.70~~ 10.91 and shall also include all of the following:

21 (2) EXPOSED ANIMALS; QUARANTINE. If an equine animal tests positive for equine
22 infectious anemia, the department shall summarily quarantine all of the equine animals kept at

1 the premises where that animal is normally housed. The quarantine shall comply with s. ATCP
2 ~~10.70~~ 10.91.

3 (3) HEARING REQUEST. A person adversely affected by a quarantine under sub. (1) or (2)
4 may, within 30 days after the quarantine is served, request a hearing on the quarantine as
5 provided under s. ATCP ~~10.70(6)~~ 10.91(6). A request for hearing does not automatically stay a
6 quarantine notice.

7 **SECTION 12.** ATCP 10 subchapter VII (title) is amended to read.

8 **SUBCHAPTER VII – ~~OTHER ANIMAL~~ CERVID DISEASES**

9 **SECTION 13.** ATCP 10.61, 10.62 and 10.63(title) and (1) to (6) are renumbered ATCP
10 10.81, 10.82 and 10.83(title) and (1) to (6).

11 **SECTION 14.** ATCP 10.61 is created to read:

12 **ATCP 10.61 Farm-raised deer; keepers registered.** (1) REGISTRATION CERTIFICATE
13 REQUIRED. (a) Except as provided in par. (b), no person may keep farm-raised deer unless that
14 person holds a current annual registration certificate issued by the department under this section.
15 A registration certificate is not transferable between persons or herd locations.

16 (b) Paragraph (a) does not apply to the operator of an establishment, licensed under s.
17 97.42, Stats., at which that operator keeps live farm-raised deer for not more than 72 hours
18 before slaughtering them.

19 **NOTE:** A registration certificate under this section does not entitle the certificate holder
20 to operate as a livestock dealer unless that person is also licensed under s. ATCP
21 12.03. A livestock dealer license under s. ATCP 12.03 does not entitle the license
22 holder to keep farm-raised deer unless that person also holds a registration
23 certificate under this section.
24

1 (2) REGISTRATION CERTIFICATE EXPIRES. A registration certificate under sub. (1) expires
2 on December 31 of each year. The holder of a registration certificate may renew that certificate
3 by submitting an annual renewal application under sub. (5).

4 (3) HERDS KEPT AT SEPARATE LOCATIONS. A person keeping farm-raised deer at more
5 than one location shall do one of the following:

6 (a) Obtain a separate registration certificate for each location. No person may move
7 farm-raised deer between separately registered locations without complying with s. ATCP 11.56.

8 (b) Register multiple locations under a single registration certificate if all the following
9 apply:

10 1. The herd is enrolled and participating in the chronic wasting disease monitoring
11 program under s. ATCP 10.67.

12 2. Every farm-raised deer is identified with official individual identification before it is
13 moved between any of the locations.

14 (c) All farm-raised deer kept at locations covered by a single registration certificate
15 under par. (b) are considered a single herd for disease control purposes.

16 (d) Farm-raised deer may be moved between locations covered by the same registration
17 certificate under par. (b) without a certificate of veterinary inspection under s. ATCP 11.56(1).

18 (4) SEPARATE HERDS KEPT AT SAME LOCATION. A single herd registration covers all
19 farm-raised deer kept at the same location, except that a person may register separate herds at the
20 same location if all the following apply:

21 (a) There is medically significant separation of the herds, and adequate fencing and
22 facilities to maintain that separation at all times.

23 (b) The person files a separate registration application under sub. (5) for each herd.

1 (c) The department inspects the herd premises for compliance with par. (a) before
2 registering any herd at a location where another herd is also registered. The registrant shall pay
3 the fee required under sub. (6)(b). No inspection is required for the renewal of an existing herd
4 registration.

5 (d) The person complies with s. ATCP 11.56 if the person moves any farm-raised deer
6 between the herds.

7 (e) The person adopts and implements appropriate bio-security measures.

8 (5) APPLYING FOR REGISTRATION CERTIFICATE. To obtain or renew a registration
9 certificate, a person keeping farm-raised deer shall file a registration application on a form
10 provided by the department. The application shall include the fees required under sub. (6). The
11 application form shall include all of the following information:

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

13 (b) The name, address and telephone number of the herd custodian, if other than the herd
14 owner.

15 (c) The location at which the farm-raised deer will be kept, including the county,
16 township, section and fire number assigned to that location.

17 (d) The number of farm-raised deer in the herd.

18 (e) A breakdown, by species, age and sex, of the farm-raised deer in the herd.

19 *NOTE:* A person may obtain a registration form by calling (608) 224-4872, by visiting
20 Wisconsin's state website at www.wisconsin.gov, or by writing to the following
21 address:

22
23 Wisconsin Department of Agriculture, Trade
24 and Consumer Protection
25 Division of Animal Health
26 P.O. Box 8911
27 Madison, WI 53708-8911
28

1 (6) FEES. (a) A person applying for a registration certificate shall pay the following
2 registration fees:

- 3 1. An annual fee of \$50 if the herd includes no more than 15 farm-raised deer.
- 4 2. An annual fee of \$100 if the herd includes more than 15 farm-raised deer.
- 5 3. Any supplemental fees required under pars. (b) to (d).

6 (b) A person who applies to register a herd at the same location where another herd is
7 registered shall pay a fee of \$150 for each day needed to complete an inspection under sub.
8 (4)(c).

9 (c) An applicant shall pay a registration fee surcharge of \$100 if the department
10 determines that, within 365 days prior to submitting the registration application, the applicant
11 kept farm-raised deer without a required registration certificate. In addition to the surcharge, the
12 applicant shall pay the fee due for the year in which the applicant failed to obtain the required
13 registration certificate.

14 (d) A person who applies for the renewal of a herd registration certificate after that
15 certificate has expired shall pay, in addition to all other fees required under this subsection, a fee
16 equal to 20% of those fees.

17 **NOTE:** See s. 93.21(5)(b), Stats.

18 (7) ACTION ON REGISTRATION APPLICATION. The department shall grant or deny a
19 registration application within 30 days after the department receives a complete application,
20 except that the department shall grant or deny the application within 60 days if the department is
21 required to perform an inspection under sub. (4)(c).

22 (8) DENYING, SUSPENDING OR REVOKING A REGISTRATION CERTIFICATE. The department
23 may deny, suspend or revoke a registration certificate for cause, including any of the following:

1 (a) Filing an incomplete or fraudulent application, or misrepresenting any information on
2 an application.

3 (b) Violating ch. 95, Stats., this chapter or ch. ATCP 11.

4 (c) Violating the terms of the registration certificate.

5 (d) Preventing a department employee from performing his or her official duties, or
6 interfering with the lawful performance of his or her duties.

7 (e) Physically assaulting a department employee while the employee is performing his or
8 her official duties.

9 (f) Refusing or failing, without just cause, to do any of the following:

- 10 1. Produce records under sub. (9).
- 11 2. Comply with a lawful department subpoena or order.

12 (g) Paying a registration fee with a worthless check.

13 (9) RECORDKEEPING. (a) A person who keeps farm-raised deer shall keep all of the
14 following records for each farm-raised deer that the person receives from or delivers to another
15 person:

- 16 1. The official individual identification of the farm-raised deer.
- 17 2. The name and address of the person from whom the person received, or to whom the
18 person delivered, the farm-raised deer.
- 19 3. The date on which the person received or delivered the farm-raised deer.
- 20 4. The location at which the person received or delivered the farm-raised deer.
- 21 5. A copy of the certificate of veterinary inspection that accompanied the farm-raised
22 deer under s. ATCP 11.56.

1 (b) A person required to keep records under par. (a) shall retain those records for at least
2 5 years, and shall make them available to the department for inspection and copying upon
3 request.

4 (10) PROHIBITIONS. No person keeping a herd of farm-raised deer may do any of the
5 following:

6 (a) Add a cervid to the herd, from outside the herd, unless the cervid is one of the
7 following:

8 1. Imported into this state in compliance with s. ATCP 11.55.

9 2. Moved, in compliance with s. ATCP 11.56, from another herd that holds a current
10 annual registration certificate under sub. (1).

11 (b) Take or accept into the herd, on a temporary or permanent basis, any cervid from a
12 free-ranging herd.

13 **NOTE:** Among other things, paragraph (b) prohibits a keeper of farm-raised deer from
14 accepting orphan fawns or injured deer for temporary care pending return to the
15 free-ranging herd. Persons accepting orphan fawns and injured deer must hold a
16 rehabilitation license under s. 169.24, Stats., and must keep those fawns and
17 injured deer separate from any farm-raised deer herd.

18
19 (c) Move a live farm-raised deer or any portion of a farm-raised deer carcass from the
20 premises at which it has been kept unless the farm-raised deer has an official individual
21 identification.

22 (11) REPORT ESCAPED FARM-RAISED DEER. A person keeping farm-raised deer shall
23 report to the department whenever any of those farm-raised deer escapes to the wild. The person
24 shall report the escape within 48 hours after the escape occurs.

25 **NOTE:** A person may report an escape under sub. (11) by telephone, by calling (608)
26 224-4872.
27

1 **SECTION 15.** ATCP 10.63(6)(note) is renumbered ATCP 10.83(6)(note) and amended to
2 read:

3 **NOTE:** A herd owner may have animals tested for Johne’s disease at any time. The
4 department will not use the test results to classify the tested herd under this section
5 unless the test complies with this section and the herd owner asks the department
6 to classify the herd.

7
8 This ~~rule~~ section does not prohibit a person from collecting test samples from
9 animals that are too young to be “test eligible” under ATCP ~~10.63(1)(g)~~
10 10.83(1)(g), but the department will not consider test results from those animals
11 when determining the appropriate herd classification. To facilitate review of
12 results, the person collecting test samples should separate “test eligible” from
13 “non-test eligible” samples, and should prepare separate test submission forms for
14 each category.

15
16 **SECTION 16.** ATCP 10.63(7) to (14) are renumbered ATCP 10.83(10) to (14).

17 **SECTION 17.** ATCP 10.64 is renumbered ATCP 10.84.

18 **SECTION 18.** ATCP 10.65 is repealed.

19 **SECTION 19.** ATCP 10.651 is renumbered ATCP 10.60.

20 **SECTION 20.** ATCP 10.652 is repealed.

21 **SECTION 21.** ATCP 10.66, 10.67, 10.673 and 10.675 are renumbered ATCP 10.62 to
22 10.65.

23 **SECTION 22.** ATCP 10.66 and 10.67 are created to read:

24 **ATCP 10.66 Chronic wasting disease in farm-raised deer. (1) TESTING REQUIRED.**

25 A person who keeps farm-raised deer in this state shall have chronic wasting disease tests
26 performed on all the following:

27 (a) Any farm-raised deer that dies or is killed on the herd premises. A person trained and
28 authorized under sub. (3) shall collect the test sample before any part of the carcass leaves the
29 herd premises, and shall submit the sample for testing at a laboratory approved under sub. (4).

30 This paragraph does not apply to a farm-raised deer that is less than 16 months old.

1 (b) Any farm-raised deer that is shipped to slaughter from the herd premises. A person
2 trained and authorized under sub. (3) shall collect the test sample after the farm-raised deer is
3 slaughtered, and shall submit the sample for testing at a laboratory approved under sub. (4). This
4 paragraph does not apply to a farm-raised deer that is less than 16 months old.

5 (2) MOVING LIVE FARM-RAISED DEER FROM HERDS IN THIS STATE. No person may move a
6 live farm-raised deer from a herd in this state unless the movement complies with s. ATCP
7 11.56(1).

8 (3) COLLECTING TEST SAMPLES. (a) One of the following persons shall collect a test
9 sample under sub. (1) and submit it for testing:

- 10 1. A certified veterinarian.
- 11 2. An employee of the department or the federal bureau.
- 12 3. A person approved by the department in writing.

13 (b) Before a person under par. (a) collects a test sample under sub. (1), that person shall
14 complete training approved by the department. A person shall comply with standard veterinary
15 procedures when collecting a test sample under sub. (1).

16 (4) APPROVED LABORATORIES. Tests under sub. (1) shall be performed at a laboratory
17 that the department or the federal bureau has approved to conduct chronic wasting disease tests.

18 (5) REPORTING DISEASE FINDINGS. Whenever any person receives a laboratory test result
19 that is positive for chronic wasting disease, that person shall immediately report that result to the
20 department. The person shall report by telephone, FAX or other rapid means within one day
21 after receiving the test result, and shall report in writing within 10 days. The person shall
22 provide a copy of the test result to the owner of the tested cervid.

1 **NOTE:** The reporting requirement under sub. (5) applies to *any* laboratory test result that
2 is positive for chronic wasting disease, not just the result of a test required under
3 sub. (1). Telephone and FAX reports should be made to the following numbers:
4

5 Phone: (608) 224-4872

6 FAX: (608) 224-4871
7

8 Written reports should be made to the following address:
9

10 Wisconsin Department of Agriculture, Trade and Consumer Protection

11 Division of Animal Health

12 P.O. Box 8911

13 Madison, WI. 53708-8911
14

15 **(6) HERD QUARANTINE.** The department shall quarantine a farm-raised deer herd, under
16 s. ATCP 10.91, whenever any farm-raised deer from that herd tests positive for chronic wasting
17 disease. The department shall conduct an epidemiological evaluation of the quarantined herd to
18 determine the appropriate disposition of the herd.

19 **(7) CONDEMNED FARM-RAISED DEER.** (a) The department may order the slaughter or
20 destruction of a farm-raised deer, as provided in s. 95.23(1m) or 95.31, Stats. If the department
21 orders the slaughter or destruction of a farm-raised deer, the department shall direct the
22 disposition of the carcass. The owner or custodian of the farm-raised deer shall dispose of the
23 carcass as the department directs.

24 (b) The owner of a farm-raised deer slaughtered or destroyed under par. (a) may request
25 an indemnity as provided under s. 95.23(1m) or 95.31, Stats. The owner shall file the request
26 with the department, on a form provided by the department. The owner shall include, with the
27 request, a slaughter confirmation signed by an authorized employee of the department or the
28 federal bureau. The owner of a farm-raised deer does not qualify for an indemnity if the owner
29 or custodian of the deer fails to properly dispose of the carcass.

1 (8) KEEPER SHALL NOTIFY VETERINARIAN. Whenever the keeper of farm-raised deer
2 observes signs or symptoms of chronic wasting disease in any animal in the herd, the keeper
3 shall report the signs or symptoms to a certified veterinarian. The person shall make the report
4 within 24 hours after observing the signs or symptoms.

5 **ATCP 10.67 Chronic wasting disease in farm-raised deer; herd monitoring**

6 **program.** (1) GENERAL. A person who keeps farm-raised deer in this state may enroll the herd
7 in the chronic wasting disease monitoring program under this section.

8 **NOTE:** No person may move a live farm-raised deer from a herd in this state unless the
9 herd is enrolled in the monitoring program under this section. See ss. ATCP
10 10.66(2) and 11.56(1).
11

12 (2) APPLICATION. To enroll a herd in the monitoring program under this section, a
13 person shall submit an application on a form provided by the department. The application shall
14 include all the following:

15 (a) The name, address and telephone number of the herd owner, and any trade names
16 under which the herd owner does business.

17 (b) The name, address and telephone number of the herd custodian, if other than the herd
18 owner.

19 (c) The herd location, including the county, township, section and fire number assigned
20 to that location.

21 (d) A report of a complete herd census completed no more than 30 days prior to the date
22 of application. The applicant shall submit the census report on a form provided by the
23 department. The census report shall include all the following:

- 24 1. The number, species and sex of farm-raised deer in the herd.
- 25 2. The number of farm-raised deer at least one year old.

- 1 3. The number of farm-raised deer less than one year old.
- 2 4. The official individual identification of each farm-raised deer that is at least one year
- 3 old.

4 (e) A written statement, by a certified veterinarian, that certifies all the following:

- 5 1. That the veterinarian is the herd veterinarian, having established a valid veterinarian-
- 6 client relationship with the herd owner and a valid veterinarian-patient relationship with the herd.
- 7 2. That no farm-raised deer in the herd has shown any clinical signs of chronic wasting
- 8 disease in the past 12 months.

9 **NOTE:** A person may obtain an application form under sub. (2) by calling (608) 224-

10 4872, by visiting Wisconsin's state website at www.wisconsin.gov, or by writing to

11 the following address:

12

13 Wisconsin Department of Agriculture, Trade

14 and Consumer Protection

15 Division of Animal Health

16 P.O. Box 8911

17 Madison, WI 53708-8911

18

19 **(3) ACTION ON APPLICATION.** The department shall grant or deny an application under

20 sub. (2) within 30 days after the department receives a complete application. Except as provided

21 in sub. (8)(c) or (9), the herd is deemed to be enrolled in the monitoring program under this

22 section on the day that the department accepts the application.

23 **(4) CONTINUED ENROLLMENT.** A person who enrolls a herd in the monitoring program

24 under this section shall do all the following to continue that enrollment:

- 25 (a) Identify every farm-raised deer in the herd with official individual identification
- 26 before the farm-raised deer is one year old.

1 (b) Test for chronic wasting disease every farm-raised deer that dies on the herd
2 premises, or is shipped to slaughter from the herd, if that farm-raised deer is at least 16 months
3 old.

4 (c) Notify the herd veterinarian within 24 hours after observing any signs or symptoms
5 of chronic wasting disease in the herd.

6 (d) Complete an annual herd census and file a report of that herd census under sub. (5).

7 (e) Create and maintain complete herd records under sub. (6).

8 (f) Provide the department with an annual written statement from the herd veterinarian.

9 A Wisconsin certified veterinarian shall sign and submit the statement within 30 days before or
10 after the anniversary of the herd's enrollment under sub. (3). The statement shall certify all the
11 following:

12 1. That the veterinarian is the herd veterinarian, having established a valid veterinarian-
13 client relationship with the herd owner and a valid veterinarian-patient relationship with the herd.

14 2. That the herd has not shown any clinical signs of chronic wasting disease in the past
15 12 months.

16 **(5) ANNUAL HERD CENSUS.** A person shall complete an annual herd census under sub.
17 (4)(d) within 30 days before or after the anniversary of the herd's enrollment under sub. (3). The
18 person shall file an annual census report under sub. (4)(d), on a form provided by the department,
19 within 10 days after completing the annual herd census. The report shall include all the
20 following:

21 (a) The number, species and sex of farm-raised deer in the herd.

22 (b) The number of farm-raised deer at least one year old.

23 (c) The number of farm-raised deer less than one year old.

1 (d) The official individual identification and any auxiliary identification of each farm-
2 raised deer that is at least one year old.

3 (e) The number, species and sex of farm-raised deer added to the herd since the last
4 reported herd census. The report shall indicate whether these new farm-raised deer were born in
5 the herd or added from another source. If farm-raised deer were added from another source, the
6 report shall identify the source from which those farm-raised deer were obtained.

7 (f) The number, species and sex of farm-raised deer that have died or left the herd since
8 the last reported herd census. The report shall indicate, for each farm-raised deer that has died or
9 left the herd, all the following:

10 1. Whether the farm-raised deer died on the premises, was shipped to slaughter, or was
11 shipped live other than to slaughter.

12 2. If the farm-raised deer was shipped live other than to slaughter, the name and address
13 of the person to whom it was shipped and the place to which it was shipped.

14 3. If the farm-raised deer died on the herd premises, its age and the disposition of its
15 carcass. If the carcass left the premises, the report shall identify the carcass destination or
16 recipient. If the farm-raised deer was at least 16 months old, the report shall include the result of
17 the chronic wasting disease test required under sub. (4)(b).

18 4. If the farm-raised deer was shipped to slaughter, its age and the name and address of
19 the slaughter establishment. If the farm-raised deer was at least 16 months old, the report shall
20 include the result of the chronic wasting disease test required under sub. (4)(b).

21 **(6) HERD RECORDS.** A person keeping a monitored herd under this section shall keep
22 the following herd records for at least 5 years, and shall make those records available to the
23 department for inspection and copying upon request:

- 1 (a) A record of each farm-raised deer added to the herd from another source, including:
- 2 1. The species, age, sex and official individual identification of the farm-raised deer.
- 3 2. The name and address of the person from whom the farm-raised deer was obtained.
- 4 3. The address of the herd from which the farm-raised deer was obtained.
- 5 4. A copy of the certificate of veterinary inspection related to the shipment.
- 6 (b) A record of each farm-raised deer leaving the herd, including all the following:
- 7 1. Whether the farm-raised deer died on the premises, was shipped to slaughter, or was
- 8 shipped live other than to slaughter.
- 9 2. If the farm-raised deer was shipped live other than to slaughter, the name of the
- 10 person to whom it was shipped, the place to which it was shipped and a copy of the certificate of
- 11 veterinary inspection related to the shipment.
- 12 3. If the farm-raised deer died on the premises, the apparent cause of death, the age of
- 13 the farm-raised deer, and the disposition of its carcass. If the carcass left the premises, the record
- 14 shall identify the carcass destination or recipient.
- 15 4. If the farm-raised deer was shipped to slaughter, its age and the name and address of
- 16 the slaughter establishment.
- 17 (c) A record of all chronic wasting disease tests conducted on farm-raised deer in the
- 18 herd.
- 19 (d) Records received from the herd veterinarian related to veterinary services provided to
- 20 the herd.
- 21

1 (7) SUSPENDING ENROLLMENT. (a) The department may, without prior notice or hearing,
2 suspend a herd's enrollment in the herd monitoring program under this section if the herd keeper
3 does any of the following:

4 1. Falsifies any information in an enrollment application, or falsifies any subsequent
5 information required for continued enrollment.

6 2. Fails to comply with requirements under sub. (4) for continued enrollment.

7 3. Violates sub. (8).

8 (b) The state veterinarian or designee may issue a suspension order under par. (a). A
9 person adversely affected by a suspension order may request a hearing before the department, as
10 provided in ch. 227, Stats., and ch. ATCP 1.

11 **NOTE:** If a herd is suspended from enrollment in the herd monitoring program, no live
12 farm-raised deer may be moved from that herd to another herd. See ss. ATCP
13 10.66(2) and 11.56(1).
14

15 (8) HERD ADDITIONS.

16 (a) No person may add a farm-raised deer to a herd monitored under this section unless
17 one of the following applies:

18 1. The farm-raised deer originates from another herd in this state that is monitored under
19 this section.

20 2. The farm-raised deer is imported in compliance with s. ATCP 11.55, and originates
21 from a herd that is monitored under a state-recognized chronic wasting disease monitoring
22 program that complies with federal uniform methods and rules.

23 (b) A person shall notify the department whenever that person adds, to a herd monitored
24 under this section, a farm-raised deer originating from a herd that has been monitored under par.
25 (a) for a shorter period than the receiving herd. The person shall give the notice within 14 days

1 after the person adds the farm-raised deer to the monitored herd. The notice shall identify all of
2 the following:

- 3 1. The official individual identification of the farm-raised deer.
- 4 2. The date on which the farm-raised deer was added to the herd.
- 5 3. The keeper and location of the farm-raised deer's herd of origin, and the date on
6 which that herd was accepted into a monitoring program under par. (a).

7 (c) If a person adds a farm-raised deer to a herd that is monitored under this section, the
8 entire herd is deemed to be enrolled in the monitoring program under this section beginning on
9 the later of the following dates:

- 10 1. The date specified in sub. (3).
- 11 2. The date on which the farm-raised deer's herd of origin was enrolled in a monitoring
12 program under par. (a).

13 (9) NEW HERD; ENROLLMENT DATE. If a person assembles a new herd consisting solely
14 of farm-raised deer from source herds that are already enrolled in a monitoring program under
15 sub. (8)(a), the new herd is enrolled in the monitoring program under this section on the latest
16 enrollment date assigned to any of those source herds if all the following apply:

17 (a) The herd keeper submits an enrollment application under sub. (2) within 90 days
18 after he or she acquires the first farm-raised deer to create the new herd, and the department
19 accepts that enrollment application.

20 (b) The herd keeper complies with this section.

21 (c) The herd keeper includes the following information in the initial herd census report
22 under sub. (2)(d), in addition to the information required under sub. (2)(d):

1 1. The official individual identification of every farm-raised deer in the new herd,
2 including those less than one year old.

3 2. The source herd from which each farm-raised deer in the new herd originated,
4 including the location of the source herd and the name and address of the source herd keeper.

5 3. The date on which each farm-raised deer was added to the new herd.

6 (d) The herd keeper tests, for chronic wasting disease, any farm-raised deer in the new
7 herd that dies or is killed before the herd is accepted into the chronic wasting disease monitoring
8 program under this section. This paragraph does not apply to a farm-raised deer that is less than
9 16 months old.

10 (e) The herd is not kept at a location where a prior herd was depopulated because of
11 exposure to or infection with chronic wasting disease.

12 **SECTION 23.** ATCP 10.68 is renumbered ATCP 10.73.

13 **SECTION 24.** ATCP 10 subchapter VIII (title) is amended to read:

14 **SUBCHAPTER VIII – ~~ENFORCEMENT~~ FISH DISEASES**

15 **SECTION 25.** ATCP 10.70, 10.705, 10.71 and 10.72 are renumbered ATCP 10.91 to
16 10.94.

17 **SECTION 26.** ATCP 10 subchapter IX (title), inserted immediately prior to s. ATCP
18 10.81, is created to read:

19 **SUBCHAPTER IX -- OTHER DISEASES**

20 **SECTION 27.** ATCP 10 Subchapter X (title), inserted immediately prior to s. ATCP
21 10.91, is created to read:

22 **SUBCHAPTER X – ENFORCEMENT**

23 **SECTION 28.** ATCP 11.01(1)(a) and (b) are amended to read:

1 ATCP 11.01(1)(a) The department under s. ATCP 10.17, ~~10.62 or 10.67(1)~~ 10.63 or
2 10.82.

3 (b) The authorized animal health agency of the state in which the herd is located, under
4 standards comparable to s. ATCP 10.17, ~~10.62 or 10.67(1)~~ 10.63 or 10.82.

5 **SECTION 29.** ATCP 11.01(12m)(a) and (b) are amended to read:

6 ATCP 11.01(12m)(a) The department under s. ATCP ~~10.675~~ 10.65.

7 (b) The authorized animal health agency in the state where the herd is located, under
8 standards comparable to s. ATCP ~~10.675~~ 10.65.

9 **SECTION 30.** ATCP 11.01(17m)(a) and (b) are amended to read:

10 ATCP 11.01(17m)(a) The department under s. ATCP ~~10.64~~ 10.84.

11 (b) The authorized animal health agency in the state where the flock is located, under
12 standards comparable to s. ATCP ~~10.64~~ 10.84.

13 **SECTION 31.** ATCP 11.01(18)(a) and (b) are amended to read:

14 ATCP 11.01(18)(a) The department under s. ATCP 10.14, ~~10.61 or 10.675~~ 10.65 or
15 10.81.

16 (b) The authorized animal health agency in the state where the herd is located, under
17 standards comparable to s. ATCP 10.14, ~~or 10.61~~ 10.65 or 10.81.

18 **SECTION 32.** ATCP 11.01(18r) is created to read:

19 ATCP 11.01(18r) “Chronic wasting disease registration tag” means an eartag, used to
20 identify a cervid, which includes all the following:

21 (a) A premises identification number assigned by the department.

22 (b) A number that uniquely identifies the cervid.

23 **SECTION 33.** ATCP 11.01(29m), (42), (44) and (45) are amended to read:

1 ATCP 11.01(29m) “Farm-raised deer” has the meaning given in ~~s. 95.001(1)(a)~~ s.
2 95.001(1)(ag), Stats., but does not include cervids kept by an institution accredited by the
3 ~~american~~ American association of zoological parks and aquariums.

4 (42) “Livestock dealer” ~~has the meaning specified~~ means an animal dealer as defined
5 under s. 95.69(1)(c), Stats., and includes any person who leases livestock to others.

6 (44) “Livestock market” ~~has the meaning specified~~ means an animal market as defined
7 under s. ~~95.68(1)(e)~~ 95.68(1)(ag), Stats.

8 (45) “Livestock trucker” ~~has the meaning specified~~ means an animal trucker as defined
9 under s. 95.71(1)(e), Stats.

10 **SECTION 34.** ATCP 11.01(54)(j) is renumbered ATCP 11.01(54)(l).

11 **SECTION 35.** ATCP 11.01(54)(j) and (k) are created to read:

12 ATCP 11.01(54)(j) A chronic wasting disease registration tag.

13 (k) A premises tattoo for a farm-raised deer, provided the farm-raised deer also has a
14 unique individual identification number.

15 **SECTION 36.** ATCP 11.01(70m) is amended to read:

16 ATCP 11.01(70m) “Single cervical tuberculin test” means a test under s. ATCP ~~40.66(4)~~
17 10.62(4) that is used to detect tuberculosis in ~~cervidae~~ cervids.

18 **SECTION 37.** ATCP 11.01(80m)(a) and (b) are amended to read:

19 ATCP 11.01(80m)(a) The department under s. ATCP ~~40.67~~ 10.63.

20 (b) The authorized animal health agency of the state where the herd is located, using
21 standards comparable to those under s. ATCP ~~40.67~~ 10.63.

22 **SECTION 38.** ATCP 11.01(80r)(a) and (b) are amended to read:

23 ATCP 11.01(80r)(a) The department under s. ATCP ~~40.67~~ 10.63.

1 (b) The authorized animal health agency of the state where the herd is located, using
2 standards comparable to those under s. ATCP ~~10.67~~ 10.63.

3 **SECTION 39.** ATCP 11.02(4)(f) is amended to read:

4 ATCP 11.02(4)(f) If the certificate pertains to ~~a shipment of~~ farm-raised deer shipped
5 from ~~any location~~ a herd in this state, the herd registration number ~~of the person registered~~ under
6 s. ATCP ~~10.652~~ 10.61 ~~who kept those farm-raised deer at that location.~~

7 **SECTION 40.** ATCP 11.545(1)(a)2. is renumbered ATCP 11.545(1)(a)3.

8 **SECTION 41.** ATCP 11.545(1)(a)2. is created to read:

9 ATCP 11.545(1)(a)2. A chronic wasting disease registration tag.

10 **SECTION 42.** ATCP 11.545(1)(b)(intro.) is amended to read:

11 ATCP 11.545(1)(b) *Veterinarian required to identify cervids.* A veterinarian who does
12 any of the following to any cervid shall identify that cervid with an official eartag, a chronic
13 wasting disease registration tag or other official individual identification unless the cervid
14 already bears an official individual identification:

15 **SECTION 43.** ATCP 11.545(1)(c) is repealed and recreated to read:

16 ATCP 11.545(1)(c) *Keeper of farm-raised deer required to identify farm-raised deer.* A
17 person who keeps farm-raised deer in this state shall identify, with an official eartag, a chronic
18 wasting disease registration tag or other official individual identification, each of the following
19 farm-raised deer unless that farm-raised deer already bears an official individual identification:

- 20 1. Each farm-raised deer that the person receives from another person.
- 21 2. Each farm-raised deer that the person ships or delivers to another person.
- 22 3. Each farm-raised deer that the person moves from one farm-raised deer herd to
23 another.

1 4. Each farm-raised deer that the person moves between locations that are registered
2 under one registration certificate under s. ATCP 10.61(3)(b).

3 **SECTION 44.** ATCP 11.545(1)(d) is amended to read:

4 ATCP 11.545(1)(d) *Livestock dealer or livestock market operator required to identify*
5 *farm-raised deer.* 1. Whenever a livestock dealer or livestock market operator receives any
6 farm-raised deer, the livestock dealer or livestock market operator shall immediately identify that
7 farm-raised deer with an official eartag, a chronic wasting disease registration tag or other
8 official individual identification unless the farm-raised deer already bears an official individual
9 identification or is backtagged for slaughter under sub. (2).

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

13 **SECTION 45.** ATCP 11.545(3) is amended to read:

14 ATCP 11.545(3) TUBERCULOSIS REACTOR. Whenever the department classifies a cervid
15 as a tuberculosis reactor, the owner of the cervid shall take the actions required under s. ATCP
16 ~~10.66(7)~~ 10.62(7).

17 **SECTION 46.** ATCP 11.55(1)(d) to (i) are created to read:

18 ATCP 11.55(1)(d) If the import occurs before January 1, 2004, one of the following
19 statements or a substantially similar statement:

20 1. **“All cervids identified on this certificate originate from a herd whose members**
21 **have all been born in the herd or kept in the herd for at least 12 months. No cervids have**
22 **been added from any outside source, nor has the herd been exposed to cervids from any**
23 **outside source, during the past 12 months. No cervid in the herd has been diagnosed with,**
24 **or shown clinical signs of, chronic wasting disease in the last 5 years. There has been no**
25 **epidemiological evidence of chronic wasting disease in the herd during the past 5 years.**
26 **The herd is being monitored under a state-recognized chronic wasting disease monitoring**
27 **program that complies with federal uniform methods and rules. The herd owner keeps**

1 complete herd records, including records of all deaths and causes of death during the last 5
2 years, and makes these records available to state animal health officials.”

3
4 2. “All cervids identified on this certificate originate from a herd monitored for the
5 last 5 years under a state-recognized chronic wasting disease monitoring program that
6 complies with federal uniform methods and rules.”

7
8 (e) If the import occurs in 2004, one of the following statements or a substantially
9 similar statement:

10 1. “All cervids identified on this certificate originate from a herd whose members
11 have all been born in the herd or kept in the herd for at least 12 months. No cervids have
12 been added from any outside source, nor has the herd been exposed to cervids from any
13 outside source, during the past 12 months. No cervid in the herd has been diagnosed with,
14 or shown clinical signs of, chronic wasting disease in the last 5 years. There has been no
15 epidemiological evidence of chronic wasting disease in the herd during the past 5 years.
16 The herd has been monitored for the last year under a state-recognized chronic wasting
17 disease monitoring program that complies with federal uniform methods and rules. The
18 herd owner keeps complete herd records, including records of all deaths and causes of
19 death during the last 5 years, and makes these records available to state animal health
20 officials.”

21
22 2. “All cervids identified on this certificate originate from a herd monitored for the
23 last 5 years under a state-recognized chronic wasting disease monitoring program that
24 complies with federal uniform methods and rules.”

25
26 (f) If the import occurs in 2005, one of the following statements or a substantially similar
27 statement:

28 1. “All cervids identified on this certificate originate from a herd whose members
29 have all been born in the herd or kept in the herd for at least 12 months. No cervids have
30 been added from any outside source, nor has the herd been exposed to cervids from any
31 outside source, during the past 12 months. No cervid in the herd has been diagnosed with,
32 or shown clinical signs of, chronic wasting disease in the last 5 years. There has been no
33 epidemiological evidence of chronic wasting disease in the herd during the past 5 years.
34 The herd has been monitored for the last 2 years under a state-recognized chronic wasting
35 disease monitoring program that complies with federal uniform methods and rules. The
36 herd owner keeps complete herd records, including records of all deaths and causes of
37 death during the last 5 years, and makes these records available to state animal health
38 officials.”

39
40 2. “All cervids identified on this certificate originate from a herd monitored for the
41 last 5 years under a state-recognized chronic wasting disease monitoring program that
42 complies with federal uniform methods and rules.”

1
2 (g) If the import occurs in 2006, one of the following statements or a substantially similar

3 statement:

4 1. "All cervids identified on this certificate originate from a herd whose members
5 have all been born in the herd or kept in the herd for at least 12 months. No cervids have
6 been added from any outside source, nor has the herd been exposed to cervids from any
7 outside source, during the past 12 months. No cervid in the herd has been diagnosed with,
8 or shown clinical signs of, chronic wasting disease in the last 5 years. There has been no
9 epidemiological evidence of chronic wasting disease in the herd during the past 5 years.
10 The herd has been monitored for the last 3 years under a state-recognized chronic wasting
11 disease monitoring program that complies with federal uniform methods and rules. The
12 herd owner keeps complete herd records, including records of all deaths and causes of
13 death during the last 5 years, and makes these records available to state animal health
14 officials."

15
16 2. "All cervids identified on this certificate originate from a herd monitored for the
17 last 5 years under a state-recognized chronic wasting disease monitoring program that
18 complies with federal uniform methods and rules."

19
20 (h) If the import occurs in 2007, one of the following statements or a substantially

21 similar statement:

22 1. "All cervids identified on this certificate originate from a herd whose members
23 have all been born in the herd or kept in the herd for at least 12 months. No cervids have
24 been added from any outside source, nor has the herd been exposed to cervids from any
25 outside source, during the past 12 months. No cervid in the herd has been diagnosed with,
26 or shown clinical signs of, chronic wasting disease in the last 5 years. There has been no
27 epidemiological evidence of chronic wasting disease in the herd during the past 5 years.
28 The herd has been monitored for the last 4 years under a state-recognized chronic wasting
29 disease monitoring program that complies with federal uniform methods and rules. The
30 herd owner keeps complete herd records, including records of all deaths and causes of
31 death during the last 5 years, and makes these records available to state animal health
32 officials."

33
34 2. "All cervids identified on this certificate originate from a herd monitored for the
35 last 5 years under a state-recognized chronic wasting disease monitoring program that
36 complies with federal uniform methods and rules."

37
38 (i) If the import occurs after December 31, 2007, the following statement or a

39 substantially similar statement:

1 **“All cervids identified on this certificate originate from a herd monitored for the**
2 **last 5 years under a state-recognized chronic wasting disease monitoring program that**
3 **complies with federal uniform methods and rules.”**
4

5 **SECTION 47.** ATCP 11.55(2)(a)1. is amended to read:

6 ATCP 11.55(2)(a)1. The cervid tests negative on 2 pre-import tuberculosis tests
7 conducted not less than 90 days and not more than 150 days apart. The second test shall be
8 conducted not more than 90 days prior to the import date. The cervid shall be tested using the
9 single cervical tuberculin test unless the department authorizes the use of a different tuberculosis
10 test.

11 **SECTION 48.** ATCP 11.55(4) is amended to read:

12 ATCP 11.55(4) IMPORT PERMIT REQUIRED. No person may import a cervid into this state
13 without a written import permit under s. ATCP 11.03. The department may not issue a permit
14 until the department receives a certificate of veterinary inspection that complies with sub. (1).

15 **SECTION 49.** ATCP 11.56(1) is repealed and recreated to read:

16 ATCP 11.56(1) MOVING LIVE FARM-RAISED DEER FROM HERDS IN THIS STATE. Except as
17 provided in sub. (2), no person may move a live farm-raised deer from a herd in this state unless
18 all the following apply:

19 (a) The farm-raised deer is accompanied by a certificate of veterinary inspection. A
20 Wisconsin certified veterinarian shall sign the certificate, and shall certify that he or she is the
21 herd veterinarian for the herd of origin.

22 (b) The certificate of veterinary inspection under par. (a) certifies one of the following:

23 1. The farm-raised deer originates from a herd that qualifies as an accredited tuberculosis
24 free herd under s. ATCP 10.63, based on a whole herd test completed within the preceding 24
25 months.

1 2. The farm-raised deer originates from a herd that qualifies as a tuberculosis qualified
2 herd under s. ATCP 10.63 , based on a whole herd test completed within the preceding 90 days.

3 3. The farm-raised deer originates from a herd that qualifies as a tuberculosis qualified
4 herd under s. ATCP 10.63, based on a whole herd test completed at least 91 days but not more
5 than 365 days before the farm-raised deer is moved from that herd, and the farm-raised deer tests
6 negative on a tuberculosis test conducted within 90 days prior to movement.

7 4. The farm-raised deer is being moved directly to a tuberculosis isolation and testing
8 facility under sub. (4), pursuant to a department permit under s. ATCP 11.60(4).

9 (c) The certificate of veterinary inspection under par. (a) certifies that no farm-raised
10 deer in the herd has shown clinical signs of chronic wasting disease in the last 12 months.

11 (d) If the farm-raised deer is moved before January 1, 2004, the herd is currently enrolled
12 in the chronic wasting disease monitoring program under s. ATCP 10.66.

13 (e) If the farm-raised deer is moved in 2004, the herd has been enrolled in the chronic
14 wasting disease monitoring program under s. ATCP 10.66 for at least one year.

15 (f) If the farm-raised deer is moved in 2005, the herd has been enrolled in the chronic
16 wasting disease monitoring program under s. ATCP 10.66 for at least 2 years.

17 (g) If the farm-raised deer is moved in 2006, the herd has been enrolled in the chronic
18 wasting disease monitoring program under s. ATCP 10.66 for at least 3 years.

19 (h) If the farm-raised deer is moved in 2007, the herd has been enrolled in the chronic
20 wasting disease monitoring program under s. ATCP 10.66 for at least 4 years.

21 (i) If the farm-raised deer is moved after December 31, 2007, the herd has been enrolled
22 in the chronic wasting disease monitoring program under s. ATCP 10.66 for at least 5 years.

1 (j) The herd, if located on premises where a prior herd was depopulated because of
2 exposure to or infection with chronic wasting disease , has been enrolled in the chronic wasting
3 disease monitoring program under s. ATCP 10.66 for at least 5 years.

4 **SECTION 50.** Notwithstanding the treatment of ATCP 11.56(2) in Clearinghouse Rule
5 02-054, ATCP 11.56(2) is repealed and recreated to read:

6 ATCP 11.56(2) EXEMPTIONS. Subsection (1) does not apply to any of the following:

7 (a) A farm-raised deer moved directly to slaughter, if all the following apply:

8 1. The farm-raised deer is accompanied by a slaughter movement permit (APHIS form
9 VS 1-27, or an equivalent form approved by the department).

10 2. The farm-raised deer, if at least 16 months old, is tested for chronic wasting disease.

11 (b) A farm-raised deer that is moved, with department approval, between institutions that
12 are accredited by the American association of zoological parks and aquariums.

13 **SECTION 51.** ATCP 11.56(2)(note) is created to read:

14 **NOTE:** Section ATCP 10.66(1)(a) requires a herd owner to have a farm-raised deer
15 carcass tested for chronic wasting disease if the farm-raised deer was at least 16
16 months old and any part of the carcass leaves the herd premises.

17
18 **SECTION 52.** ATCP 11.58(2)(c) is amended to read:

19 ATCP 11.58(2)(c) Holding the live fish or hatching the fish eggs at a fish farm for which
20 a registration certificate is required under s. ATCP ~~10.68(2)~~ 10.73(2).

21 **SECTION 53.** ATCP 11.58(6)(a) is amended to read:

22 ATCP 11.58(6)(a) A person holding a current fish farm registration certificate, under s.
23 ATCP ~~10.68~~ 10.73, which authorizes that person to hold live fish or fish eggs of the type
24 imported.

25 **SECTION 54.** ATCP 11.58(12)(a)4. is amended to read:

1 ATCP 11.58(12)(a)4. The name, address and telephone number of the person receiving
2 the import shipment if that person is not the importer. The importer shall also record the
3 recipient’s fish farm registration number under s. ATCP ~~10.68~~ 10.73, stocking permit number
4 under s. 29.736, Stats., or bait dealer license number under s. 29.509, Stats., if any.

5 **SECTION 55.** ATCP 11.60(2) and (note) are amended to read:

6 ATCP 11.60(2) PARATUBERCULOSIS REACTORS; SALE OR MOVEMENT. No person may
7 sell or move, from a location in this state, an animal determined to be a paratuberculosis reactor
8 under s. ATCP 10.21(9) or ~~10.63(9)~~ 10.83(9) unless a Wisconsin certified veterinarian first
9 identifies that animal under s. ATCP 10.21(11) or s. ATCP ~~10.63(11)~~ 10.83(11).

10 **NOTE:** ATCP 10.21(11) and ATCP ~~10.63(11)~~ 10.83(11) also require the seller of a
11 paratuberculosis reactor to disclose to the buyer, in writing, that the animal is a
12 paratuberculosis reactor unless the animal is sold directly to slaughter or as a
13 feeder animal.

14
15 **SECTION 56.** ATCP 12.01(2m) is created to read:

16 ATCP 12.01(2m) “Chronic wasting disease registration tag” means an eartag, used to
17 identify a cervid, which includes all the following:

- 18 (a) A premises identification number assigned by the department.
19 (b) A number that uniquely identifies the cervid.

20 **SECTION 57.** ATCP 12.01(8w) is amended to read:

21 ATCP 12.01(8w) “Farm-raised deer” has the meaning given in s. ~~95.001(1)(a)~~ s.
22 95.001(1)(ag), Stats., but does not include cervids kept by an institution accredited by the
23 American association of zoological parks and aquariums.

24 **SECTION 58.** ATCP 12.01(14), (16) and (17) are amended to read:

25 (14) “Livestock dealer” ~~has the meaning specified~~ means an animal dealer as defined
26 under s. 95.69(1)(c), Stats., and includes any person who leases livestock to others.

1 (16) “Livestock market” ~~has the meaning specified~~ means an animal market as defined
2 under s. ~~95.68(1)(e)~~ 95.68(1)(ag), Stats.

3 (17) “Livestock trucker” ~~has the meaning specified~~ means an animal trucker as defined
4 under s. 95.71(1)(e), Stats.

5 **SECTION 59.** ATCP 12.01(20)(j) is renumbered ATCP 12.01(20)(l).

6 **SECTION 60.** ATCP 12.01(20)(j) and (k) are created to read:

7 ATCP 12.01(20)(j) A chronic wasting disease registration tag.

8 (k) A premises tattoo for a farm-raised deer, provided the farm-raised deer also has a
9 unique individual identification number.

10 **SECTION 61.** ATCP 12.03(1)(note) is amended to read:

11 *NOTE:* A registration certificate for a keeper of farm-raised deer under s. ATCP ~~10.652~~
12 10.61 does not entitle the holder of that certificate to operate as a livestock dealer
13 unless that person is also licensed under this section. A livestock dealer license
14 under this section does not entitle the holder of that license to keep farm-raised
15 deer unless that person is also licensed under this section. A livestock dealer
16 license under this section does not entitle the holder of that license to keep farm-
17 raised deer unless that person also holds a registration certificate under s. ATCP
18 ~~10.652~~ 10.61.

19
20 **SECTION 62.** ATCP 12.05(5)(a)3. is amended to read:

21 ATCP 12.05(5)(a)3. Official individual identification under this paragraph shall consist
22 of an official eartag, a chronic wasting disease registration tag or another form of official
23 individual identification which the department approves in writing.

24 **EFFECTIVE DATE:** This rule shall take effect on the first day of the month following
25 publication in the Wisconsin administrative register, as provided in s. 227.22(2)(intro.), Stats.

Dated this _____ day of _____, 2003.

**STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND
CONSUMER PROTECTION**

Rodney J. Nilsestuen
Secretary