

DATCP Docket No. 04-R-03
Rules Clearinghouse No. 04-103

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

The state of Wisconsin department of agriculture, trade and consumer protection adopts the following order to amend ATCP 10.61(1)(a), 10.73(4)(a), 11.32(3)(intro.), 12.02(1), 12.03(3), 12.04(1), 55.03(1) and 60.02(1); and to create ATCP 10.61(5)(f), 10.73(7)(hm), 11.32(3)(dm), 12.02(3)(fm), 12.03(4)(dm), 12.04(3)(dm), ch. ATCP 17, 55.03(3)(dm) and 60.02(2)(am); relating to livestock premises registration.

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

This rule implements the livestock premises registration program created by 2003 Wis. Act 229. This program is intended to protect animal health and the security of the food chain. Among other things, premises registration will facilitate more rapid response to animal disease emergencies.

Under this rule, persons who keep livestock in this state must register annually with the Department of Agriculture, Trade and Consumer Protection ("DATCP"). DATCP will assign a unique premises registration number, generated by the United States Department of Agriculture ("USDA"), to each registered premises. Registration information is confidential, and there is no fee to register. Registration complies with standards contained in the National Animal Identification System ("national plan").

Statutory Authority

Statutory Authority: ss. 93.07(1), 93.07(10), 95.51(3m) and (7), 95.55(6), 95.68(8), 95.69(8), 95.71(8), 95.72(5), 97.22(8) and 97.42(4), Stats.

Statutes Interpreted: ss. 93.07(10), 95.51, 95.55, 95.60, 95.68, 95.69, 95.71, 95.72, 97.22 and 97.42, Stats.

DATCP has broad general authority under s. 93.07(1), Stats., to make and enforce rules to implement laws under its jurisdiction. Section 95.51, Stats., creates a livestock premises registration program and directs DATCP to implement the program. The following statutes specifically authorize DATCP to adopt rules related to the following subjects:

- Section 93.07(10), Stats. (animal health).
- Section 95.51(3m) and (7), Stats. (livestock premises registration program).
- Section 95.55(6), Stats. (deer farms).
- Section 95.68(8), Stats. (animal markets).
- Section 95.69(8), Stats. (animal dealers).
- Section 95.71(8), Stats. (animal truckers).
- Section 95.72(5), Stats. (rendering plants and other entities that collect and process livestock carcasses).
- Section 97.22(8), Stats. (dairy farms).
- Section 97.42(4), Stats. (slaughter establishments).

Background

Wisconsin is the first state in the nation to mandate a livestock premises registration program. The Wisconsin program is part of a national effort to create a comprehensive livestock identification system. The national plan spells out the goals and standards for all states to follow.

The national plan was developed under the auspices of USDA and the United States Animal Health Association, in cooperation with the livestock industry. It calls for a system that can identify all animals and premises exposed to a foreign animal disease (such as foot and mouth disease) within 48 hours after the disease is discovered. This rapid response capability will be critically important in the event of a major animal disease emergency.

This rule addresses livestock *premises* registration, not *animal* identification. But premises registration is a necessary first step toward a comprehensive livestock identification system. By itself, premises registration will also facilitate more effective disease control and emergency response. Under the national plan, each state is responsible for establishing an effective premises registration program that meets national standards.

Program Administration

The Wisconsin Livestock Identification Consortium (“WLIC”), which represents a broad spectrum of the livestock industry groups, has led the nation in developing a premises registration system that meets national standards. Recently, USDA picked the WLIC system as the prototype for a national premises registration system. DATCP will likely contract with WLIC to administer the livestock registration program on behalf of DATCP. This rule spells out contract standards, including confidentiality requirements.

DATCP has no authority to impose a fee for premises registration, and there is no fee requirement in this proposed rule. DATCP has received \$2,000,000 in federal funding for FY

2005 and has applied for a continuation of that funding. However, if future federal funding cannot be obtained, DATCP will return to the Legislature to seek funding with state tax dollars.

DATCP estimates that the program will affect at least 60,000 livestock premises in Wisconsin and will cost approximately \$918,000 each year. DATCP will work with the livestock industry and others to promote voluntary compliance but may also take enforcement action against persons who knowingly refuse to comply. Penalties are set by statute and are equivalent to those under other animal health and food safety laws.

Rule Content

This rule implements Wisconsin's Livestock Premises Registration Law (2003 Wis. Act 229), which takes effect on November 1, 2005. The rule includes the following key provisions:

Annual Registration Required

A person may not keep "livestock" in this state unless the livestock premises are annually registered with DATCP. "Livestock" includes cattle, swine, poultry, sheep, goats, horses, farm-raised deer, bison, camelids (such as llamas), ratites (such as ostriches and emus), captive game birds (such as pheasants and quail), and fish.

If 2 or more persons have a role in keeping livestock at the same location (for example, if one person owns the livestock, another tends them, and a 3rd owns the land), any one of those persons may register that location (the others need not register). Registration does not create any "ownership" rights that do not otherwise exist. It merely identifies a location in this state at which livestock are kept. DATCP assigns a unique premises code that continues with that location, even if the registrant changes (some exceptions apply).

Operators of livestock facilities currently licensed by DATCP (dairy farms, deer farms, fish farms, animal markets, animal dealer premises, animal trucker premises, slaughter establishments, equine quarantine facilities and rendering establishments) must register the facilities licensed to them and may not let others register those premises for them. Generally, license holders will be able to register as part of their annual license renewal.

Effective Dates

The registration requirement under this rule will take effect on January 1, 2006, except that for livestock facilities currently licensed by DATCP, the registration requirement will take effect on the first day of the first full license year beginning after January 1, 2006. For example, the registration requirement first applies to dairy farms on May 1, 2006, because dairy farm licenses expire on April 30 of each year.

An annual registration *expires* on December 31 or, in the case of livestock premises currently licensed by DATCP, on the annual license expiration date.

How to Register

There is no fee to register livestock premises. A person may register on-line or in writing on forms prescribed by DATCP. Forms will be readily available from DATCP and its contract agent. DATCP will send annual renewal forms to registrants to make renewal as easy as possible. Renewals, like initial registrations, may be transacted on-line.

Each registrant must provide the following information:

- Registrant's legal name, trade names if any, mailing address, and phone number.
- Primary premises location and up to 3 secondary locations included in the registered premises.
- Name and phone number of a contact person with knowledge of livestock movements to and from all locations comprising the premises.
- Type(s) of livestock operation.
- Type(s) of livestock kept.

DATCP or its agent will issue a written or electronic premises registration certificate to each registrant, depending on the form of registration. The registration certificate will include a unique premises registration code generated by USDA (the premises code is assigned to the primary premises location). If the registrant is also licensed by DATCP (dairy farms, deer farms, livestock markets, etc.), the premises code will be included with the registrant's license.

Confidentiality

Premises registration information required under this rule is confidential. However, the premises code itself is not confidential. Neither DATCP nor its contract agent may disclose confidential registration information to any other person or agency (except USDA). DATCP may disclose confidential registration information if necessary to prevent or control disease, or to protect public health, safety or welfare (as provided in the livestock premises registration law). DATCP may also disclose information with the registrant's permission.

This confidentiality does not apply to information that is required (and open to public inspection) under other laws. For example, information that was required of license holders and was open to public inspection prior to the effective date of the livestock premises registration law remains open to public inspection. But premises registration information required for the first time under the livestock premises registration law, or under this rule, must be kept confidential.

DATCP may create aggregate information (such as maps and statistics) from registration information, but may not disclose that information if it would reveal (or make it possible to deduce with certainty) the address or identity of any registrant.

Contract Agent

DATCP may contract with an agent (presumably WLIC) to process registrations, manage registration information, and perform other functions on behalf of DATCP. The registration process must be conducted under the name of DATCP, not the contract agent. DATCP must approve the registration process and forms.

The contract agent may not do any of the following without DATCP approval:

- Change the registration process or forms, or charge any registration fee.
- Use or disclose any information that it acquires as DATCP's agent.
- Purport to collect information as DATCP's agent.
- Ask a registrant for permission to use or release confidential registration information.

A contract agent must specifically identify to DATCP the individuals who will handle confidential information. Each of those individuals must sign a confidentiality agreement with DATCP. Neither the contract agent, nor any individual affiliated with the contract agent, may disclose confidential information or use it for financial advantage.

A contract agent must comply with applicable state standards related to the storage, handling and disposition of state records. If a contract is terminated, the contract agent must return all registration records to DATCP. DATCP may terminate a contract at any time.

Receiving Livestock from Unregistered Premises

This rule prohibits the receipt of livestock from unregistered premises for purposes of sale, exhibition or slaughter. But this prohibition does not apply unless USDA or surrounding states impose an equivalent prohibition in all of the surrounding states.

Changes to Existing Rules

This rule modifies current DATCP rules related to the licensing of dairy farms, deer farms, fish farms, animal markets, animal dealer premises, animal trucker premises, slaughter establishments, equine quarantine facilities and rendering establishments by incorporating by reference the new livestock premises registration requirements under this rule.

Fiscal Impact

The livestock premises registration program will have no fiscal impact on local government, but it will have a significant fiscal impact on DATCP. DATCP expects to incur one-time costs of \$42,000 and annual costs of \$918,600 to implement the program (see fiscal estimate attached). DATCP has received federal funding to cover these costs in FY 2005. However, future federal funding is not assured.

If federal funding is not forthcoming, state funding will be needed. As required by 2003 Wisconsin Act 229, DATCP will submit a biennial budget request for state appropriations (tax dollars or fee revenues) to fund the program through the FY 2005-07 biennium. The Legislature will determine the funding source and amount. This rule does not create any registration fees.

Business Impact

This rule implements the livestock premises registration program mandated by the Legislature in 2003 Wisconsin Act 229. This rule will affect an estimated 60,000 Wisconsin businesses, including the following (many of these businesses are “small businesses”):

- Livestock producers, including dairy, beef, swine, poultry, farm-raised deer, sheep, goat, fish and other livestock producers.
- Horse owners and stable operators.
- Livestock markets, dealers and truckers.
- Slaughter establishments.
- Rendering and dead animal processing establishments.
- Operators of livestock exhibitions.
- Veterinary clinics.

Affected businesses must register their premises annually with DATCP. There is no fee. Businesses can register on-line or in writing. Some businesses currently licensed by DATCP, including deer farms, fish farms, animal markets, animal dealers, animal truckers, slaughter establishments, equine quarantine facilities and rendering establishments, can comply by completing a form as part of the business’s regular annual license renewal. DATCP will facilitate annual renewals by sending automatic renewal notices to all registrants.

This rule does not create any new record-keeping or reporting requirements, other than the basic annual registration requirement. It does not require businesses to hire any new professional services. This rule establishes a delayed registration deadline of January 1, 2006, so that affected business will have time to understand and comply with the new registration requirement. For persons currently licensed by DATCP, the registration deadline is further delayed to coincide with the start of an annual licensing period.

DATCP and its contract agent will work with the livestock industry to implement the new program, which will have important benefits for the industry. DATCP will make it easy to register and renew. DATCP will send automatic renewal forms to registrants, so that registrants need only update pre-printed information as necessary. DATCP will provide information and education related to the registration process.

This rule will not have a significant adverse economic impact on small business. Therefore, it is not subject to the delayed small business effective date provision in s. 227.22(2)(e), Stats. A small business analysis (“final regulatory flexibility analysis”) is attached.

Under 2003 Wis. Act 145, DATCP and other agencies must adopt rules spelling out their rule enforcement policy for small businesses. DATCP has not incorporated a small business enforcement policy in this rule, but it will propose a separate rule on that subject. DATCP will, to the maximum extent feasible, seek voluntary compliance with this rule.

Federal Regulation

There is, as yet, no federal law mandating livestock premises registration at the state level. However, USDA plans to implement a comprehensive livestock identification program that

includes state registration of livestock premises. USDA and the United States Animal Health Association have developed a national plan in cooperation with the livestock industry.

Under 2003 Wis. Act 229, Wisconsin rules must be consistent with the national plan. This rule is consistent with the current national plan and will be modified as necessary as the national plan evolves. USDA has funded the development of Wisconsin's premises registration system and may fund its implementation.

Surrounding State Programs

As of January 1, 2005, Michigan requires livestock premises registration and individual identification of all cattle. The other surrounding states (Illinois, Minnesota or Iowa) have not yet enacted a livestock premises registration program.

Agency Contact for Submitting Comments

Questions and comments related to this rule may be sent to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911
Telephone: (608) 224-4883
E-mail: HearingcommentsAH@datcp.state.wi.us.

1 **SECTION 1.** ATCP 10.61(1)(a) is amended to read:

2 ATCP 10.61(1)(a) Except as provided in par. (b), no person may keep farm-raised deer
3 unless that person holds a current annual registration certificate issued by the department under
4 this section. A registration certificate is not transferable between persons or locations. Each
5 registration certificate shall bear a livestock premises code issued under s. ATCP 17.02(7).

6 **SECTION 2.** ATCP 10.61(5)(f) is created to read:

7 ATCP 10.61(5)(f) Additional information, if any, required under s. ATCP 17.02(4) for
8 purposes of livestock premises registration.

9 **SECTION 3.** ATCP 10.73(4)(a) is amended to read:

1 ATCP 10.73(4)(a) Except as provided in par. (b), a person required to hold a fish farm
2 registration certificate under sub. (2) may hold either a type 1 or type 2 registration certificate.

3 Each registration certificate shall bear a livestock premises code issued under s. ATCP 17.02(7).

4 **SECTION 4.** ATCP 10.73(7)(hm) is created to read:

5 ATCP 10.73(7)(hm) Additional information, if any, required under s. ATCP 17.02(4) for
6 purposes of livestock premises registration.

7 **SECTION 5.** ATCP 11.32(3)(intro.) is amended to read:

8 ATCP 11.32(3)(intro.) APPROVED EQUINE QUARANTINE STATION; PERMIT. No person
9 may operate an approved equine quarantine station without an annual permit from the
10 department. Each permit shall bear a livestock premises code issued under s. ATCP 17.02(7).

11 A permit expires on June 30 of each year. Application for a permit shall be made on a form
12 prescribed by the department. The department shall grant or deny a permit application within 90
13 days after it receives a complete application. Every application shall include:

14 **SECTION 6.** ATCP 11.32(3)(dm) is created to read:

15 ATCP 11.32(3)(dm) Additional information, if any, required under s. ATCP 17.02(4) for
16 purposes of livestock premises registration.

17 **SECTION 7.** ATCP 12.02(1) is amended to read:

18 ATCP 12.02(1) LICENSE REQUIRED. No person may operate an animal market without
19 an annual license from the department. A separate license is required for each animal market.

20 The license shall bear a livestock premises code issued to the license holder under s. ATCP
21 17.02(7). An annual license expires on June 30 of each year. A license is not transferable

22 between persons or livestock markets.

23 **SECTION 8.** ATCP 12.02(3)(fm) is created to read:

1 ATCP 12.02(3)(fm) Additional information, if any, required under s. ATCP 17.02(4) for
2 purposes of livestock premises registration.

3 **SECTION 9.** ATCP 12.03(3) is amended to read:

4 ATCP 12.03(3) ~~LICENSE TERM PROVISIONS.~~ An annual license under sub. (1) expires on
5 June 30 and is not transferable. If the animal dealer keeps livestock at animal dealer premises,
6 the license shall bear a livestock premises code issued to the animal dealer under s. ATCP
7 17.02(7).

8 **SECTION 10.** ATCP 12.03(4)(dm) is created to read:

9 ATCP 12.03(4)(dm) Additional information, if any, required under s. ATCP 17.02(4) for
10 purposes of livestock premises registration.

11 **SECTION 11.** ATCP 12.04(1) is amended to read:

12 ATCP 12.04(1) LICENSE REQUIRED. Except as provided in sub. (2), no person may
13 transport livestock or wild animals for hire without an annual animal trucker license from the
14 department. An animal market operator or animal dealer shall also hold a license under this
15 section if that animal market operator or animal dealer transports livestock or wild animals for
16 hire. If the animal trucker keeps livestock on premises owned or controlled by the animal
17 trucker, the license shall bear a livestock premises code issued to the animal trucker under s.
18 ATCP 17.02(7). An annual license under this section expires on June 30 and is not transferable.

19 **SECTION 12.** ATCP 12.04(3)(dm) is created to read:

20 ATCP 12.04(3)(dm) Additional information, if any, required under s. ATCP 17.02(4) for
21 purposes of livestock premises registration.

22 **SECTION 13.** Chapter ATCP 17 is created to read:

23 **Chapter ATCP 17**

24 **LIVESTOCK PREMISES REGISTRATION**

25
26

1
2 **NOTE:** This chapter is adopted under authority of ss. 93.07(1), 93.07(10), 95.51(3m)
3 and (7), 95.55(6), 95.68(8), 95.69(8), 95.71(8), 95.72(5), 97.22(8) and 97.42(4),
4 Stats. This rule interprets ss. 93.07(10), 95.51, 95.55, 95.60, 95.68, 95.69, 95.71,
5 95.72, 97.22 and 97.42, Stats. A person who violates this chapter is subject to
6 applicable penalties and remedies provided in s. 93.06(7) and (8), 95.99, 97.72
7 and 97.73, Stats. According to s. 95.36(10), Stats., a violator may also be
8 disqualified from receiving livestock indemnities for which that person might
9 otherwise be eligible under ch. 95, Stats., if the department condemns livestock
10 for disease control purposes.

11
12 **ATCP 17.01 Definitions.** In this chapter:

13 (1) "Address" means one of the following:

14 (a) A street address.

15 (b) Township, range and section numbers, if the location has no street address.

16 (c) Global positioning system coordinates, if the location has no street address and no
17 township, range and section numbers.

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

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

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

25 (5) "Animal market operator" means a person who is required to be licensed under s.
26 ATCP 12.02(1).

27 (6) "Animal trucker" means a person who is required to be licensed under s. ATCP
28 12.04(1).

1 (7) “Animal trucker premises” means any real estate, owned or controlled by an animal
2 trucker, at which the animal trucker collects or holds livestock for transportation.

3 (8) “Bovine animal” means cattle or American bison of any age or sex.

4 (9) “Captive game birds” means birds of a normally wild type, such as
5 pheasants, quail, wild turkeys, migratory wildfowl, pigeons, and exotic birds, that are raised in
6 captivity. “Captive game birds” does not include poultry or ratites.

7 (10) “Cervid” means a member of the family of animals that includes deer, elk, moose,
8 caribou, reindeer and the subfamily musk deer.

9 (11) “Clinic” means a place where livestock are kept primarily for purposes of
10 health care or rehabilitation.

11 (12) “Confidential information” means information that the department is required,
12 under s. 95.51, Stats., and this chapter, to keep confidential.

13 (13) “Contiguous” means adjacent, or separated only by a transportation corridor,
14 stream or like feature.

15 (14) “Contract agent” means a person who acts on behalf of the department, pursuant to
16 a written contract with the department.

17 **NOTE:** The department may contract with an agent to process registrations under this
18 chapter, and to manage registration information on behalf of the department. The
19 contract agent must comply with this chapter and the agent’s contract with the
20 department. The contract must include provisions specified in this chapter,
21 including provisions related to confidentiality of information collected under this
22 chapter. See ss. ATCP 17.03 and 17.04.

23
24 (15) “Dairy farm” means a dairy farm as defined under s. 97.22(1)(a), Stats.,
25 operated by a milk producer.

26 (16) “Deer farm” means real estate on which a person, who is required to register under
27 s. ATCP 10.61, keeps farm-raised deer.

1 (17) “Department” means the Wisconsin department of agriculture, trade and consumer
2 protection.

3 **NOTE:** The department’s contract agent may act on behalf of the department, to the
4 extent authorized under this chapter and the agent contract. See s. ATCP 17.04.
5

6 (18) “Description” of a location means an address or other information that identifies
7 that location.

8 (19) “Farm-raised deer” means a captive cervid.

9 (20) “Fish farm” means a facility, at which a person hatches fish eggs or keeps live fish,
10 which is required to be registered under s. ATCP 10.73(2).

11 (21) “Individual” means a human being.

12 (22) “Keep livestock” means to own, feed, house, confine or care for livestock, or to
13 exercise legal or physical control over livestock. “Keep livestock” does not include the
14 quarantine or confinement of livestock by the department or by the United States department of
15 agriculture.

16 **NOTE:** At any given time, several persons may be “keeping” the same livestock. For
17 example, livestock owned by *Person A* might be fed and cared for by *Person B* on
18 property owned and maintained by *Person C*.
19

20 (23) “Livestock” means bovine animals, equine animals, goats, poultry, sheep,
21 swine other than wild hogs, farm-raised deer, captive game birds, camelids, ratites and fish.

22 (24) “Livestock exhibition” means a state, county or district fair, or a recurring event at
23 which livestock from different premises are exhibited to the public at a common location.

24 (25) “Location” means a parcel of real estate in this state, or a group of 2 or more
25 contiguous parcels of real estate in this state, on which livestock are kept.

26 (26) “Milk producer” has the meaning given in s. 97.22(1)(f), Stats.
27

1 (27) “Person” means an individual, corporation, partnership, cooperative, limited
2 liability company, trust or other legal entity.

3 (28) “Poultry” means domesticated fowl commonly used for human food,
4 including domesticated chickens, turkeys, geese, ducks, guinea fowl and squab. “Poultry” does
5 not include ratites or captive game birds.

6 (29) “Premises” means one or more locations that a person registers under a single
7 premises code.

8 **NOTE:** A person may register a livestock “premises” that includes, in addition to the
9 primary premises location (to which the premises code is assigned), one or more
10 secondary locations at which the person keeps the livestock from time to time.
11 For example, a dairy farm “premises” may include a primary location (that
12 includes the milking barn or parlor) and one or more secondary locations (such as
13 a non-contiguous pasture or heifer facility). If a person keeps livestock at
14 multiple locations but never moves or commingles livestock between those
15 locations, the person is advised to register those locations as separate premises
16 (separate primary locations, each with its own premises code). See s. ATCP
17 17.02.

18 (30) “Premises code” means a code issued under s. ATCP 17.02(7).

19 (31) “Primary location” means a premises location to which a premises code is assigned.
20

21 (32) “Ratite” means a member of the group of flightless birds that includes the ostrich,
22 emu, cassowary, kiwi and rhea.

23 (33) “Register” means to apply for and obtain from the department an annual premises
24 registration certificate under s. ATCP 17.02.
25

26 (34) “Registered location” means a primary or secondary location that is covered by a
27 current annual premises registration certificate under s. ATCP 17.02(6).

28 **NOTE:** A registration application must identify the primary and secondary locations
29 included in the registered premises. The department issues a premises code for
30 the primary location, but the registration certificate also covers secondary
31 locations identified in the registration application. See s. ATCP 17.02(6)(c).
32

1 (35) “Secondary location” means a location that shares or commingles animals with the
2 primary location and is registered with the primary location under a single premises code.

3 (36) “Slaughter establishment” means a place at which livestock are received for
4 slaughter.

5 **ATCP 17.02 LIVESTOCK PREMISES; REGISTRATION REQUIRED. (1) GENERAL.** A
6 person may not keep livestock at a location in this state unless that location is registered under
7 this section. There is no fee to register. A registration expires on December 31 of each year,
8 except as otherwise provided in sub. (2)(c).

9 **NOTE:** Once a person completes an initial registration, subsequent annual registrations
10 will be relatively simple. The department will send the registrant a renewal
11 application (or directions on how to renew online) each year. The renewal
12 transaction may be conducted by mail, online or by e-mail if an e-mail address
13 has been provided. The renewal will include pre-printed information obtained
14 from the previous year’s registration. The registrant may renew the registration
15 by returning the pre-printed form with corrections, if any. There is no fee for an
16 initial or renewal registration.
17

18 **(2) WHO MUST REGISTER.** (a) If 2 or more persons are involved in keeping livestock at
19 the same location, one of those persons shall register that location. A person is not required to
20 register a location that is currently registered by another person. A premises registration by one
21 person does not prevent other persons from keeping livestock on the registered premises.

22 **NOTE:** For example, if *Person A* feeds and cares for livestock owned by
23 *Person B*, on premises owned by *Person C*, any one of those persons may register
24 the premises (the others need not). Likewise, if *Person X* pastures livestock on
25 land that *Person Y* owns and also uses to pasture livestock, either person may
26 register that pasture (the other need not). But operators identified in par. (c) must
27 register the premises that they operate, and may not delegate their registration
28 responsibilities to others.
29

30 (b) A person may not register a premises that is currently registered by another person.
31 The department may transfer a current registration from the current registrant to another person
32 if the department finds that the other person is required to register the premises under par. (c), is

1 more directly engaged in operating the premises, or can provide more definitive knowledge of
2 livestock movements to and from the premises. The department shall notify the current
3 registrant and give the current registrant a chance to comment before transferring a registration
4 to another person.

5 (c) A person who operates any of the following shall register the locations at which that
6 person keeps livestock or receives livestock carcasses as part of that operation:

7 1. A dairy farm that is required to be licensed under s. ATCP 60.02. The milk producer
8 may register the dairy farm premises as part of the milk producer's initial license application
9 under s. ATCP 60.02(2). A dairy farm premises registration expires on April 30 of each year.

10 2. A deer farm that is required to be registered under s. ATCP 10.61. The operator may
11 register the deer farm premises as part of the operator's annual registration application under s.
12 ATCP 10.61(5).

13 3. A fish farm that is required to be registered under s. ATCP 10.73(2). The operator
14 may register the fish farm premises as part of the operator's annual registration application under
15 s. ATCP 10.73(7).

16 4. An animal market that is required to be licensed under s. ATCP 12.02. The operator
17 may register the animal market premises as part of the operator's annual license application
18 under s. ATCP 12.02(3). An animal market premises registration expires on June 30 of each
19 year.

20 5. Animal dealer premises operated by an animal dealer who is required to be licensed
21 under s. ATCP 12.03, unless the premises are registered under subd. 4. The animal dealer may
22 register the premises as part of the animal dealer's annual license application under s. ATCP
23 12.03(4). An animal dealer premises registration expires on June 30 of each year.

1 6. Animal trucker premises operated by an animal trucker who is required to be licensed
2 under s. ATCP 12.04, unless the premises are registered under subd. 4. or 5. The animal trucker
3 may register the premises as part of the animal trucker's annual license application under s.
4 ATCP 12.04(3). An animal trucker premises registration expires on June 30 of each year.

5 7. A slaughter establishment. The operator may register the slaughter establishment
6 premises as part of the operator's annual license application under s. ATCP 55.03(3) if the
7 department licenses that operator. A slaughter establishment premises registration expires on
8 June 30 of each year.

9 **NOTE:** A slaughter establishment inspected by the United States department of
10 agriculture must be registered with the department under this chapter, even
11 though the Wisconsin department of agriculture, trade and consumer protection
12 does not license that federally-inspected establishment.
13

14 8. An equine quarantine station for which a permit is required under s. ATCP 11.32(3).
15 The operator may register the equine quarantine station premises as part of the operator's annual
16 permit application under s. ATCP 11.32(3). An equine quarantine station premises registration
17 expires on June 30 of each year.

18 9. A rendering establishment, animal food processing establishment or grease processing
19 establishment that receives livestock carcasses and is required to be licensed under s. 95.72,
20 Stats. The operator may register the premises as part of the operator's annual license application
21 under s. 95.72, Stats. A premises registration for a rendering establishment, animal food
22 processing establishment or grease processing establishment expires on February 28 of each
23 year. The operator shall include, in a registration, any transfer stations or other locations at
24 which the operator collects livestock carcasses for transfer to a rendering or processing location.

25 10. A livestock exhibition.

1 **(3) HOW TO REGISTER.** Except as provided in sub. (2)(c), a person shall register in one of
2 the following ways:

3 (a) By applying on-line at <http://www.datcp.state.wi.us/>.

4 (b) By filing a hard-copy application with the department on a form provided by the
5 department.

6 **NOTE:** A person may obtain an application form from the department and may submit
7 the completed form to the department at the following address:

8
9 Wisconsin Department of Agriculture, Trade and Consumer Protection
10 2811 Agriculture Drive
11 PO Box 8911-53708
12 Madison, WI 53708
13 Phone: (608) 224-4872
14 E-mail: premises@datcp.state.wi.us
15

16 **(4) INFORMATION REQUIRED.** A registration application under sub. (3) shall include all
17 of the following information:

18 (a) The registrant's legal name, and any trade names under which the registrant keeps
19 livestock in this state.

20 (b) The registrant's mailing address.

21 (c) The registrant's telephone number.

22 (d) The address of the primary premises location.

23 **NOTE:** See s. ATCP 17.01(1). A street address is preferred.

24 (e) A description of each secondary location included in the premises. A person may not
25 register more than 3 secondary locations under a single premises code without department
26 approval. The department may consider whether the secondary locations are part of the same
27 premises, for registration purposes, or whether they should be registered as separate premises
28 under separate premises codes.

1 **NOTE:** See s. ATCP 17.01(18) and (35). Secondary locations are locations that share or
2 commingle animals with the primary location, and are related to the primary
3 location. For example, a dairy farm “premises” may include a primary location
4 (that includes the milking barn or parlor) and one or more secondary locations
5 (such as non-contiguous pastures or heifer facilities).

6
7 If a person keeps livestock at multiple locations but never moves or commingles
8 livestock between those locations, the person should register the locations as
9 separate premises (separate primary locations, each with its own premises code).

10
11 (f) The name and telephone number of at least one individual who has knowledge of
12 livestock and livestock carcass movements to and from every location included in the premises.

13 (g) The types of livestock operations conducted on the premises. The registrant shall
14 designate one or more of the following:

15 1. Farm or production unit.

16 ~~1.2.~~ Market or livestock collection point.

17 ~~1.3.~~ Slaughter establishment.

18 ~~1.4.~~ Rendering or carcass collection point.

19 ~~1.5.~~ Clinic.

20 ~~1.6.~~ Livestock exhibition.

21 ~~1.7.~~ Quarantine facility.

22 ~~1.8.~~ Other. The registrant shall specify the type or types of operations.

23 (h) The types of livestock or livestock carcasses kept on the premises. The registrant
24 shall designate one or more of the following:

25 1. Cattle or other bovine animals.

26 ~~1.2.~~ Swine.

27 ~~1.3.~~ Sheep.

28 ~~1.4.~~ Goats.

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

1 ~~4.5.~~ Horses or other equine animals.

2 ~~4.6.~~ Farm-raised deer.

3 ~~4.7.~~ Poultry.

4 ~~4.8.~~ Ostriches, emus or other ratites.

5 ~~4.9.~~ Captive game birds.

6 ~~4.10.~~ Llamas, alpacas or other camelids.

7 11. Fish.

8 ~~4.12.~~ Other. The registrant shall specify the type or types of livestock.

Formatted: Bullets and Numbering

9 (5) DEPARTMENT ACTION ON REGISTRATION APPLICATION. (a) Except as provided in par.

10 (d), the department shall grant or deny a registration application under sub. (3) within 30 days

11 after the department receives a complete registration application.

12 **NOTE:** The department will normally grant or deny an on-line application at the time of
13 the on-line application. If the department grants an on-line application, the
14 department will immediately issue a printable electronic registration certificate to
15 the applicant.

16
17 (b) The department may deny a registration application if the application is
18 incorrect or incomplete, or if the primary location identified in the application is currently
19 registered. The department shall state the reason for the denial.

20 (c) If the department denies an application because the primary location identified in the
21 application is already registered, the department shall disclose to the applicant the premises code
22 assigned to that registered primary location. The denial does not prevent the applicant from
23 keeping livestock at the registered primary location or from registering other locations.

24 (d) If a person submits a registration application as part of that person's application for
25 another license, permit or registration identified in sub. (2)(c), the department shall grant or deny
26 the registration application within the time period prescribed for department action on the other

1 license, permit or registration application. The denial, suspension or revocation of another
2 license, permit or registration does not affect a premises registration under this section.

3 (6) REGISTRATION CERTIFICATE. (a) Whenever the department grants a registration
4 application under sub. (3), the department shall immediately issue an annual registration
5 certificate to the registrant. The department shall issue the registration certificate in hard-copy or
6 printable electronic form, depending on the method of registration.

7 **NOTE:** A person who registers on-line will normally receive a printable electronic
8 registration certificate at the time of the on-line registration.

9 (b) A registration certificate under par. (a) shall include a premises code assigned under
10 sub. (7).

11 (c) A registration certificate covers the primary location and all secondary locations
12 identified in the approved registration application, regardless of whether the certificate includes
13 descriptions of all of those locations.

14 (d) If a person submits a premises registration application as part of that person's
15 application for another license, permit or registration identified in sub. (2)(c), the department
16 shall issue the premises registration certificate with or as part of that other license, permit or
17 registration.

18 (7) PREMISES CODE. Whenever the department grants a registration application under
19 sub. (3), the department shall assign a unique code to the primary location identified in that
20 application. The premises code shall be generated by the United States department of
21 agriculture. A premises code may not be transferred to another location.

22 **NOTE:** A premises code, once assigned to a primary location, normally continues with
23 that location even if the registrant changes. If a registrant adds or removes a
24 secondary location without changing the primary location, the premises code will
25 remain the same. But if the primary premises location is subdivided among new
26 registrants, the premises code assigned to that location will be retired and a new
27

1 premises code will be assigned to each new primary location created by the
2 subdivision.

3
4 **ATCP 17.03 CONFIDENTIAL INFORMATION. (1) GENERAL.** Except as provided in
5 subs. (2) to (4), premises registration information received by the department or its contract
6 agent under s. ATCP 17.02 is confidential and may not be disclosed to any other person or
7 agency.

8 **NOTE:** A *premises code* is not confidential because it is not received from the registrant
9 but is issued by the department. A premises code, by itself, does not reveal any
10 information received from a registrant.

11
12 **(2) INFORMATION REQUIRED BY OTHER LAWS.** Subsection (1) does not apply to
13 information that a person is required to provide to the department under other law. This
14 subsection does not authorize disclosure of information that is protected from disclosure under
15 other law.

16 **NOTE:** For example, information that was required of license holders and was open to
17 public inspection prior to the effective date of the livestock facility registration
18 law, s. 95.51, Stats., remains open to public inspection. But premises registration
19 information required for the first time under s. 95.51, Stats., or this chapter must
20 be kept confidential.

21
22 **(3) AUTHORIZED DISCLOSURE.** The department may disclose, to any of the following,
23 information that a registrant provides under s. ATCP 17.02:

24 (a) A person to whom the registrant authorizes disclosure.

25 (b) The animal and plant health inspection service of the United States department of
26 agriculture, if the animal and plant health inspection service agrees not to disclose the
27 information except in situations in which the department is authorized to disclose the
28 information.

29 (c) The department's contract agent, subject to this section and s. ATCP 17.04.

1 (d) To another person or agency, or to the public, if the department believes that the
2 release is necessary to prevent or control disease, to enforce laws under its jurisdiction, or to
3 protect public health, safety, or welfare. The department may disclose information under this
4 paragraph subject to any confidentiality requirements that the department considers necessary
5 under the circumstances.

6 (4) AGGREGATE INFORMATION. (a) The department may create aggregate information,
7 such as maps and statistics, from registration information obtained under s. ATCP 17.02. Except
8 as provided in par. (b), the department may disclose that aggregate information to another person
9 or agency, or to the public.

10 (b) The department may not disclose aggregate information under par. (a) that does any
11 of the following, unless that information qualifies for disclosure under sub. (2) or (3).

12 1. Discloses the street address, section number, global positioning system coordinates of
13 any premises, or the identity of any registrant.

14 2. Makes it possible to deduce with certainty the street address, section number, global
15 positioning system coordinates of any premises, or the identity of any registrant.

16 **NOTE:** For example, the department may not disclose a detailed map that permits
17 readers to deduce with certainty the street addresses, section numbers or global
18 positioning system coordinates of any premises, or the identities of registrants
19 whose premises are portrayed by points on the map. However, the department
20 may disclose less detailed maps.

21 (5) DISCLOSURE BY CONTRACT AGENT. The department may authorize its contract agent
22 to disclose, on behalf of the department, information that the department is authorized to disclose
23 under this section, except that the department may not authorize its contract agent to release
24 aggregate information.
25

1 **ATCP 17.04 CONTRACT AGENT. (1) GENERAL.** The department may contract with an
2 agent to process registrations, manage registration information, and perform other functions on
3 behalf of the department under this chapter. The contract agent shall comply with this chapter
4 and the contract.

5 **(2) CONTRACT.** A contract under sub. (1) shall specify applicable terms and conditions,
6 including all of the following:

7 (a) The services that the contract agent will perform for the department, and the price for
8 which the contract agent will perform those services.

9 (b) The scope of authority that the department delegates to the contract agent for the
10 purpose of performing the services under par. (a), and relevant limits on that authority.

11 (c) The registration process and forms approved under sub. (3), if the contract agent will
12 process registrations on behalf of the department.

13 (d) Terms related to information disclosure and confidentiality, including the terms
14 specified in sub. (4).

15 (e) Terms related to information management, including the terms specified in sub. (5).

16 (f) Terms related to contract agent actions that may affect or impair the administration of
17 this chapter, including the terms specified in subs. (6) to (8).

18 (g) Provisions related to contract termination, including the terms specified in sub. (9).

19 (h) Standard contract terms required by the state of Wisconsin.

20 **(3) APPROVED REGISTRATION PROCESS.** A contract agent that processes livestock
21 premises registrations on behalf of the department, whether in hard-copy or on-line form, shall
22 use a process and forms approved by the department. The hard-copy or online registration
23 process shall be conducted under the name of the department, not the contract agent. The

1 contract agent may not supplement or modify the registration process or forms, or charge any
2 registration fee, without the department's written approval. The contract agent may not make
3 solicitations or promotional communications to registrants in connection with the registration
4 process, other than communications that the department requires for purposes of registration
5 under this chapter.

6 (4) DISCLOSURE OF INFORMATION; CONFIDENTIALITY. (a) A contract agent may not use
7 or disclose any information that it acquires as the department's contract agent under this chapter
8 without the department's written approval.

9 (b) A contract agent shall specifically identify the individuals who, on behalf of the
10 contract agent, may have access to confidential information. Each of those individuals shall sign
11 a personal confidentiality agreement with the department and shall comply with that agreement.
12 No other persons employed or affiliated with the contract agent may have access to confidential
13 information.

14 (c) No contract agent or individual affiliated with a contract agent may use or disclose
15 information in violation of this chapter, the agency contract, or an individual confidentiality
16 agreement under par. (b).

17 (5) MANAGING INFORMATION. A contract agent that holds information under this chapter
18 on behalf of the department shall do all of the following:

19 (a) Comply with applicable state standards related to the storage, handling and
20 disposition of state records. A contract agent may not dispose of information collected or held
21 under this chapter, except as authorized by the department pursuant to a state records disposal
22 authorization under s. 16.61, Stats.

1 (b) Handle and maintain electronic records according to applicable standards in ch. Adm
2 12.

3 **(6) COLLECTING OTHER INFORMATION.** (a) A contract agent may not collect any
4 information under color of its agency agreement with the department, without the department's
5 written authorization to collect that information.

6 (b) Paragraph (a) does not prohibit a contract agent from doing any of the following on
7 its own behalf, and not as an agent of the department:

8 1. Contacting registrants that it identifies from sources other than registrations under this
9 chapter.

10 2. Soliciting and receiving information voluntarily provided by registrants that the
11 contract agent identifies under subd. 1. The contract agent shall disclose, to each registrant from
12 whom it requests information, that the information is not required by state law and is not being
13 collected on behalf of the department.

14 (c) A contract agent who collects information under par. (b) shall keep that information
15 separate from any confidential information that the contract agent keeps on behalf of the
16 department.

17 **(7) PROHIBITED PRACTICES.** A contract agent may not do any of the following:

18 (a) Under color of its agency contract with the department, and without the department's
19 written authorization, ask a registrant for permission to use or release confidential information.

20 (b) Represent, directly or by implication, that it is acting within its authority as the
21 department's contract agent unless that representation is true.

22 **(8) ETHICS.** (a) A contract agent shall avoid any conflict of interest that may affect the
23 integrity of the livestock premises registration program under this chapter, or the contract agent's

1 faithful performance of its obligations. The contract agent shall disclose to the department any
2 actual or potential conflict of interest.

3 (b) A contract agent may not use for private financial or business advantage confidential
4 information that it acquires under this chapter as an agent of the department.

5 (c) No individual having access to confidential information under this chapter may use
6 that information for personal financial advantage or for the financial advantage of any person or
7 organization with which he or she is affiliated.

8 **(9) CONTRACT TERMINATION.** (a) The department may terminate a contract
9 under sub. (1) at any time, with or without cause.

10 (b) If a contract under sub. (1) expires or is terminated by either party, the contract agent
11 shall promptly return to the department all of the information that the contract agent holds on
12 behalf of the department.

13 **ATCP 17.05 Receiving livestock from unregistered locations.**

14 **(1) PROHIBITION.** Except as provided in sub. (2), no person may receive, for purposes of sale,
15 exhibition or slaughter, livestock from a location that is required to be registered under s. ATCP
16 17.02 or an equivalent law in another state, unless that location is registered according to this
17 chapter or an equivalent law in the other state.

18 **(2) APPLICATION CONTINGENT UPON RECIPROCITY.** Subsection (1) does not apply to any
19 person, or to any receipt of livestock for a purpose identified in sub. (1), unless the United States
20 department of agriculture or all of the states surrounding Wisconsin prohibit persons in those
21 surrounding states from receiving livestock for that purpose from unregistered locations in this
22 state that are required to be registered under s. ATCP 17.02. The surrounding states are
23 Minnesota, Iowa, Illinois and Michigan.

1 **SECTION 14.** ATCP 55.03(1) is amended to read:

2
3 ATCP 55.03(1) ANNUAL LICENSE REQUIRED. Except as provided in sub. (2), no person
4 may operate a meat establishment without a current annual license from the department. A
5 license expires on June 30 of each year. A person who operates more than one meat
6 establishment shall hold a current annual license for each meat establishment. Each slaughter
7 establishment license shall bear a livestock premises code issued under s. ATCP 17.02(7). A
8 license may not be transferred between persons or meat establishments.

9 **SECTION 15.** ATCP 55.03(3)(dm) is created to read:

10 ATCP 55.03(3)(dm) Additional information, if any, required under s. ATCP 17.02(4) for
11 purposes of livestock premises registration.

12 **SECTION 16.** ATCP 60.02(1) is amended to read:

13 ATCP 60.02(1) LICENSE REQUIREMENT. No person may operate as a milk producer
14 without an annual license from the department, as provided in s. 97.22, Stats. A license expires
15 on April 30 of each year. A separate license is required for each dairy farm at which milk is
16 produced. Whenever the department first issues a dairy farm license to a milk producer, that
17 license shall bear a livestock premises code issued under s. ATCP 17.02(7). A license is not
18 transferable between persons or dairy farms. As a condition to licensing, a milk producer shall
19 comply with applicable provisions of this chapter.

1 **SECTION 17.** ATCP 60.02(2)(am) is created to read:

2 **ATCP 60.02(2)(am)** *Livestock premises registration.* An application for an initial milk
3 producer license shall include the information that is required under s. ATCP 17.02(4) for
4 purposes of livestock premises registration.

5 **SECTION 18. EFFECTIVE DATE AND INITIAL APPLICABILITY. (1)** This rule takes effect
6 on the first day of the month following publication in the Wisconsin administrative register, as
7 provided in s. 227.22(2), Stats.

8 **(2)** This rule first applies to the following persons on the following dates:

9 (a) To a milk producer who is required to be licensed under s. ATCP 60.02, May 1,
10 2006.

11 **NOTE:** May 1, 2006, is the first day of the first full dairy farm license year beginning
12 after the effective date of this rule.

13 (b) To an animal market operator who is required to be licensed under s. ATCP 12.02,
14 July 1, 2006.

15 **NOTE:** Animal market operators register their premises as part of their annual animal
16 market license application or renewal. July 1, 2006, is the first day of the first full
17 animal market license year beginning after the effective date of this rule.

18 (c) To an animal dealer who is required to be licensed under s. ATCP 12.03, July 1,
19 2006.

20 **NOTE:** Animal dealers register their premises as part of their annual animal dealer
21 license application or renewal. July 1, 2006, is the first day of the first full animal
22 dealer license year beginning after the effective date of this rule.

23 (d) To an animal trucker who is required to be licensed under s. ATCP 12.04, July 1,
24 2006.

25 **NOTE:** Animal truckers register their premises as part of their annual animal trucker
26 license application or renewal. July 1, 2006, is the first day of the first full animal
27 trucker license year beginning after the effective date of this rule.

1
2 (e) To a slaughter establishment operator, July 1, 2006.

3 **NOTE:** Slaughter establishment operators licensed by the department register their
4 premises as part of their annual slaughter establishment license application or
5 renewal. July 1, 2006, is the first day of the first full slaughter establishment
6 license year beginning after the effective date of this rule.

7
8 (f) To an equine quarantine station operator who is required to hold a permit under s.
9 ATCP 11.32(3), July 1, 2006.

10 **NOTE:** Equine quarantine station operators register their premises as part of their annual
11 permit application or renewal. July 1, 2006, is the first day of the first full permit
12 year beginning after the effective date of this rule.

13
14 (g) To the operator of a rendering establishment, animal food processing establishment
15 or grease processing establishment that is required to be licensed under ch. 95.72, Stats., March
16 1, 2006.

17 **NOTE:** Operators of rendering establishments, animal food processing establishments
18 and grease processing establishments register their premises as part of their
19 annual license application or renewal. March 1, 2006, is the first day of the first
20 full license year beginning after the effective date of this rule.

21
22 (h) To all other persons who are required to register a location under s. ATCP 17.02(1),
23 January 1, 2006.

24 **NOTE:** For all persons other than those identified in pars. (a) to (g), annual premises
25 registrations expire on December 31 of each year. January 1, 2006, is the first
26 day of the first full registration year beginning after the effective date of this rule.

Signed and dated this _____ day of _____, 2005.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND
CONSUMER PROTECTION

By _____
Rodney J. Nilsestuen, Secretary