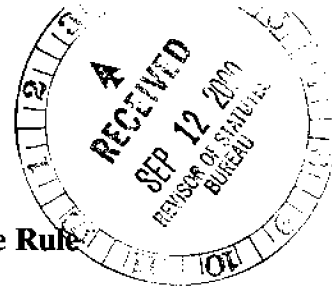


Clearinghouse Rule 99-168



STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF AGRICULTURE, )  
TRADE & CONSUMER PROTECTION )

Clearinghouse Rule  
No. 99-168  
Docket No. 98-R-18

CERTIFICATION:

I, Ben Brancel, Secretary of the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, and custodian of the department's official records, hereby certify that the attached rulemaking order of the Wisconsin Administrative Code ATCP 10, 11 and 12; relating to animal diseases, animal movement, and livestock markets, dealers and truckers was signed and adopted by the department on September 12, 2000.

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

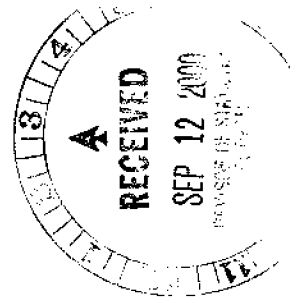
Signed and sealed this 12th day of September, 2000.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION



By Ben Brancel  
Ben Brancel  
Secretary

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



1 The state of Wisconsin department of agriculture, trade and consumer protection adopts  
2 the following order to repeal ATCP 10.01(3) to (5), (6m), (13m), (17m), (34), (39),  
3 (60m), (61m), (66), (70)(c), (72m), 10.151, 10.19 to 10.20, 10.30, 10.305, 10.335,  
4 10.50(4)(c), 10.60, 10.61(4) and (5), 11.01(3) to (5), (8), (20m), (39), (47), (61), (62),  
5 11.13, 11.16, 11.21, 11.31, 11.53(2)(e), 11.56(2)(g), 11.60(5)(b), 12.01(21), (22) and  
6 (27), 12.02(2)(e) and (f) and (2r)(c), 12.03(2)(c) and (d) and (2r)(c), 12.04(2)(c) and  
7 (2r)(c), and 12.08(11); to renumber ATCP10.01(45)(i), 10.32, 11.01(54)(i),  
8 12.01(20)(i) and 12.06(2)(a) to (d); to renumber and amend ATCP 12.06(2)(e); to  
9 amend ATCP 1.03(2)(b)2. and (note), 10.01(1)(intro.) and (b), (14), (15), (15m), (16),  
10 (20m), (22m), (25), (29), (40), (43), (44), (45)(f)2., (55), (60), (69m), (69r), (72),  
11 10.21(6)(intro.), (11)(a), (b)1., (c)(intro) and (d), 10.50(2)(b) and (c), 10.63(6)(intro.),  
12 (11)(a), (b)1. and (c), 10.65(title) and (1)(intro.), 10.651, 10.652(3)(a), (b) and  
13 (5)(a)(note), 10.68(1)(k), (13)(a)1. and 2., and (14)(a) and (c), 10.71(title) and (1)(a),  
14 11.01(1)(intro.), (7), (17), (18), (18m), (24), (27), (29m), (32), (35), (49), (50), (52),  
15 (53), (54)(e) and (f)2., (63), (68), (71) (80m), (80r), (83), (85), 11.10(1)(a)1. and  
16 (4)(d), 11.14(title), (1) and (note), (3)(c) and (d), (4) and (5)(intro.) and (b), 11.17,  
17 11.32(3)(c) and (d), (5), (6)(b), 11.50 to 11.52, 11.53(2)(a) to (c), 11.54(title),  
18 (1)(title) and (intro), (2) and (4), 11.545(title), (1)(b)(title), (2)(a)(title), (a), (b)1.,  
19 (c)(title) and (c), 11.55(2)(b)3. to 5., 11.56(title), (1)(title) and (1), (2)(f), (3) and

1 (4)(a), 11.58(1)(k) and (2)(intro.), 11.59(1)(e), (2)(a)(intro.) and (3)(a) and (b),  
2 11.60(2), and (5)(c), 11.62(2)(a), (b), (c)3. and (4)(b), 11.71(1)(a), 11.72(4),  
3 12.01(10), (18), (19), (20)(f)2. and (24), 12.02(2m)(a)2. and (2r)(b), 12.03(2r)(b) and  
4 (2w)(title), 12.04(2r)(b), 12.05(1)(a), (2)(a), (4) and (5)(b) and 12.08(12); to repeal  
5 and recreate ATCP 10.01(26), (31), (70)(b), 10.02, 10.10 to 10.15, 10.16 to 10.18,  
6 10.31, 10.33, 10.34, 10.40(1), 10.41(1) and (2), 10.62, 10.652 (7) and (8)(b), 10.66,  
7 10.67, 10.72(1)(d), 11.01(33), (37) and (81)(b), 11.02, 11.03, 11.10(2) and (3), 11.11,  
8 11.12, 11.20, 11.22, 11.23, 11.30, 11.34, 11.53(1), 11.54 (3), 11.545(3), 11.55(title),  
9 (1), (3) and (4), 11.57, 11.62(5) and (6), 11.72(2), 12.06(1) and 12.08(2) and (13); and  
10 to create ATCP 1.03(1)(a)11. and 12., 10.01(2)(note), (9m), (14m), (25m), (26m),  
11 (45)(i), (59m), (71m) and (74), 10.05, 10.06, 10.21(1)(br), (1m), 10.32, 10.35 to  
12 10.38, 10.63(1)(br), (1m), 10.652(5)(c), 10.673, 10.675, 10.68(1)(am), (8)(note),  
13 10.705, 10.72(1)(g) and (h), ch. ATCP 10 Appendix A and Appendix B,  
14 11.01(2)(note), (11m), (12m), (13m), (17m), (30m), (32m), (33m), (54)(i), (67m),  
15 (70g), (82m) and (84m), 11.04, 11.55(2)(c), 11.59(1)(am), 11.60(3)(dm) and (mm),  
16 11.705, 11.72(13) and (14), 11.73, 12.01(8x) and (20i), 12.02(20)(i), 12.045(1c),  
17 12.06(2), and 12.08(24); relating to animal diseases, animal movement, and livestock  
18 markets, dealers and truckers.

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

Statutory authority: ss. 93.06(7), 93.07(1) and (10), 95.19(3), 95.195 as affected by 1999 Wis. Act 160, 95.23(3), 95.27(8), 95.55(3), 95.68(8), 95.69(8), 95.71(8), 95.715(2)(b) and (d), Wis. Stats.

Statutes interpreted: ss. 95.195 as affected by 1999 Wis. Act 160, 95.21, 95.25, 95.26, 95.27, 95.31, 95.35, 95.42, 95.43, 95.45, 95.46, 95.48, 95.49, 95.68, 95.69, 95.71, 95.715, Wis. Stats.

The Wisconsin department of agriculture, trade and consumer protection (DATCP) administers programs to protect the health of livestock and domestic animals in this state. This rule makes numerous changes to DATCP's current animal health rules under ch. ATCP 10 to 12, Wis. Adm. Code. Among other things, this rule:

- Clarifies current animal import permit requirements, and authorizes the state veterinarian to impose new import requirements in response to disease risks. If the new import requirements have general application, the department will also adopt the requirements by rule.
- Requires state certification of veterinarians who perform official disease eradication and control functions in this state under Wisconsin animal health programs. A federally accredited veterinarian is automatically certified, but DATCP may suspend or revoke the state certification for cause.
- Expands the current list of "reportable diseases" but simplifies reporting methods.
- Clarifies that DATCP's animal health rules apply to government agencies as well as private individuals and businesses.
- Extends, from 2 years to 5 years, the time period for which animal health records must be kept.
- Incorporates federal standards by reference under several state disease control programs, including: brucellosis in cattle, cervids and swine; tuberculosis in cattle and cervids; and pseudorabies in swine. This rule incorporates the federal standards in place of current state standards.
- Authorizes DATCP to issue a temporary "animal hold order" pending investigation to determine whether animals are diseased or illegally imported.

- Authorizes DATCP to conduct disease testing at the owner's expense, if the owner fails to conduct tests that are required by the rules.
- Requires exhibitors at fairs and exhibitions to give copies of required animal health papers to the show chairman or show veterinarian. The show sponsor must keep the records for at least 5 years.
- Modifies livestock market requirements, including license application requirements.
- Eliminates the requirement for livestock market operators, dealers and truckers to provide vehicle identification numbers or serial numbers when registering livestock vehicles with DATCP.
- Eliminates obsolete disease control programs for anaplasmosis and mastitis.
- Modifies current import and testing requirements related to swine pseudorabies.
- Modifies current import and EIA testing requirements for horses, and modifies current rules related to equine markets, shows and quarantine stations.
- Modifies current disease control programs related to cervids, and creates a brucellosis control program for cervids.
- Modifies current rules related to goats, sheep, llamas, ratites and mink.

### General Provisions

#### **Import Restrictions**

Under current rules, persons importing animals to this state must comply with certain disease certification and testing requirements. Persons importing some types of animals must obtain an import permit from DATCP. The state veterinarian may issue a special import permit waiving normal import requirements, if special circumstances warrant the permit.

This rule retains most pre-import disease certification and testing requirements and the state veterinarian's authority to issue a written permit waiving normal import requirements. DATCP must keep a record of every permit issued. This rule creates a new requirement that persons importing swine from pseudorabies stage I, II or III states obtain an import permit before importing the swine.

The state veterinarian may issue a verbal or written directive requiring a person to comply with additional import requirements necessary to prevent the spread of disease.

Any person who receives notice of additional import requirements is prohibited from importing animals in violation of those requirements.

### **Wisconsin Certified Veterinarians**

The United States department of agriculture (USDA) currently accredits private veterinarians to perform key functions under federal disease eradication and control programs. For example, accredited veterinarians issue interstate health certificates, assign official livestock identifications, administer official diagnostic tests, administer controlled vaccines and supervise the disposition of disease reactors. USDA may suspend or revoke the accreditation of a veterinarian who violates federal rules.

DATCP relies on federally accredited veterinarians to perform similar functions under state programs (such as the state's brucellosis, tuberculosis and pseudorabies control programs) for which federal counterpart programs exist. But Wisconsin has also established programs related to diseases (such as fish diseases and Johne's disease in cattle) for which there are no federal counterpart programs. If a federally accredited veterinarian violates state rules related to these programs (but violates no federal rules), there is no basis for USDA to suspend or revoke the veterinarian's federal accreditation.

Under this rule, a veterinarian must be a Wisconsin certified veterinarian to perform official disease eradication and control functions in this state. A federally accredited veterinarian who is licensed to practice in Wisconsin is automatically certified. A veterinarian loses this state certification if any of the following occurs:

- The state veterinary examining board suspends or revokes the veterinarian's license to practice in this state.
- USDA suspends or revokes the veterinarian's federal accreditation.
- DATCP suspends or revokes the veterinarian's state certification for cause. A licensed veterinarian who loses his or her state certification may continue to practice veterinary medicine, but may not perform functions for which certification is required.

### **Animal Health Rules Apply to Government Agencies**

This rule clarifies that DATCP's animal health rules apply to government agencies as well as private individuals and businesses. For example, a government agency importing animals into Wisconsin must comply with the same import requirements that apply to private individuals and businesses.

## **Reportable Diseases**

Under current rules, a veterinarian who diagnoses a “reportable disease” must report that disease to DATCP. This rule expands the current list of “reportable diseases” to include diseases listed by the world organization for animal health. This is necessary to give Wisconsin producers continued access to international markets.

## **Testing Animals**

This rule clarifies that an owner or custodian of animals must, at the request of DATCP, present those animals to DATCP for disease testing. The owner or custodian must also restrain the animals to facilitate safe testing.

Under current rules, if a person imports animals without complying with disease testing requirements, the department may summarily order that the animals be destroyed or removed from this state. This rule retains the department’s authority to order destruction or removal. This rule also authorizes the department to perform the required tests and charge the owner for the tests.

## **Recordkeeping**

Under current rules, livestock markets, dealers and other persons must keep various records for 2 years. This rule extends the retention time to 5 years, to facilitate animal disease traceback and control.

## **Import Markets**

Under current rules, animals imported to “Part 76” and “Part 78” livestock markets are exempt from certain import requirements. “Part 76” and “Part 78” markets are import markets regulated by USDA. The names originally derived from the federal code provisions (9 CFR 76 and 9 CFR 78) under which they were regulated. But USDA recently reorganized its code provisions, so the “Part 76” and “Part 78” names are no longer appropriate. This rule renames the markets as “federally approved livestock import markets,” but does not change the substance of the current rules.

## **Reporting Diagnostic Test Results**

Under current rules, a veterinarian reporting test results to DATCP must use a form provided by DATCP. Under this rule, a veterinarian is no longer required to use a DATCP form. Among other things, this will permit veterinarians to file test reports which were created electronically.

## **Certificates of Veterinary Inspection**

Under current rules, an “interstate health certificate” or a “certificate of veterinary inspection” must accompany many animals. This rule eliminates references to “interstate health certificates,” which are no longer in widespread use, and refers only to “certificates of veterinary inspection.”

## **Animal Hold Orders**

This rule authorizes DATCP to issue a temporary hold order (in lieu of a quarantine order) whenever DATCP has reason to believe that animals may have been illegally imported, or may have been exposed to an infectious, contagious or communicable disease. A temporary animal hold order may prohibit the movement of animals for up to 90 days while DATCP investigates the suspected illegal import or disease exposure.

The state veterinarian may, for good cause, extend the animal hold order for up to 90 days. If investigation confirms a suspected disease problem or illegal import, DATCP may issue a quarantine order or take other appropriate action. A person adversely affected by a temporary animal hold order may request a hearing before DATCP to review the order.

## **Disease Indemnity Payments; Cleanup Deadlines**

Under current law, DATCP may condemn animals to prevent the spread of disease. Owners of condemned animals may be eligible for indemnity payments. To qualify for indemnities under current rules, an owner must clean and disinfect the diseased premises within 15 days after the condemned animal is shipped to slaughter. DATCP may extend the cleanup deadline for another 15 days, but that may not provide adequate time in the winter (when cleaning and disinfecting may not be effective). This rule allows DATCP to extend the cleanup time for a period of time specified by DATCP.

## **Imported Animals Consigned to Livestock Markets; Origin Disclosed**

This rule requires an animal owner to disclose an animal’s state of origin when the owner consigns that animal to a Wisconsin livestock market.

## **Assault on Department Employee**

This rule prohibits a person from physically assaulting a DATCP employee when the employee is performing his or her official duties.



## **Fairs and Exhibitions; Animal Health Records**

Under current rules, persons exhibiting certain animals at a fair or exhibition must have certain health papers for those animals (e.g., health certificates or test results). This rule requires the exhibitor to provide copies of those health papers to the show chairman or show veterinarian. The show organizer must keep the records for at least 5 years. The exhibitor and the show organizer must make records available to DATCP for inspection and copying upon request.

## **Livestock Market Operators, Dealers and Truckers**

### **Livestock Market Operator License**

Under current law, a livestock market operator must be licensed and pay annual license fees. A livestock market (other than an equine market) that conducted sales on fewer than 5 days during the preceding year must pay an annual fee of \$115. Other market operators must pay higher fees. Under this rule, a market operator who claims to have conducted sales on fewer than 5 days in the preceding year must identify, in the license application, the dates on which the operator conducted those sales.

Under current rules, a person applying to be licensed as a livestock dealer or market operator must prove compliance with applicable federal security and bonding requirements. This rule does not exempt license applicants from federal requirements, but does eliminate the requirement to prove compliance with those requirements.

### **Livestock Vehicles; Registration**

Under current law, a livestock market operator, livestock dealer or livestock trucker must register livestock vehicles with DATCP. Under current rules, the operator must provide the vehicle identification number and serial number of each registered vehicle.

Under this rule, the operator is no longer required to provide the vehicle identification number or serial number. Under this rule, the operator may simply identify the number of vehicles operated and pay the required registration fee for those vehicles. DATCP will provide two registration stickers for each vehicle. The operator must attach one sticker to each side of the registered vehicle.

### **Equine Markets**

This rule clarifies (per current law) that an equine market is a livestock market and must comply with rules relating to livestock markets. It also clarifies that a livestock market receiving, selling or delivering any equine animal must keep a copy of any required health certificate and equine infectious anemia (EIA) test result. The market operator must keep the record for at least 5 years.

## **Bovine Animals; Disease Control**

### **Brucellosis Control Program; Federal Standards**

Current rules spell out standards for DATCP's brucellosis control program. Some of the current standards are patterned after federal standards ("uniform methods and rules") adopted by USDA. This rule repeals those current state standards, and adopts current federal standards by reference. This will ensure that state standards are fully consistent with federal standards, and will make it easier for DATCP to adopt future changes in federal standards.

### **Brucellosis Vaccination**

Under current rules, a veterinarian who vaccinates an animal for brucellosis must report that vaccination to DATCP. This rule extends the reporting deadline from 15 days after the vaccination date to 30 days after the vaccination date.

### **Tuberculosis Control Program; Federal Standards**

Current rules spell out standards for DATCP's tuberculosis control program. Some of the current standards are patterned after federal standards ("uniform methods and rules") adopted by USDA. This rule repeals those current state standards, and adopts current federal standards by reference. This will ensure that state standards are fully consistent with the federal standards, and will make it easier for DATCP to adopt future changes in federal standards.

### **Anaplasmosis Control Program**

This rule repeals current rules relating to anaplasmosis control and anaplasmosis-free herd certification, because the rules are no longer needed.

### **Mastitis Control Program**

This rule repeals obsolete rules related to mastitis control. DATCP's food safety rules (which remain in effect) and modern dairy industry practices are more effective in addressing mastitis in dairy cattle.

### **Veal Lots**

Under current rules, veal calves imported to an "approved veal lot" are exempt from certain import requirements. DATCP may certify a veal lot as an "approved veal lot" if the veal lot complies with standards specified in the current rules. Certification is voluntary and, to date, no veal lot operators have applied. This rule therefore repeals the "approved veal lot" rules.

## Swine Disease Control

### **Pseudorabies Control Program; Federal Standards**

Current rules spell out standards for DATCP's pseudorabies control program. Some of the current standards are patterned after federal standards adopted by USDA. This rule repeals those current state standards, and adopts current federal standards by reference. This will ensure that state standards are fully consistent with federal standards, and will make it easier for DATCP to adopt future changes in federal standards.

### **Pseudorabies: Swine Imports**

Under current rules, swine imported to this state must meet certain health certification and testing requirements.

Under current rules, imported swine must be isolated on the receiving premises until they test negative for pseudorabies (there are some exceptions). This rule changes import requirements for swine originating from pseudorabies stage I, II and III states.

Under this rule, the following requirements apply to swine imported from pseudorabies stage I, II or III states:

- Swine imported from pseudorabies stage I or II states must originate from a pseudorabies qualified negative herd or qualified negative grow-out herd that qualifies on the basis of monthly testing.
- Breeder swine or show pigs imported from a pseudorabies stage III state must meet one of the following requirements:
  - \* They must originate from a pseudorabies qualified negative herd or qualified negative grow-out herd that qualifies on the basis of monthly testing.
  - \* They must test negative on a pseudorabies test conducted not more than 30 days before the animals are imported into Wisconsin.
- The person who imports swine from a pseudorabies stage I, II or III state must obtain an import permit from the department. If the swine originate from a pseudorabies stage I or II state, the department may not issue the permit until the person receiving the import shipment enters into a herd plan with the department.
- All breeder swine and all show pigs imported from a pseudorabies stage I, II or III state must be tested for pseudorabies not less than 30 nor more than 45 days after import.

- A person receiving swine (other than breeder swine or show pigs) from a pseudorabies stage I, II or III state must test a representative statistical sample of those swine for pseudorabies not less than 30 nor more than 45 days after import.
- All slaughter swine originating from a pseudorabies stage I or II state must be shipped directly to a slaughter establishment in a sealed vehicle, and must be accompanied by a USDA permit (Form VS 1-27) or a Wisconsin import for slaughter form completed by a person approved by the department.
- No swine imported from a pseudorabies stage I or II state for feeding prior to slaughter may be removed from the feeding premises except for shipment directly to slaughter.
- A veterinarian issuing a certificate of veterinary inspection for swine imported from a pseudorabies stage I, II or III state must submit the certificate to DATCP by fax or electronic transmission within 24 hours.

#### **Intrastate Movement of Swine; Pseudorabies Test**

Under current rules, no person may move any of the following swine within this state unless the swine test negative on a pseudorabies test conducted within the preceding 30 days:

- A sow or boar that is more than 5 months old or weighs more than 175 pounds.
- Any swine moved to a swine growth performance test station.
- Any swine removed from a swine growth performance test station, unless DATCP gives prior written authorization.
- Any swine that weighs more than 100 pounds if DATCP has notified the owner of the swine's herd of origin that the herd is located in a high pseudorabies incidence area.

The following swine are currently exempt from the pre-movement testing requirement:

- An animal that originates from a qualified pseudorabies negative herd or a qualified pseudorabies negative grow-out herd.
- An animal moved directly to a licensed slaughter facility for immediate slaughter.
- An animal moved directly to a livestock market or livestock dealer premises if the animal is tested before it leaves the livestock market or dealer premises.

- An animal moved between 2 premises owned or operated by the owner of the animal.

This rule modifies current rules related to pre-movement testing of swine for pseudorabies. Under this rule, all swine must be tested for pseudorabies before they are moved within this state unless one of the following applies:

- Wisconsin is classified, by the national rabies control board, as a pseudorabies stage IV or V state.
- The swine originate from a qualified pseudorabies negative herd or a qualified pseudorabies negative grow-out herd.
- The swine are shipped directly to slaughter.

### **Swine Brucellosis Control Program; Federal Standards**

Current rules spell out standards for the state swine brucellosis control program. Some of the current standards are patterned after federal standards (“uniform methods and rules”) adopted by USDA. This rule repeals current state standards, and adopts current federal standards by reference. This will ensure that state standards are fully consistent with federal standards, and will make it easier for DATCP to adopt future changes in federal standards.

### **Feeder Swine**

Current rules regulate “feeder swine” in various ways. Under current rules:

- No person may import “feeder swine” into this state unless the feeder swine are imported to a slaughter plant, to a federally approved import market (“Part 76 market”), or to a farm for finish feeding prior to slaughter. Feeder swine imported to any of these destinations are exempt from pre-import brucellosis testing.
- “Feeder swine” imported to a farm must be kept separate from breeder swine on that farm, and may not be removed from the farm except to slaughter.
- “Feeder swine” are exempt from pre-import pseudorabies testing required of other swine if they originate from a “feeder swine pseudorabies monitored herd.” Feeder swine, like other swine, are exempt from pre-import pseudorabies testing if they are imported directly to a slaughter plant, or to a federally approved import market (“Part 76 market”).

- DATCP may certify a herd of “feeder swine” in this state as a “feeder swine pseudorabies monitored herd” if the herd tests negative for pseudorabies every year.

This rule changes the current definition of “feeder swine.” Under the current rules, “feeder swine” mean any swine, except boars, that weigh less than 175 pounds and are kept for the sole purpose of feeding for slaughter. Under this rule, “feeder swine” mean any swine weighing 80 pounds or less that are kept for the sole purpose of feeding for slaughter.

Under this rule, swine imported from a pseudorabies stage I or II state for feeding prior to slaughter must be kept separate from breeding stock. The swine may not leave the feeding premises except for shipment directly to slaughter.

Current rules require “official individual identification” of swine for various purposes. An animal’s “official individual identification” uniquely identifies that particular animal. This rule creates a different, and less specific, form of “official individual identification” for “feeder swine.” Under this rule, the “official individual identification” of feeder swine may simply identify the premises where the feeder swine originated.

### Equine Animals

#### **Horse Imports; Certificate of Veterinary Inspection**

Under current rules, a horse imported to this state must be accompanied by a certificate of veterinary inspection. There are some exceptions. This rule affects current exceptions as follows:

- Under current rules, a certificate of veterinary inspection is not required for animals imported directly to slaughter. This rule continues this current exception.
- Under current rules, a horse may be imported to an equine market without a certificate of veterinary inspection if the importer and the equine market operator agree in writing that the animal will be sold from the equine market only for slaughter. This rule eliminates the requirement of a written agreement. Under this rule, an equine animal may be imported to a livestock market without a certificate of veterinary inspection if the horse is then shipped to slaughter, or if a veterinarian completes that certificate before the horse leaves the livestock market.
- Under current rules, an equine animal may be imported to a veterinary facility for treatment, without a certificate of veterinary inspection, if the animal returns to the state of origin immediately after treatment. This rule retains this current exemption.

and creates a parallel exemption for Wisconsin animals returning to their place of origin immediately following treatment at an out-of-state veterinary facility.

- This rule creates a new exception for a horse imported for a trail ride, horse show or exhibition. A horse may be imported for that purpose without a certificate of veterinary inspection if all the following apply:
  - \* Ownership of the horse does not change while the horse is in this state.
  - \* The horse does not stay in this state for more than 7 days.
  - \* The horse meets current equine infectious anemia (EIA) test requirements.
  - \* The horse originates from a state that allows imports of Wisconsin horses, under similar conditions, to attend trail rides, horse shows and exhibitions.

### **Horse Imports; EIA Test**

Under current rules, a horse imported to this state must first test negative for EIA. There are some exceptions. This rule affects current exceptions as follows:

- Under current rules, a pre-import EIA test is not required for animals imported directly to slaughter. This rule continues this current exception.
- Under current rules, a horse may be imported to an equine market without a pre-import EIA test if the animal is tested within 48 hours after it arrives at the market. The animal may not leave the market until the test results are known. Under this rule, an untested animal may be imported to a livestock market without a pre-import EIA test if one of the following applies:
  - \* The animal is shipped directly to slaughter within 10 days after it arrives at the livestock market and before it is commingled with any animals not sent to slaughter.
  - \* The livestock market operator has the animal tested for EIA within 10 days after it arrives at the market, and obtains the test results before the animal leaves the livestock market and before it is commingled with any other equine animal at the livestock market.
- Under current rules, an equine animal may be imported to a veterinary facility for treatment without prior EIA testing if the animal returns to the state of origin immediately after treatment. This rule retains this current exemption and creates a parallel exemption for Wisconsin animals returning to Wisconsin immediately following treatment at an out-of-state veterinary facility.

- Under this rule, DATCP may issue a written permit authorizing a person to import a horse before obtaining the results of a pre-import EIA test if all the following apply:
  - \* The test sample is collected before the horse is imported.
  - \* The horse is isolated at the receiving premises until the test results are known.

### **Horses Infected With EIA**

This rule prohibits any person from importing an animal that has tested positive for EIA. If a person imports an animal under a DATCP written permit before obtaining the results of an EIA test and the owner receives positive results are received the animal enters this state, the owner must do one of the following:

- Euthanize the animal.
- Ship the animal to slaughter with DATCP approval.
- Return the animal to its state of origin with DATCP approval.

### **Quarantining Horses Exposed to EIA**

Under current rules, DATCP must quarantine every horse that has been exposed to a horse that tests positive for EIA. This rule changes the quarantine requirement. Under this rule, DATCP must quarantine all horses kept at the premises where the EIA positive horse is normally housed. This rule does not require DATCP to identify and quarantine every horse that may have been exposed to the EIA positive animal.

### **Horse Shows, Fairs and Exhibitions**

If DATCP finds that a horse infected with EIA participated in a horse show, fair or exhibition, DATCP will notify the sponsor of the horse show or exhibition. Under this rule, the sponsor must notify other participants that their animals may have been exposed to EIA.

Under current rules, no person may exhibit a horse at a fair or livestock exhibition unless the horse first tests negative for EIA. The sponsor of a horse show, fair or exhibition must record the name and address of every person who owns a horse participating in the event. The sponsor must keep the records for at least 2 years. This rule changes the current recordkeeping requirements. Under this rule, the sponsor must do one of the following:

- Keep, for at least 5 years, the name and address of the horse owner, the horse's name and identification, and the accession or laboratory number of the EIA test.
- Keep, for at least 5 years, a copy of the horse's EIA test report.



## **Equine Markets**

Under s. 95.68(1)(b), Stats., an “equine market” is defined as a livestock market that deals exclusively with equine animals (horses). This rule clarifies (per current law) that equine markets are livestock markets and must comply with applicable livestock market rules. It also clarifies that a livestock market operator receiving horses must comply with applicable equine market requirements

## **Equine Quarantine Stations**

Under current rules, a person applying for a permit to operate an approved equine quarantine station must disclose the location of the equine quarantine station, including county, township and section. Under this rule, the applicant must also disclose the fire number assigned to the proposed equine quarantine station. The quarantine station veterinarian must be a Wisconsin certified veterinarian, and the quarantine station must keep records for 5 years (rather than 2 years under current rules).

## **Cervids**

### **Captive Cervids; Herd Owner Report**

A “cervid” means a member of the family of animals that includes deer, elk, moose, caribou, reindeer and the subfamily of musk deer. Under current rules, a person keeping a herd of cervids in this state must report all the following to DATCP:

- The location of the herd.
- The number and types of animals in the herd.
- The name and address of the herd owner.
- The name and address of the local herd custodian if other than the herd owner.

This rule clarifies that the current reporting requirement applies only to captive deer or elk. It thereby exempts the department of natural resources from the current reporting requirement.

### **Farm-Raised Deer; Herd Registration**

Under s. 95.55, Stats., and current rules, a person keeping farm-raised deer in this state must obtain a registration certificate from DATCP. DATCP may deny, suspend or revoke a registration certificate for cause, pursuant to s. 93.06(7), Stats. This rule clarifies that DATCP may deny, suspend or revoke a registration certificate if a person

files an incomplete or fraudulent application, or misrepresents any information on the application.

This rule creates a registration fee surcharge of \$100 if DATCP determines that the applicant kept farm-raised deer without a registration certificate within 365 days prior to applying for a registration certificate.

### **Tuberculosis in Cervids**

Current rules spell out standards for DATCP's program for controlling tuberculosis in cervids. Some of the current standards are patterned after federal standards ("uniform methods and rules") adopted by USDA. This rule repeals those current state standards, and adopts current federal standards by reference. This will ensure that state standards are fully consistent with federal standards, and will make it easier for DATCP to adopt future changes in federal standards.

This rule modifies the federal standards, for Wisconsin, in one important respect: Whereas the federal standards permit the use of the blood tuberculosis test (BTB) in cervids, this rule prohibits use of the BTB test for any purpose in Wisconsin. In Wisconsin, the BTB test has consistently failed to identify, as TB suspects or reactors, animals that are culture positive for tuberculosis.

### **Tuberculosis Reactors**

Under current rules, a cervid classified as a tuberculosis reactor must be identified as such within 24 hours, and must be shipped to slaughter within 15 days. This rule keeps the 15 day slaughter deadline but extends the identification deadline to 15 days.

### **Intrastate Movement; Certificate of Veterinary Inspection**

Under current rules, a certificate of veterinary inspection must normally accompany a cervid moved within this state. There are several exemptions, including an exemption for cervids originating from an accredited tuberculosis-free herd, a tuberculosis qualified herd or a tuberculosis monitored herd. This rule eliminates this current exemption.

### **Cervids; Brucellosis Control Program**

This rule creates a brucellosis control program for cervids. Under this rule:

- The program must comply with current federal standards ("uniform methods and rules") adopted by USDA.

- The person who collects a brucellosis test sample must be either a certified veterinarian or an authorized employee of DATCP or USDA.
- A veterinarian who conducts a brucellosis test must report the test results within 10 days. If the cervid tests positive for brucellosis, the veterinarian must report immediately and confirm the report in writing within 10 days.
- A veterinarian who performs a brucellosis test on a cervid must apply an official individual identification to that cervid.
- Within 15 days after a cervid is classified as a reactor, the cervid must be shipped to slaughter. Within 15 days after the cervid is shipped to slaughter, the owner must clean and disinfect the premises where the cervid was kept. The department may extend the cleaning and disinfecting deadline, if extension is appropriate. DATCP may not pay indemnities to an owner who fails to meet the deadlines.
- DATCP may certify a herd of cervids as a brucellosis-free herd based on federal standards.

### Other Animals

#### **Goats**

Current rules spell out standards for controlling tuberculosis in goats. Some of the current standards are patterned after federal standards (“uniform methods and rules”) adopted by USDA. This rule repeals those current state standards, and instead adopts the current federal standards by reference. This will ensure that state standards are fully consistent with federal standards, and will make it easier for DATCP to adopt future changes in federal standards.

#### **Sheep**

This rule prohibits the sale or movement of sheep infected with or exposed to scrapie.

#### **Exotic Ruminants or South American Camelids**

Under current rules, a person importing an exotic ruminant (e.g., gnu, antelope, mouflon sheep, wild goats) or South American camelid (e.g., a llama) must hold an import permit from DATCP. The exotic ruminant or South American camelid must test negative for tuberculosis and brucellosis prior to import and must be accompanied by a certificate of veterinary inspection. This rule makes the following changes:

- It retains the requirement that the importer obtain an import permit for exotic ruminants, but it eliminates the permit requirement for South American camelids.

It simplifies the procedure for obtaining a permit, and makes it consistent with other import permits.

- It retains the requirement for a negative tuberculosis and brucellosis test for exotic ruminants but eliminates the test requirements for South American camelids. It requires the importer to contact the department to identify species appropriate tests to be used for the exotic ruminants.
- It retains the requirement that the animal be accompanied by a certificate of veterinary inspection for both exotic ruminants and South American camelids.

### **Ratites**

Under current rules, a person importing a ratite (e.g., an ostrich or emu) must obtain an import permit from DATCP. The ratite must test negative for avian influenza, and a veterinarian must certify that the ratite originates from a flock that has shown no signs of avian influenza for at least 6 months. This rule makes the following changes:

- It simplifies the procedure for obtaining a permit, and makes it consistent with other import permits.
- It eliminates the avian influenza test requirement.
- It changes the health certification requirement. Under this rule, an imported ratite must be accompanied by a standard certificate of veterinary inspection. A certificate is not required if the ratite is imported directly from a federal quarantine facility.

### **Mink**

This rule eliminates the current aleutian disease-free herd certification program for mink.

### **Circus, Rodeo, Racing or Menagerie Animals**

Under current rules, a person importing circus, rodeo, racing or menagerie animals must hold an import permit from DATCP. This rule simplifies the procedure for obtaining permits, and makes it consistent with the procedure for other permits.

Under current rules, a person importing circus, rodeo or menagerie animals must notify DATCP of the dates and locations at which the animals will be exhibited in this state. This rule eliminates this requirement.

### **Test Methods**

Current rules identify specific test methods for a number of required animal health tests. This rule eliminates specific descriptions of test methods identified in federal rules, and instead incorporates the federal rules by reference. This will ensure that state test methods are fully consistent with federal methods, and will make it easier for DATCP to adopt future changes in federal standards.

This rule authorizes DATCP to approve additional test methods that are not specifically identified in this rule. This will make it easier for state disease control programs to keep pace with rapidly changing disease testing technology.

### Technical Changes

This rule makes many nonsubstantive drafting and organizational changes to current rules.

The department has obtained authority from the department of justice and the revisor of the statutes to incorporate uniform methods and rules by reference.

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1           **SECTION 1.** ATCP 1.03(1)(a)11. and 12. are created to read:

2           ATCP 1.03(1)(a)11. Animal health import requirements that the state  
3 veterinarian imposes on an import permit holder under s. ATCP 11.03(1)(b), unless the  
4 department has adopted those import requirements by rule.

5           12. A temporary animal hold order issued under s. ATCP 10.705 or ATCP  
6 11.705.

7           **SECTION 2.** ATCP 1.03(2)(b)2. and (note) are amended to read:

8           ATCP 1.03(2)(b)2. Special orders identified under sub. (1)(a)5. to 9., 11. and  
9 12.

10           **NOTE:** Special orders under sub. (1)(a)5. to 8., 11. and 12. are normally  
11 issued by the responsible divisions. Subpoenas and investigative  
12 demands under sub. (1)(a)9. are normally issued by department attorneys  
13 or other authorized officials of the department.  
14

1           **SECTION 3.** ATCP 10.01(1)(intro.) is amended to read:

2           ATCP 10.01(1) “Accredited tuberculosis-free herd” means a herd of bovine  
3 animals, ~~cervidae~~ cervids or goats which is certified as tuberculosis-free by one of the  
4 following:

1           **SECTION 4.** ATCP 10.01(1)(b) is amended to read:

2           ATCP 10.01(1)(b) The authorized animal health agency of in the state ~~in which~~  
3 where the herd is located, under standards comparable to s. ATCP 10.17, 10.62 or  
4 10.67(1).

5           **SECTION 5.** ATCP 10.01(2)(note) is created to read:

6           **NOTE:** Under s. ATCP 10.05, a veterinarian who seeks to perform disease  
7 control and eradication functions in Wisconsin must be accredited by the  
8 federal bureau and certified by the department.  
9

10          **SECTION 6.** ATCP 10.01(3) to (5) are repealed.

11          **SECTION 7.** ATCP 10.01(6m) is repealed.

12          **SECTION 8.** ATCP 10.01(9m) is created to read:

13          ATCP 10.01(9m) “Brucellosis monitored herd” means a herd of cervids that is  
14 certified as a brucellosis monitored herd by one of the following:

15           (a) The department under s. ATCP 10.675.

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

18          **SECTION 9.** ATCP 10.01(13m) is repealed.

19          **SECTION 10.** ATCP 10.01(14) is amended to read:

20          ATCP 10.01(14) “Certificate of veterinary inspection” means a written  
21 certificate prepared ~~by an accredited veterinarian~~ in compliance with s. ATCP  
22 11.02(2).

23          **SECTION 11.** ATCP 10.01(14m) is created to read:

24          ATCP 10.01(14m) “Certified brucella-ovis free flock” means a flock of sheep  
25 that is certified as brucella-ovis free by one of the following:

1 (a) The department under s. ATCP 10.64.

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

4 **SECTION 12.** ATCP 10.01(15) is amended to read:

5 ATCP 10.01(15) "Certified brucellosis-free herd" means a herd of cattle,  
6 cervids or goats that is certified as brucellosis-free by one of the following:

7 (a) The department under s. ATCP 10.14, ~~or 10.61~~ or 10.675.

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

10 **SECTION 13.** ATCP 10.01(15m) is amended to read:

11 ATCP 10.01(15m) "Cervid" ~~is the singular form of the plural "Cervidae".~~

12 ~~"Cervidae"~~ means ~~members~~ a member of the family of animals ~~which~~ that includes  
13 deer, elk, moose, caribou, reindeer and the subfamily musk deer. ~~"Cervidae"~~

14 "Cervid" includes all farm-raised deer.

15 **SECTION 14.** ATCP 10.01(16) is amended to read:

16 ATCP 10.01(16) "Commingle" means kept or brought in contact with other  
17 animals in any environment which permits direct physical contact between the animals.

18 **SECTION 15.** ATCP 10.01(17m) is repealed.

19 **SECTION 16.** ATCP 10.01(20m) is amended to read:

20 ATCP 10.01(20m) "Equine animal" ~~means a horse, mule, zebra, donkey or ass~~  
21 has the meaning given in s. 95.68(1)(a), Stats.

22



1           **SECTION 17.** ATCP 10.01(22m) is amended to read:

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

5           **SECTION 18.** ATCP 10.01(25) is amended to read:

6           ATCP 10.01(25) “Feeder swine” means swine, ~~excluding boars, weighing less~~  
7 ~~than 175 pounds~~ that weigh 80 pounds or less and are kept for the sole purpose of  
8 feeding for slaughter.

9           **SECTION 19.** ATCP 10.01(25m) is created to read:

10           ATCP 10.01(25m) “Feeder swine pseudorabies monitored herd” means a herd  
11 of swine that is certified as a feeder swine pseudorabies monitored herd by one of the  
12 following:

13           (a) The department under s. ATCP 10.34.

14           (b) The authorized animal health agency in the state where the herd is located,  
15 under standards comparable to s. ATCP 10.34.

16           **SECTION 20.** ATCP 10.01(26) is repealed and recreated to read:

17           ATCP 10.01(26) “Flock” as applied to poultry means all poultry on a farm,  
18 except that the department may designate as a separate “flock” any group of poultry  
19 that has not been allowed to commingle with other poultry on a farm for at least 21  
20 days.

21           **SECTION 21.** ATCP 10.01(26m) is created to read:

22           ATCP 10.01(26m) “Flock” as applied to sheep means one of the following:

1 (a) A commonly owned or controlled group of sheep that are maintained on  
2 common ground.

3 (b) Two or more commonly owned or controlled groups of sheep that are  
4 maintained at geographically separate locations, if animals or people move between the  
5 locations without exercising appropriate bio-security measures.

6 **SECTION 22.** ATCP 10.01(29) is amended to read:

7 (29) "Hatchery" means premises used to hatch poultry, ~~including~~ or ratites.

8 "Hatchery" includes buildings, incubators, hatchers and auxiliary equipment.

9 **SECTION 23.** ATCP 10.01(31) is repealed and recreated to read:

10 ATCP 10.01(31) "Herd" means one of the following:

11 (a) A commonly owned or controlled group of animals of the same species that  
12 are maintained on common ground.

13 (b) Two or more commonly owner or controlled groups of animals of the same  
14 species that are maintained at geographically separate locations, if animals or people  
15 move between the locations without exercising appropriate bio-security measures.

16 **SECTION 24.** ATCP 10.01(34) is repealed.

17 **SECTION 25.** ATCP 10.01(39) is repealed.

18 **SECTION 26.** ATCP 10.01(40) is amended to read:

19 ATCP 10.01(40) "Mycoplasmosis" means a disease of poultry caused by  
20 bacteria of the genus *Mycoplasma gallisepticum*.

1           **SECTION 27.** ATCP 10.01(43) and (44) are amended to read:

2           ATCP 10.01(43) “Official back tag” means an identification back tag,  
3 approved by the federal bureau or the department, that conforms to the ~~8-character~~  
4 ~~alpha-numeric~~ national uniform backtagging system.

5           (44) “Official eartag” means an identification eartag, approved by the federal  
6 bureau or the department, that conforms to the ~~9-character alpha-numeric~~ national  
7 uniform eartagging system.

8           **SECTION 28.** ATCP 10.01(45)(f)2. is amended to read:

9           ATCP 10.01(45)(f)2. The equine animal’s sexual status ~~as a gelding, mare or~~  
10 ~~stallion, which may be abbreviated as “G”, “M” or “S” respectively.~~

11           **SECTION 29.** ATCP 10.01(45)(i) is renumbered ATCP 10.01(45)(j).

12           **SECTION 30.** ATCP 10.01(45)(i) is created to read:

13           ATCP 10.01(45)(i) For a swine weighing 80 pounds or less, the premises  
14 identification of the premises of origin.

15           **SECTION 31.** ATCP 10.01(55) is amended to read:

16           ATCP 10.01(55) “Person” ~~includes any~~ means an individual, corporation,  
17 partnership, association, or firm limited liability company, trust, governmental entity,  
18 or other organization or entity.

19           **SECTION 32.** ATCP 10.01(59m) is created to read:

20           ATCP 10.01(59m) “Qualified pseudorabies negative grow-out herd” means a  
21 grow-out herd of swine that is certified by one of the following:

22           (a) The department under s. ATCP 10.33.

1 (b) The authorized animal health agency in the state where the herd is located,  
2 under standards comparable to s. ATCP 10.33.

3 **SECTION 33.** ATCP 10.01(60) is amended to read:

4 ATCP 10.01(60) "Qualified pseudorabies negative herd" means a herd of  
5 swine ~~which~~ that is certified ~~as being pseudorabies negative~~ by one of the following:

6 (a) The department under s. ATCP ~~10.30~~ 10.32.

7 (b) The authorized animal health agency in the state where the herd is located,  
8 under standards comparable to s. ATCP ~~10.30~~ 10.32.

9 **SECTION 34.** ATCP 10.01(60m) is repealed.

10 **SECTION 35.** ATCP 10.01(61m) is repealed.

11 **SECTION 36.** ATCP 10.01(66) is repealed.

12 **SECTION 37.** ATCP 10.01(69m) and (69r) are amended to read:

13 ATCP 10.01(69m) "Tuberculosis monitored herd" means a herd of ~~cervidae~~  
14 cervids that is certified as a tuberculosis monitored herd by one of the following:

15 (a) ~~By the~~ The department under s. ATCP 10.67~~(3)~~.

16 (b) ~~By the~~ The authorized animal health agency of the state where the herd is  
17 located, using standards comparable to ~~those specified under~~ s. ATCP 10.67~~(3)~~.

18 ATCP 10.01(69r) "Tuberculosis qualified herd" means a herd of ~~cervidae~~  
19 cervids that is certified as a tuberculosis qualified herd by one of the following:

20 (a) ~~By the~~ The department under s. ATCP 10.67~~(2)~~.

21 (b) ~~By the~~ The authorized animal health agency of the state in which the herd is  
22 located, using standards comparable to ~~those specified under~~ s. ATCP 10.67~~(2)~~.

1           **SECTION 38.** ATCP 10.01(70)(b) is repealed and recreated to read:

2           ATCP 10.01(70)(b) A single cervical tuberculin test or a comparative cervical  
3 tuberculin test for cervids. "

4           **SECTION 39.** ATCP 10.01(70)(c) is repealed.

5           **SECTION 40.** ATCP 10.01(71m) is created to read:

6           ATCP 10.01(71m) "USDA" means the United States department of  
7 agriculture.

8           **SECTION 41.** ATCP 10.01(72) is amended to read:

9           ATCP 10.01(72) "Validated brucellosis-free herd" means a herd of swine  
10 ~~which~~ that is certified as brucellosis-free by one of the following"

11           (a) The department under s. ATCP ~~10.33~~ 10.36.

12           (b) The authorized animal health agency of the state ~~in which~~ where the herd is  
13 located, under standards comparable to s. ATCP ~~10.33~~ 10.36.

14           **SECTION 42.** ATCP 10.01(72m) is repealed.

15           **SECTION 43.** ATCP 10.01(74) is created to read:

16           ATCP 10.01(74) "Wisconsin certified veterinarian" means a veterinarian  
17 certified under s. ATCP 10.05.

18           **SECTION 44.** ATCP 10.02 is repealed and recreated to read:

19           **ATCP 10.02 Reportable diseases; general.** (1) DISEASES REPORTED WITHIN  
20 ONE DAY. A veterinarian or diagnostic laboratory that diagnoses or finds evidence of  
21 any disease identified in *Appendix A* shall report that diagnosis or finding to the  
22 department, in the manner provided under sub. (3), within one day after making the  
23 diagnosis or finding.

1           (2) DISEASES REPORTED WITHIN 10 DAYS. A veterinarian or diagnostic  
2 laboratory that diagnoses or finds evidence of any disease identified in *Appendix B* shall  
3 report that diagnosis or finding to the department, in the manner provided under sub.  
4 (3), within 10 days after making the diagnosis or finding.

5           (3) FORM OF REPORT. A veterinarian or diagnostic laboratory may report under  
6 subs. (1) or (2) by telephone or any other effective means of communication. If a  
7 veterinarian reports other than in writing, the veterinarian shall confirm the report in  
8 writing within 10 days. A fax report is a written report under this section.

9           (4) EXEMPTION. This section does not require a veterinarian to report a  
10 diagnosis or finding made by the department or the Wisconsin department of health and  
11 family services.

12           **SECTION 45.** ATCP 10.05 and 10.06 are created to read:

13           **ATCP 10.05 Wisconsin certified veterinarians.** (1) AUTOMATIC  
14 CERTIFICATION. A veterinarian is automatically certified as a Wisconsin certified  
15 veterinarian, without any action by the department, if all the following apply:

16           (a) The veterinarian is currently licensed under ch. 453, Stats., to practice  
17 veterinary medicine in this state.

18           (b) The veterinarian is currently accredited by the federal bureau under 9 CFR  
19 160 to 162.

20           (2) DECERTIFICATION. A veterinarian is no longer certified under sub. (1) if  
21 any of the following occurs:

1 (a) The veterinarian is no longer licensed under ch. 453, Stats., to practice  
2 veterinary medicine. If the veterinarian's license is temporarily suspended, the  
3 certification under sub. (1) is suspended for the period of the license suspension.

4 (b) The veterinarian is no longer accredited by the federal bureau under 9 CFR  
5 160 to 162. If the veterinarian's federal accreditation is temporarily suspended, the  
6 certification under sub. (1) is suspended for the period of the accreditation suspension.

7 (c) The department suspends or revokes the certification for cause. The state  
8 veterinarian may, on behalf of the department, summarily suspend or revoke the  
9 certification of a veterinarian who violates applicable requirements under this chapter,  
10 ch. ATCP 11 or ch. ATCP 12. The state veterinarian shall specify, in the order, the  
11 period of suspension or the requirements for reinstatement after revocation. A  
12 veterinarian may request a hearing before the department, pursuant to ch. 227, Stats.  
13 A request for hearing does not stay the summary suspension or revocation.

14 **ATCP 10.06 Disease testing; owner to assist department.** An owner or  
15 custodian of animals shall make those animals available to the department, at the  
16 department's request, for any disease testing that the department is authorized to  
17 perform on those animals. The owner or custodian shall restrain the animals, as  
18 necessary, to facilitate testing and protect the safety of the animal and the persons  
19 performing the testing.

20 **SECTION 46.** ATCP 10.10 to 10.15 are repealed and recreated to read:

21 **ATCP 10.10 Brucellosis; official vaccinates.** A bovine animal does not  
22 qualify as an official brucellosis vaccinate unless all the following apply:

1 (1) An accredited veterinarian vaccinates the animal in compliance with USDA  
2 brucellosis eradication uniform methods and rules dated February 1, 1998. If the  
3 animal is vaccinated in Wisconsin, the accredited veterinarian shall also be a Wisconsin  
4 certified veterinarian.

5 (2) The veterinarian identifies the animal in compliance with the USDA  
6 brucellosis eradication uniform methods and rules dated February 1, 1998.

7 (3) The veterinarian files a vaccination report with the department within 30  
8 days after the veterinarian performs the vaccination. The veterinarian shall file the  
9 vaccination report on a form approved by the department, and shall include in the  
10 report the official individual identification of the vaccinated animal. The veterinarian  
11 shall provide a copy of the vaccination report to the owner of the vaccinated animal,  
12 and shall retain another copy.

13 **NOTE:** Copies of the USDA brucellosis eradication uniform methods and rules  
14 dated February 1, 1998 (APHIS publication 91-45-011) are on file with  
15 the department, the secretary of state and the revisor of the statutes.  
16 Copies may be obtained from:

17  
18 Wisconsin Department of Agriculture, Trade and Consumer Protection  
19 Division of Animal Health  
20 P.O. Box 8911  
21 Madison, WI 53708-8911  
22

23 **ATCP 10.11 Brucellosis testing.** (1) WHO MAY TEST. A person collecting a  
24 brucellosis test sample under this chapter, ch. ATCP 11 or ch. ATCP 12 shall be one  
25 of the following:

26 (a) An accredited veterinarian. If the veterinarian collects the sample in this  
27 state, the veterinarian shall also be a Wisconsin certified veterinarian.

28 (b) An authorized employee or agent of the department or the federal bureau.



1 (c) A person who collects samples at a slaughtering establishment under the  
2 supervision of the department or the federal bureau.

3 (2) TEST PROCEDURE. A brucellosis test shall comply with the USDA  
4 brucellosis eradication uniform methods and rules dated February 1, 1998.

5 (3) VETERINARIAN TO FILE REPORT. A veterinarian who collects a brucellosis  
6 test sample from a bovine animal in this state shall report the test result to the  
7 department within 10 days after the veterinarian obtains the test result, unless the  
8 department's laboratory analyzes the test sample. The veterinarian shall immediately  
9 report any positive reaction by telephone or other rapid means, and shall confirm the  
10 report in writing within 10 days. The veterinarian shall provide a copy of the test  
11 report to the owner of the animal.

12 (4) REPORT FORM. A veterinarian shall submit a brucellosis test report under  
13 sub. (3) in writing, on a form approved by the department. The report shall include  
14 the official individual identification of the animal tested, and any other information  
15 required by the department. The veterinarian shall sign the report form. A report form  
16 may be used only for its intended purpose.

17 (5) IDENTIFYING TESTED ANIMALS. If a veterinarian collects a brucellosis test  
18 sample from a bovine animal that does not yet have an official individual identification,  
19 the veterinarian shall identify the animal with an official individual identification.

20 **NOTE:** See s. ATCP 11.10 regarding identification of bovine animals.

21 (6) CLASSIFICATION. Upon receiving a brucellosis test result, the department  
22 shall classify the tested animal as negative, suspect or reactor. The department may, in

1 its discretion, use supplemental brucellosis tests to confirm test results, and to evaluate  
2 whether animals may be infected with brucellosis.

3 **ATCP 10.12 Brucellosis reactors.** (1) ACTION REQUIRED. Within 15 days  
4 after the department classifies a bovine animal as a brucellosis reactor under s. ATCP  
5 10.11(6), the animal owner shall do all the following:

6 (a) Have the animal identified as a reactor and shipped to slaughter in  
7 compliance with USDA brucellosis eradication uniform methods and rules dated  
8 February 1, 1998.

9 (b) Clean and disinfect the premises where the animal was kept.

10 (2) DEADLINE EXTENSION. The department may, for good cause, extend a  
11 deadline under sub. (1). The department may not extend a deadline under sub. (1)(a)  
12 for more than 15 days.

13 **NOTE:** Copies of the USDA brucellosis eradication uniform methods and rules  
14 dated February 1, 1998 (APHIS publication 91-45-011) are on file with  
15 the department, the secretary of state and the revisor of the statutes.  
16 Copies may be obtained from:

17  
18 Wisconsin Department of Agriculture, Trade and Consumer Protection  
19 Division of Animal Health  
20 P.O. Box 8911  
21 Madison, WI 53708-8911  
22

23 **ATCP 10.13 Brucellosis indemnity.** An animal owner may request an  
24 indemnity under s. 95.26(7), Stats., for a brucellosis reactor slaughtered under s.  
25 ATCP 10.12. The animal owner shall file the request with the department, on a form  
26 provided by the department. The owner shall include, with the request, a slaughter  
27 confirmation signed by an authorized employee of the department or the federal bureau.

1 An animal owner does not qualify for an indemnity if the owner fails to comply with s.  
2 ATCP 10.12.

3 **ATCP 10.14 Brucellosis-free herd; certification.** (1) OBTAINING INITIAL  
4 CERTIFICATION. The department may certify a herd of cattle as a brucellosis-free herd  
5 if the herd qualifies under the USDA brucellosis eradication uniform methods and rules  
6 dated February 1, 1998.

7 (2) MAINTAINING CERTIFICATION. To maintain a brucellosis-free herd  
8 certification, a herd owner shall comply with applicable requirements under the USDA  
9 brucellosis eradication uniform methods and rules dated February 1, 1998.

10 (3) SUSPENDING OR REVOKING CERTIFICATION. (a) The department may  
11 summarily suspend or revoke a brucellosis-free herd certification if any of the  
12 following occurs:

13 1. A brucellosis test shows that any animal in the herd is a brucellosis suspect  
14 or reactor.

15 2. The herd owner does not comply with sub. (2).

16 (b) The state veterinarian may issue a summary suspension or revocation notice  
17 under par. (a). The notice shall state the reason for the suspension or revocation. A  
18 herd owner affected by a suspension or revocation may request a hearing before the  
19 department under ch. 227, Stats. A request for a hearing does not automatically stay  
20 the summary suspension or revocation.

21 **NOTE:** Copies of the USDA brucellosis eradication uniform methods and rules  
22 dated February 1, 1998 (APHIS publication 91-45-011) are on file with  
23 the department, the secretary of state and the revisor of the statutes.

1 Copies may be obtained from:

2  
3 Wisconsin Department of Agriculture, Trade and Consumer Protection  
4 Division of Animal Health  
5 P.O. Box 8911  
6 Madison, WI 53708-8911  
7

8 **ATCP 10.15 Tuberculosis testing.** (1) WHO MAY TEST. A person performing  
9 a tuberculosis test under this chapter, ch. ATCP 11 or ch. ATCP 12 shall be one of the  
10 following:

11 (a) An accredited veterinarian. If the veterinarian performs the test in this  
12 state, the veterinarian shall also be a Wisconsin certified veterinarian.

13 (b) A veterinarian employed by the department or the federal bureau.

14 (c) A technician employed by the department or the federal bureau if the  
15 technician performs only routine screening tests under the direct supervision of a  
16 veterinarian employed by the department or the federal bureau.

17 (2) TEST PROCEDURES. A person who performs a tuberculosis test on a bovine  
18 animal in Wisconsin shall comply with applicable procedures in the USDA bovine  
19 tuberculosis eradication uniform methods and rules dated January 22, 1999.

20 (3) VETERINARIAN TO REPORT. A veterinarian who performs or supervises a  
21 tuberculosis test on a bovine animal in Wisconsin shall report the test result to the  
22 department within 10 days after the veterinarian observes the result. A veterinarian  
23 shall immediately report a positive reaction by telephone or other rapid means, and  
24 shall confirm the report in writing within 10 days. A veterinarian shall provide a copy  
25 of every test report to the animal owner.

26 **NOTE:** See also ss. ATCP 10.02 and 10.03

1 (4) REPORT FORM. A veterinarian shall report a tuberculosis test result under  
2 sub. (3) in writing, on a form approved by the department. The report shall include  
3 the official individual identification of the animal tested, and any other information  
4 required by the USDA bovine tuberculosis eradication uniform methods and rules dated  
5 January 22, 1999. The veterinarian shall sign the report form. A report form may be  
6 used only for its intended purpose.

7 (5) IDENTIFYING TESTED ANIMALS. If a veterinarian performs or supervises a  
8 tuberculosis test on a bovine animal that does not yet have an official individual  
9 identification, the veterinarian shall identify the animal with an official individual  
10 identification.

11 *NOTE:* See s. ATCP 11.10 regarding identification of bovine animals.

12 (6) TEST POSITIVE ANIMAL; MOVEMENT RESTRICTED. No person may sell or  
13 move a bovine animal that tests positive on any tuberculosis test until one of the  
14 following occurs:

15 (a) The department determines that the animal is not a tuberculosis suspect or  
16 reactor.

17 (b) The animal is classified as a tuberculosis reactor and shipped to slaughter  
18 according to s. ATCP 10.16.

19 (7) TEST POSITIVE ANIMAL; FURTHER TESTING AND CLASSIFICATION. Whenever  
20 the department receives a positive tuberculosis test report under sub. (3), the  
21 department shall conduct follow-up testing to determine whether the animal is a  
22 tuberculosis suspect or reactor. The department shall test and classify animals

1 according to the USDA bovine tuberculosis eradication uniform methods and rules  
2 dated January 22, 1999.

3 **SECTION 47.** ATCP 10.151 is repealed.

4 **SECTION 48.** ATCP 10.16 to 10.18 are repealed and recreated to read:

5 **ATCP 10.16 Tuberculosis reactors.** (1) **ACTION REQUIRED.** Within 15 days  
6 after the department classifies a bovine animal as a tuberculosis reactor, the animal owner  
7 shall do all the following:

8 (a) Have the animal identified and shipped to slaughter in compliance with the  
9 USDA bovine tuberculosis eradication uniform methods and rules dated January 22,  
10 1999.

11 (b) Clean and disinfect the premises where the animal was kept.

12 (2) **DEADLINE EXTENSION.** The department may, for good cause, extend a  
13 deadline under sub. (1). The department may not extend a deadline under sub. (1)(a)  
14 for more than 15 days.

15 (3) **SLAUGHTERED ANIMALS.** (a) A tuberculosis reactor shall be slaughtered  
16 and inspected according to the USDA bovine tuberculosis eradication uniform methods  
17 and rules dated January 22, 1999.

18 (b) If a tuberculosis suspect is slaughtered, it shall be slaughtered and inspected  
19 according to the USDA bovine tuberculosis eradication uniform methods and rules dated  
20 January 22, 1999.

21 **NOTE:** Copies of the USDA bovine tuberculosis eradication uniform methods  
22 and rules dated January 22, 1999 (APHIS publication 91-45-011) are on  
23 file with the department, the secretary of state and the revisor of the  
24 statutes. Copies may be obtained from:

1  
2 Wisconsin Department of Agriculture, Trade and Consumer Protection  
3 Division of Animal Health  
4 P.O. Box 8911  
5 Madison, WI 53708-8911  
6

7 **ATCP 10.17 Tuberculosis indemnity.** An animal owner may request an  
8 indemnity under s. 95.25(5), Stats., for a slaughtered tuberculosis reactor. The animal  
9 owner shall file the request with the department, on a form provided by the  
10 department. The owner shall include, with the request, a slaughter confirmation signed  
11 by an authorized employee of the department or the federal bureau. An animal owner  
12 does not qualify for an indemnity if the owner fails to comply with s. ATCP 10.16.

13 **ATCP 10.18 Tuberculosis-free herd; certification.** (1) INITIAL  
14 CERTIFICATION. The department may certify a herd of bovine animals as an accredited  
15 tuberculosis-free herd if the herd qualifies under the USDA bovine tuberculosis  
16 eradication uniform methods and rules dated January 22, 1999.

17 (2) MAINTAINING CERTIFICATION. To maintain a tuberculosis-free herd  
18 certification, a herd owner shall comply with applicable requirements under the USDA  
19 bovine tuberculosis eradication uniform methods and rules dated January 22, 1999.

20 (3) SUSPENDING OR REVOKING CERTIFICATION. (a) The department may  
21 summarily suspend or revoke a tuberculosis-free herd certification if any of the  
22 following occurs:

- 23 1. An animal in the herd tests positive for tuberculosis.
- 24 2. The herd owner does not comply with sub. (2).

25 (b) The state veterinarian may issue a summary suspension or revocation notice  
26 under par. (a). The notice shall state the reason for the suspension or revocation. A

1 herd owner affected by a suspension or revocation may request a hearing before the  
2 department under ch. 227, Stats. A request for a hearing does not automatically stay  
3 the summary suspension or revocation.

4 **NOTE:** Copies of the USDA bovine tuberculosis eradication uniform methods  
5 and rules dated January 22, 1999 (APHIS publication 91-45-011) are on  
6 file with the department, the secretary of state and the revisor of the  
7 statutes. Copies may be obtained from:

8  
9 Wisconsin Department of Agriculture, Trade and Consumer Protection  
10 Division of Animal Health  
11 P.O. Box 8911  
12 Madison, WI 53708-8911  
13

14 **SECTION 49.** ATCP 10.19 and 10.20 are repealed.

15 **SECTION 50.** ATCP 10.21(1)(br) is created to read:

16 ATCP 10.21(1)(br) “Certified veterinarian” means a Wisconsin certified  
17 veterinarian except that, for actions taken under this section outside this state,  
18 “certified veterinarian” means an accredited veterinarian.

19 **SECTION 50M.** ATCP 10.21(1m) is created to read:

20 ATCP 10.21(1m) IMPLIED WARRANTY. Section 95.195, Stats., covers  
21 paratuberculosis in cattle and applies to sales of cattle.

22 **SECTION 51.** ATCP 10.21(6)(intro.) is amended to read:

23 ATCP 10.21(6) COLLECTING TEST SAMPLES. Annual herd test samples shall be  
24 collected by ~~an accredited~~ a certified veterinarian, or by an employee of the department  
25 or the federal bureau. The person who collects an annual herd test sample shall do all  
26 the following:  
27



1           **SECTION 52.** ATCP 10.21(11)(a) is amended to read:

2           ATCP 10.21(11)(a) No person may move a paratuberculosis reactor under sub.  
3 (9) unless ~~an accredited~~ a certified veterinarian first identifies that reactor with a  
4 permanent paratuberculosis reactor identification approved by the department.

5           **SECTION 53.** ATCP 10.21(11)(b)1. is amended to read:

6           ATCP 10.21(11)(b)1. ~~An accredited~~ A certified veterinarian first identifies that  
7 reactor with a permanent paratuberculosis reactor identification approved by the  
8 department.

9           **SECTION 54.** ATCP 10.21(11)(c)(intro.) is amended to read:

10          ATCP 10.21(11)(c) Within 30 days after an animal is determined to be a  
11 reactor under sub. (9)(a) or (c), ~~an accredited~~ a certified veterinarian shall do one of  
12 the following:

13          **SECTION 55.** ATCP 10.21(11)(d) is amended to read:

14          ATCP 10.21(11)(d) Within 30 days after an animal tests positive for  
15 paratuberculosis on a fecal culture test, ~~an accredited~~ a certified veterinarian shall  
16 identify the reactor with a paratuberculosis reactor identification approved by the  
17 department.

18          **SECTION 56.** ATCP 10.30 and 10.305 are repealed.

19          **SECTION 57.** ATCP 10.31 is repealed and recreated to read:

20          **ATCP 10.31 Pseudorabies testing and control.** (1) WHO MAY TEST. No  
21 person may collect a pseudorabies test sample from swine in this state unless that  
22 person is one of the following:

23          (a) A Wisconsin certified veterinarian.

1 (b) An authorized employee or agent of the department or the federal bureau.

2 (2) TEST PROCEDURE. A pseudorabies test shall comply with the USDA  
3 pseudorabies eradication state-federal-industry program standards dated January 1,  
4 1999, and shall be submitted to a laboratory operated by or approved by the department  
5 or the federal bureau.

6 (3) VETERINARIAN TO REPORT. A veterinarian who collects a pseudorabies test  
7 sample from swine in this state shall report the test result to the department within 10  
8 days after the veterinarian obtains the test result, unless a department laboratory  
9 analyzes the test sample. A veterinarian shall immediately report a positive reaction by  
10 telephone or other rapid means, and shall confirm the report in writing within 10 days.  
11 A veterinarian shall provide a copy of every test report to the animal owner.

12 *NOTE:* See also ss. ATCP 10.02 and 10.03.

13 (4) REPORT FORM. A veterinarian shall report a pseudorabies test result under  
14 sub. (3) in writing, on a form approved by the department. The report shall include  
15 the official individual identification of the animal tested, and any other information  
16 required by the department. The veterinarian shall sign the test report. A report form  
17 may be used only for its intended purpose.

18 (5) IDENTIFYING TESTED ANIMALS. If a veterinarian collects a pseudorabies test  
19 sample from an animal that does not yet have an official individual identification, the  
20 veterinarian shall identify the animal with an official individual identification.

21 (6) SURVEILLANCE SAMPLES; TESTING. The department shall conduct a  
22 surveillance sampling program for pseudorabies. The department shall obtain blood or  
23 tissue samples from Wisconsin swine on a systematic basis, and shall test the samples

1 for pseudorabies. Samples may include blood samples routinely collected from  
2 slaughtered swine.

3 (7) INVESTIGATION; HERD TESTING. Whenever the department detects  
4 pseudorabies in any surveillance sample under sub. (6), the department shall investigate  
5 to determine whether swine herds in Wisconsin have been exposed to pseudorabies.  
6 The investigation may include additional testing of potentially exposed herds.

7 (8) QUARANTINE. (a) The department may quarantine swine whenever the  
8 department reasonably suspects that the swine may be infected with or exposed to  
9 pseudorabies. The department may quarantine all swine located on the premises. The  
10 quarantine shall comply with s. ATCP 10.70. A herd owner adversely affected by a  
11 quarantine order may request a hearing on the order, as provided in s. ATCP 10.70(6).

12 (b) The department may release a herd quarantine under par. (a) if at least one  
13 of the following occurs:

14 1. All of the breeding animals and a statistically significant number of the  
15 finishing animals in the quarantined herd test negative on 2 consecutive pseudorabies  
16 tests approved by the department and administered at least 30 days apart.

17 2. All swine on the premises are slaughtered, and the premises are cleaned,  
18 disinfected and kept free of swine for at least 30 days.

19 3. The department determines that the herd is not infected based upon survey  
20 testing and epidemiological information.

21 (9) CONDEMNATION. (a) The department may summarily condemn and order  
22 the destruction of swine whenever the department finds that condemnation is necessary  
23 to prevent or reduce the spread of pseudorabies.

1           **NOTE:** See s. 95.27, Stats.

2           (b) The state veterinarian or designee may issue a condemnation order under  
3 par. (a) on behalf of the department. The order shall state the reason for the  
4 condemnation. A herd owner may request a hearing on a condemnation order,  
5 pursuant to ch. 227, Stats. A request for hearing does not automatically stay the  
6 condemnation order.

7           (10) HERD PLAN. (a) A herd plan is an agreement, between the department  
8 and an owner of swine, for the eradication of pseudorabies. A herd plan shall comply  
9 with the USDA pseudorabies eradication state-federal-industry program standards dated  
10 January 1, 1999, based on the state's current program stage for control of  
11 pseudorabies.

12           (b) An owner of swine may enter into a herd plan within 60 days after the  
13 department quarantines those swine. The department may extend the deadline date for  
14 good cause. If a herd owner fails to enter into a herd plan by the deadline date, the  
15 herd owner is no longer eligible for indemnities if the department condemns the swine  
16 under sub. (9).

17           (c) A herd plan shall be designed to eradicate pseudorabies within 24 months  
18 after the herd plan is signed, or within 24 months after the department quarantines the  
19 herd, whichever occurs first. The department may extend the eradication deadline for  
20 good cause.

21           (d) The department shall periodically review and document a herd owner's  
22 performance under a herd plan. If a herd owner fails or refuses to comply with a herd

1 plan, the department may issue a notice revoking the herd owner's eligibility for  
2 indemnities on swine condemned under sub. (9). The state veterinarian may issue the  
3 notice on behalf of the department. A herd owner may request a hearing on the notice,  
4 pursuant to ch. 227, Stats.

5 (11) **MOVEMENT OF DISEASED SWINE.** Whenever the department orders or  
6 authorizes the movement of swine quarantined for pseudorabies, the department shall  
7 take reasonable steps to notify other herd owners who may be adversely affected by the  
8 movement. The department shall, if practicable, issue a written notice to the other  
9 herd owners at least 10 days before the swine are moved.

10 **NOTE:** Copies of the USDA pseudorabies eradication state-federal-industry  
11 program standards dated January 1, 1999 (APHIS publication 91-55-047)  
12 are on file with the department, the secretary of state and the revisor of  
13 the statutes. Copies may be obtained from:

14  
15 Wisconsin Department of Agriculture, Trade and Consumer Protection  
16 Division of Animal Health  
17 P.O. Box 8911  
18 Madison, WI 53708-8911  
19

20 **SECTION 58.** ATCP 10.32 is renumbered ATCP 10.30.

21 **SECTION 59.** ATCP 10.32 is created to read:

22 **ATCP 10.32 Qualified pseudorabies negative herd; certification. (1)**

23 **INITIAL CERTIFICATION.** The department may certify a herd of swine as a qualified  
24 pseudorabies negative herd if the herd qualifies under the USDA pseudorabies  
25 eradication state-federal-industry program standards dated January 1, 1999.

26 (2) **MAINTAINING CERTIFICATION.** To maintain a qualified pseudorabies  
27 negative herd certification, a herd owner shall comply with applicable requirements

1 under the USDA pseudorabies eradication state-federal-industry program standards  
2 dated January 1, 1999.

3 (3) **SUSPENDING OR REVOKING CERTIFICATION.** (a) The department may  
4 summarily suspend or revoke the qualified pseudorabies negative herd certification if  
5 any of the following occurs:

6 1. An animal in the herd tests positive for pseudorabies.

7 2. The herd owner fails to comply with sub. (2).

8 (b) The state veterinarian may issue a summary suspension or revocation notice  
9 under par. (a). The notice shall state the reason for the suspension or revocation. A  
10 herd owner affected by a suspension or revocation may request a hearing before the  
11 department under ch. 227, Stats. A request for a hearing does not automatically stay  
12 the summary suspension or revocation.

13 **NOTE:** Copies of the USDA pseudorabies eradication state-federal-industry  
14 program standards dated January 1, 1999 (APHIS publication 91-55-047)  
15 are on file with the department, the secretary of state and the revisor of  
16 the statutes. Copies may be obtained from:

17  
18 Wisconsin Department of Agriculture, Trade and Consumer Protection  
19 Division of Animal Health  
20 P.O. Box 8911  
21 Madison, WI 53708-8911  
22

23 **SECTION 60.** ATCP 10.33 is repealed and recreated to read:

24 **ATCP 10.33 Qualified pseudorabies negative grow-out herd; certification.**

25 (1) **INITIAL CERTIFICATION.** The department may certify a herd of swine as a  
26 qualified pseudorabies negative grow-out herd if the herd qualifies under the USDA  
27 pseudorabies eradication state-federal-industry program standards dated January 1,  
28 1999.

1           (2) MAINTAINING CERTIFICATION. To maintain a qualified pseudorabies  
2 negative grow-out herd certification, a herd owner shall comply with applicable  
3 requirements under the USDA pseudorabies eradication state-federal-industry program  
4 standards dated January 1, 1999.

5           (3) SUSPENDING OR REVOKING CERTIFICATION. (a) The department may  
6 summarily suspend or revoke the pseudorabies negative grow-out herd certification if  
7 any of the following occurs:

- 8           1. An animal in the herd tests positive for pseudorabies.
- 9           2. The herd owner fails to comply with sub. (2).

10           (b) The state veterinarian may issue a summary suspension or revocation notice  
11 under par. (a). The notice shall state the reason for the suspension or revocation. A  
12 herd owner affected by a suspension or revocation may request a hearing before the  
13 department under ch. 227, Stats. A request for a hearing does not automatically stay  
14 the summary suspension or revocation.

15           **NOTE:** Copies of the USDA pseudorabies eradication state—federal—industry  
16 program standards dated January 1, 1999 (APHIS publication 91-55-047)  
17 are on file with the department, the secretary of state and the revisor of  
18 the statutes. Copies may be obtained from:

19  
20           Wisconsin Department of Agriculture, Trade and Consumer Protection  
21           Division of Animal Health  
22           P.O. Box 8911  
23           Madison, WI 53708-8911

24  
25           **SECTION 61.** ATCP 10.335 is repealed.

1           **SECTION 62.** ATCP 10.34 is repealed and recreated to read:

2           **ATCP 10.34 Feeder swine pseudorabies monitored herd; certification. (1)**

3   **INITIAL CERTIFICATION.** The department may certify a herd of swine as a feeder swine  
4   pseudorabies monitored herd if the herd qualifies under USDA pseudorabies  
5   eradication state-federal-industry program standards dated January 1, 1999.

6           **(2) MAINTAINING CERTIFICATION.** To maintain a feeder swine pseudorabies  
7   monitored herd certification, the herd owner shall comply with applicable requirements  
8   under the USDA pseudorabies eradication state-federal-industry program standards  
9   dated January 1, 1999.

10          **(3) SUSPENDING OR REVOKING CERTIFICATION. (a)** The department may  
11   summarily suspend or revoke the feeder swine pseudorabies monitored herd  
12   certification if any of the following occurs:

- 13           1. An animal in the herd tests positive for pseudorabies.  
14           2. The herd owner fails to comply with sub. (2).

15          **(b)** The state veterinarian may issue a summary suspension or revocation notice  
16   under par. (a). The notice shall state the reason for the suspension or revocation. A  
17   herd owner affected by a suspension or revocation may request a hearing before the  
18   department under ch. 227, Stats. A request for a hearing does not automatically stay  
19   the summary suspension or revocation.

20           **NOTE:** Copies of the USDA pseudorabies eradication state-federal-industry  
21           program standards dated January 1, 1999 (APHIS publication 91-55-047)  
22           are on file with the department, the secretary of state and the revisor of  
23           the statutes. Copies may be obtained from:  
24



1 Wisconsin Department of Agriculture, Trade and Consumer Protection  
2 Division of Animal Health  
3 P.O. Box 8911  
4 Madison, WI 53708-8911  
5

6 **SECTION 63.** ATCP 10.35 to 10.38 are created to read:

7 **ATCP 10.35 Brucellosis testing.** (1) WHO MAY TEST. The person who  
8 collects a swine brucellosis test sample under this chapter, ch. ATCP 11 or ch. ATCP  
9 12 shall be one of the following:

10 (a) An accredited veterinarian. If the veterinarian collects the test sample in  
11 this state, the veterinarian shall also be a Wisconsin certified veterinarian.

12 (b) An authorized employee or agent of the department or the federal bureau.

13 (2) TEST PROCEDURES. A person who collects a brucellosis test sample shall  
14 comply with all procedural requirements of the USDA swine brucellosis  
15 control/eradication state-federal-industry uniform methods and rules dated April, 1998.  
16 The person shall submit the sample to a state or federal laboratory that the department  
17 or the federal bureau has approved to conduct swine brucellosis serology tests.

18 (3) VETERINARIAN TO FILE REPORT. A veterinarian who collects a brucellosis  
19 test sample from a swine in this state shall report the test result to the department  
20 within 10 days after the veterinarian obtains the test result, unless the department's  
21 laboratory analyzes the test sample. A veterinarian shall immediately report a positive  
22 reaction by telephone or other rapid means, and shall confirm the report in writing  
23 within 10 days. The veterinarian shall provide a copy of every test report to the animal  
24 owner.

25 **NOTE:** See also ss. ATCP 10.02 and 10.03.

1 (4) REPORT FORM. A veterinarian shall report a brucellosis test result under  
2 sub. (3) in writing, on a form approved by the department. The report shall include  
3 the official individual identification of the animal tested, and any other information  
4 required by the USDA swine brucellosis control/eradication state-federal-industry  
5 uniform methods and rules dated April, 1998. The veterinarian shall sign the report  
6 form. A report form may only be used for the purpose intended.

7 (5) IDENTIFYING TESTED ANIMALS. If a veterinarian collects a brucellosis test  
8 sample from a swine that does not yet have an official individual identification, the  
9 veterinarian shall identify the animal with an official individual identification.

10 **ATCP 10.36 Brucellosis reactors. (1) CLASSIFICATION.** The department  
11 shall classify, as a brucellosis reactor, any swine that qualifies as a reactor under the  
12 USDA swine brucellosis control/eradication state-federal-industry uniform methods and  
13 rules dated April, 1998.

14 (2) ACTION REQUIRED. Within 15 days after the department classifies a swine  
15 as a brucellosis reactor, the herd owner shall do all the following:

16 (a) Have the swine identified as a reactor and shipped to slaughter in  
17 compliance with the USDA swine brucellosis control/eradication state-federal-industry  
18 uniform methods and rules dated April, 1998.

19 (b) Clean and disinfect the premises where the swine was kept.

20 (3) DEADLINE EXTENSION. The department may, for good cause, extend a  
21 deadline under sub. (2). The department may not extend a deadline under sub. (2)(a)  
22 for more than 15 days.

1           **NOTE:** Copies of the USDA swine brucellosis control/eradication state-federal-  
2           industry uniform methods and rules dated April, 1998 (APHIS  
3           publication 91-55-042) are on file with the department, the secretary of  
4           state and the revisor of the statutes. Copies may be obtained from:

5           “  
6           Wisconsin Department of Agriculture, Trade and Consumer Protection  
7           Division of Animal Health  
8           P.O. Box 8911  
9           Madison, WI 53708-8911

10  
11           **ATCP 10.37 Brucellosis indemnity.** A swine owner may request an indemnity  
12           under s. 95.26(7), Stats., for a brucellosis reactor slaughtered under s. ATCP 10.36.

13           The animal owner shall file the request with the department, on a form provided by the  
14           department. The owner shall include, with the request, a slaughter confirmation signed  
15           by an authorized employee of the department or the federal bureau. A swine owner  
16           does not qualify for an indemnity if the owner fails to comply with s. ATCP 10.36.

17           **ATCP 10.38 Brucellosis-free herd; certification.** (1) INITIAL CERTIFICATION.

18           The department may certify a herd of swine as a validated brucellosis-free herd if the  
19           herd qualifies under the USDA swine brucellosis control/eradication state-federal-  
20           industry uniform methods and rules dated April, 1998.

21           (2) MAINTAINING CERTIFICATION. To maintain a validated brucellosis-free herd  
22           certification, the herd owner shall comply with applicable requirements under the  
23           USDA swine brucellosis control/eradication state-federal-industry uniform methods and  
24           rules dated April, 1998.

25           (3) SUSPENDING OR REVOKING CERTIFICATION. (a) The department may  
26           summarily suspend or revoke the brucellosis-free herd certification if any of the  
27           following occurs:

28           1. An animal in the herd tests positive for brucellosis.

1           2. The herd owner fails to comply with sub. (2).

2           (b) The state veterinarian may issue a summary suspension or revocation notice  
3 under par. (a). The notice shall state the reason for the suspension or revocation. A  
4 herd owner affected by a suspension or revocation may request a hearing before the  
5 department under ch. 227, Stats. A request for a hearing does not automatically stay  
6 the summary suspension or revocation.

7           **NOTE:** Copies of the USDA swine brucellosis control/eradication state-federal-  
8 industry uniform methods and rules dated April, 1998 (APHIS  
9 publication 91-55-042) are on file with the department, the secretary of  
10 state and the revisor of the statutes. Copies may be obtained from:

11  
12           Wisconsin Department of Agriculture, Trade and Consumer Protection  
13           Division of Animal Health  
14           P.O. Box 8911  
15           Madison, WI 53708-8911  
16

17           **SECTION 64.** ATCP 10.40(1) is repealed and recreated to read:

18           ATCP 10.40(1) WHO MAY TEST. A person performing an equine infectious  
19 anemia test under this chapter, ch. ATCP 11 or ch. ATCP 12 shall be one of the  
20 following:

21           (a) An accredited veterinarian. If the veterinarian performs the test in this  
22 state, the veterinarian shall also be a Wisconsin certified veterinarian.

23           (b) A veterinarian employed by the department or the federal bureau.

24           **SECTION 65.** ATCP 10.41(1) and (2) are repealed and recreated to read:

25           ATCP 10.41(1) TEST POSITIVE ANIMAL (a) *Quarantine.* The department shall  
26 summarily quarantine every animal that tests positive on an infectious anemia test. The  
27 quarantine notice shall comply with s. ATCP 10.70 and shall also include all of the  
28 following:

- 1           1. Notice of the positive equine infectious anemia test.
- 2           2. Notice that the owner or custodian may request a retest under sub. (4).
- 3           3. Notice that the state veterinarian may order the animal to be branded under
- 4 sub. (7).

5           **(b) Notification; participation or show event coordinators.** If the department  
6 determines that an infected animal participated in performance or show events, the  
7 department shall notify the event sponsor that an infected animal was present at the  
8 event. The event sponsor shall notify other participants that their animals may have  
9 been exposed.

10           **(2) EXPOSED ANIMALS; QUARANTINE.** If an equine animal tests positive for  
11 equine infectious anemia, the department shall summarily quarantine all of the equine  
12 animals kept at the premises where that animal is normally housed. The quarantine  
13 shall comply with s. ATCP 10.70.

14           **SECTION 66.** ATCP 10.50(2)(b) and (c) are amended to read:

15           ATCP 10.50(2)(b) Whenever the department's agent draws a blood sample  
16 from a turkey under this section, the agent shall identify the turkey with an official  
17 individual identification. Every blood sample shall be identified with the official  
18 individual identification of the turkey from which the sample was collected.

19           (c) A laboratory approved by the department shall test blood samples drawn  
20 from turkeys under this section. The department's agent may field test blood samples  
21 drawn from poultry other than turkeys, using a method approved by the department.

22           **SECTION 67.** ATCP 10.50(4)(c) is repealed.

23           **SECTION 68.** ATCP 10.60 is repealed.

1           **SECTION 69.** ATCP 10.61(4) and (5) are repealed.

2           **SECTION 70.** ATCP 10.62 is repealed and recreated to read:

3           **ATCP 10.62 Tuberculosis-free herd; goats.** (1) INITIAL CERTIFICATION.

4           The department may certify a herd of goats as an accredited tuberculosis-free herd if  
5           the herd qualifies under the USDA bovine tuberculosis eradication uniform methods  
6           and rules dated January 22, 1999.

7           (2) MAINTAINING CERTIFICATION. To maintain an accredited tuberculosis-free  
8           herd certification, a herd owner shall comply with applicable requirements under the  
9           USDA bovine tuberculosis eradication uniform methods and rules dated January 22,  
10          1999.

11          (3) SUSPENDING OR REVOKING CERTIFICATION. (a) The department may  
12          summarily suspend or revoke an accredited tuberculosis-free herd certification if any of  
13          the following occurs:

14           1. A goat in the herd tests positive for tuberculosis.

15           2. The herd owner fails to comply with sub. (2).

16          (b) The state veterinarian may issue a summary suspension or revocation notice  
17          under par. (a). The notice shall state the reason for the suspension or revocation. A  
18          herd owner affected by a suspension or revocation may request a hearing before the  
19          department under ch. 227, Stats. A request for a hearing does not automatically stay  
20          the summary suspension or revocation.

21          **NOTE:** Copies of the USDA bovine tuberculosis eradication uniform methods  
22          and rules dated January 22, 1999 (APHIS publication 91-45-011) are on  
23          file with the department, the secretary of state and the revisor of the  
24          statutes. Copies may be obtained from:  
25

1 Wisconsin Department of Agriculture, Trade and Consumer Protection  
2 Division of Animal Health  
3 P.O. Box 8911  
4 Madison, WI 53708-8911  
5

6 **SECTION 71.** ATCP 10.63(1)(br) is created to read:

7 ATCP 10.63(1)(br) “Certified veterinarian” means a Wisconsin certified  
8 veterinarian except that, for actions taken under this section outside this state,  
9 “certified veterinarian” means an accredited veterinarian.

10 **SECTION 71M.** ATCP 10.63(1m) is created to read:

11 ATCP 10.63(1m) IMPLIED WARRANTY. Section 95.195, Stats., covers  
12 paratuberculosis in goats and applies to sales of goats.

13 **SECTION 72.** ATCP 10.63(6)(intro.) is amended to read:

14 ATCP 10.63(6) COLLECTING TEST SAMPLES. Annual herd test samples shall be  
15 collected by ~~an accredited~~ a certified veterinarian, or by an employee of the department  
16 or the federal bureau. The person who collects an annual herd test sample shall do all  
17 the following:

18 **SECTION 73.** ATCP 10.63(11)(a) is amended to read:

19 ATCP 10.63(11)(a) No person may move a paratuberculosis reactor under sub.  
20 (9) unless ~~an accredited~~ a certified veterinarian first identifies that reactor with a  
21 permanent paratuberculosis reactor identification approved by the department.

22 **SECTION 74.** ATCP 10.63(11)(b)1. is amended to read:

23 ATCP 10.63(11)(b)1. ~~An accredited~~ A certified veterinarian first identifies that  
24 reactor with a permanent paratuberculosis reactor identification approved by the  
25 department.

1           **SECTION 75.** ATCP 10.63(11)(c) is amended to read:

2           ATCP 10.63(11)(c) Within 30 days after an animal tests positive for  
3 paratuberculosis, ~~an accredited~~ a certified veterinarian shall identify the reactor with a  
4 paratuberculosis reactor identification approved by the department.

5           **SECTION 76.** ATCP 10.65(title) is amended to read:

6           **ATCP 10.65 ~~Cervidae~~ Cervids; herd identification.**

7           **SECTION 77.** 10.65(1)(intro.) is amended to read:

8           ATCP 10.65(1) Except as provided under sub. (2), no person may keep a herd  
9 of ~~cervidae~~ captive cervids in this state unless that person first reports the following  
10 information to the department in writing:

11           **SECTION 78.** ATCP 10.651 is amended to read:

12           **ATCP 10.651(title) ~~Cervidae~~ Cervids; disease testing.** (1) ANIMALS

13 AVAILABLE FOR TESTING. The owner or custodian of a herd of ~~cervidae~~ captive cervids  
14 shall make the herd available to the department for disease testing upon request.

15           (2) ANIMALS RESTRAINED FOR TESTING. The owner or custodian of a herd of  
16 ~~cervidae~~ captive cervids shall restrain the ~~cervidae~~ cervids for disease testing in a  
17 manner which insures the safety of the cervid and of the person performing the test.  
18 The owner or custodian shall restrain the ~~cervidae~~ cervids by one of the following  
19 methods:

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

21           (b) By tranquilizing the ~~cervidae~~ cervids so they can be safely tested. No  
22 department staff may tranquilize the ~~cervidae~~ cervids. If the department determines  
23 that a cervid is not adequately tranquilized, so that the safety of the cervid and the



1 persons performing the test cannot be reasonably ensured, the department may require  
2 the owner or custodian to provide additional tranquilization before the department  
3 proceeds with testing. The department assumes no liability for any injury or death of a  
4 cervid which may be caused by tranquilization.

5 (c) By moving the ~~cervidae~~ cervids, pursuant to a permit issued under s. ATCP  
6 11.60(4), to an isolation and testing facility approved under s. ATCP 11.56(4), where  
7 the ~~cervidae~~ cervids can be safely tested.

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

10 1. A holding pen in which ~~cervidae~~ cervids can be safely directed into an  
11 alleyway and then to a chute or individual restraining pen for testing.

12 2. An alleyway through which ~~cervidae~~ cervids can be safely guided into a  
13 chute or restraining pen for testing.

14 3. A chute or restraining pen which can safely hold ~~cervidae~~ cervids for  
15 testing.

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

19 (b) If the department determines that animal handling facilities do not comply  
20 with par. (a), the department may order the owner or custodian to modify the facilities,  
21 to provide acceptable alternative facilities, or to provided an acceptable alternative  
22 method of restraining ~~cervidae~~ cervids under sub. (2). The owner or custodian shall

1 comply with the department's order within 30 days, unless for good cause the  
2 department specifies a different time period.

3 **SECTION 79.** ATCP 10.652(3)(a) and (b) are amended to read:

4 ATCP 10.652(3)(a) Obtain a separate registration certificate for each location.  
5 No person may move farm-raised deer between separately registered locations without  
6 ~~an interstate health certificate or a~~ certificate of veterinary inspection, unless the deer  
7 are exempt under s. ATCP 11.56(2). ~~If disease is detected at one registered location,~~  
8 ~~animals at a separately registered location will not be considered part of the same herd,~~  
9 ~~and will not be treated as exposed animals unless an investigation shows that suspect or~~  
10 ~~reactor animals have actually moved between the locations.~~

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

17 **SECTION 80.** ATCP 10.652(5)(a)(note) is amended to read:

18 *NOTE:* Under s. 93.21(5)(b), Stats., a person who files an application for the  
19 renewal or reissuance of a registration certificate after the registration  
20 certificate has expired must pay, in addition to the fee prescribed under  
21 sub. (5), ~~and an~~ an additional fee equal to 20 percent of that registration  
22 fee.  
23

24 **SECTION 81.** ATCP 10.652(5)(c) is created to read:

25 ATCP 10.652(5)(c) An applicant for a registration certificate under sub. (4)  
26 shall pay a registration fee surcharge of \$100 if the department determines that, within

1 365 days prior to submitting the registration application, the applicant kept farm-raised  
2 deer without a farm-raised deer registration. In addition to the surcharge, the applicant  
3 shall pay the fee due for the year in which the applicant did not obtain registration.

4 **SECTION 82.** ATCP 10.652(7) is repealed and recreated to read:

5 **ATCP 10.652(7) DENYING, SUSPENDING OR REVOKING A REGISTRATION**  
6 **CERTIFICATE.** The department may deny, suspend or revoke a farm-raised deer  
7 registration for cause, including any of the following:

8 (a) Filing an incomplete or fraudulent application, or misrepresenting any  
9 information on an application.

10 (b) Violating applicable provisions of ch. 95, Stats., this chapter or ch. ATCP  
11 11.

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

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

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

17 (f) Refusing or failing, without just cause, to produce records under sub. (11)  
18 or to respond to a department subpoena.

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

20 **SECTION 83.** ATCP 10.652(8)(b) is repealed and recreated to read:

21 **ATCP 10.652(8)(b)** A person required to keep records under par. (a) shall  
22 retain those records for at least 5 years, and shall make them available to the  
23 department for inspection and copying upon request.

1           **SECTION 84.** ATCP 10.66 and 10.67 are repealed and recreated to read:

2           **ATCP 10.66 Tuberculosis in cervids.** (1) **WHO MAY TEST.** A person who  
3 performs a tuberculosis test on a cervid shall be one of the following:

4           (a) An accredited veterinarian. If the veterinarian performs the test in this  
5 state, the veterinarian shall also be a Wisconsin certified veterinarian whom the  
6 department has trained to perform tuberculosis tests on cervids. A veterinarian may  
7 not perform a tuberculosis test on a cervid from a quarantined herd or known infected  
8 herd, except with the department's approval.

9           (b) A veterinarian employed by the federal bureau or the department.

10          (2) **TEST PROCEDURES.** (a) A veterinarian who performs a tuberculosis test on  
11 a cervid in Wisconsin shall comply with applicable procedures in the USDA bovine  
12 tuberculosis eradication uniform methods and rules dated January 22, 1999.

13          (b) A blood tuberculosis test (BTB test) may not be used as an official  
14 tuberculosis test for any purpose in this state.

15          (3) **VETERINARIAN TO REPORT.** A veterinarian who performs a tuberculosis test  
16 on a cervid in Wisconsin shall report the test result to the department within 10 days  
17 after the veterinarian observes the result. A veterinarian shall immediately report a  
18 positive reaction by telephone or other rapid means, and shall confirm the report in  
19 writing within 10 days. A veterinarian shall provide a copy of every test report to the  
20 animal owner.

21          **NOTE:** See ss. ATCP 10.02 and 10.03

22          (4) **REPORT FORM.** A veterinarian shall report a tuberculosis test result under  
23 sub. (3) in writing, on a form approved by the department. The report shall include

1 the official individual identification of the animal tested, and any other information  
2 required by the USDA bovine tuberculosis eradication uniform methods and rules dated  
3 January 22, 1999. The veterinarian shall sign the report. A report form may be used  
4 only for its intended purpose.

5 (5) IDENTIFYING TESTED ANIMALS. If a veterinarian performs a tuberculosis  
6 test on a cervid that does not yet have an official individual identification, the  
7 veterinarian shall identify the cervid with an official individual identification.

8 *NOTE:* See s. ATCP 11.545 regarding identification of cervids.

9 (6) TEST POSITIVE CERVIDS. Whenever the department receives a positive  
10 tuberculosis test report under sub. (3), the department shall classify the tested cervid as  
11 a tuberculosis suspect and shall conduct additional testing to determine whether the  
12 cervid is a tuberculosis reactor.

13 (7) TUBERCULOSIS REACTORS. (a) The department shall classify a cervid as a  
14 tuberculosis reactor if the cervid qualifies as a reactor under the USDA bovine  
15 tuberculosis eradication uniform methods and rules dated January 22, 1999.

16 (b) Within 15 days after the department classifies a cervid as a tuberculosis  
17 reactor, the animal owner shall do all the following:

18 1. Have the cervid identified as a reactor and shipped to slaughter in  
19 compliance with the USDA bovine tuberculosis eradication uniform methods and rules  
20 dated January 22, 1999.

21 2. Clean and disinfect the premises where the cervid was kept.

22 (c) The department may, for good cause, extend a deadline under par. (b). The  
23 department may not extend a deadline under par. (b)1. for more than 15 days.

1 (8) SLAUGHTERED ANIMALS. (a) A tuberculosis reactor shall be slaughtered  
2 and inspected according to the USDA bovine tuberculosis eradication uniform methods  
3 and rules dated January 22, 1999.

4 (b) If a tuberculosis suspect is slaughtered, it shall be slaughtered and inspected  
5 according to the USDA bovine tuberculosis eradication uniform methods and rules dated  
6 January 22, 1999.

7 (9) TUBERCULOSIS INDEMNITY. An animal owner may request an indemnity  
8 under s. 95.25(5), Stats., for a slaughtered tuberculosis reactor. The animal owner  
9 shall file the request with the department, on a form provided by the department. The  
10 owner shall include, with the request, a slaughter confirmation signed by an authorized  
11 employee of the department or the federal bureau. An animal owner does not qualify  
12 for an indemnity if the owner fails to comply with sub. (7).

13 **NOTE:** Copies of the USDA bovine tuberculosis eradication uniform methods  
14 and rules dated January 22, 1999 (APHIS publication 91-45-005) are on  
15 file with the department, the secretary of state and the revisor of the  
16 statutes. Copies may be obtained from:

17  
18 Wisconsin Department of Agriculture, Trade and Consumer Protection  
19 Division of Animal Health  
20 P.O. Box 8911  
21 Madison, WI 53708-8911  
22

23 **ATCP 10.67 Cervids; tuberculosis herd certification. (1) INITIAL**  
24 **CERTIFICATION.** The department may certify a herd of cervids as one of the following  
25 if the herd qualifies under the USDA bovine tuberculosis eradication uniform methods  
26 and rules dated January 22, 1999:

27 (a) An accredited tuberculosis-free herd.

1 (b) A tuberculosis monitored herd.

2 (c) A tuberculosis qualified herd.

3 (2) MAINTAINING CERTIFICATION. To maintain a herd certification under sub.  
4 (1), a herd owner shall comply with applicable requirements in the USDA bovine  
5 tuberculosis eradication uniform methods and rules dated January 22, 1999.

6 (3) SUSPENDING OR REVOKING CERTIFICATION. (a) The department may  
7 summarily suspend or revoke a herd certification under sub. (1) if any of the following  
8 occurs:

- 9 1. Any cervid in the herd tests positive for tuberculosis.
- 10 2. The herd owner fails to comply with sub. (2).

11 (b) The state veterinarian may issue a summary suspension or revocation notice  
12 under par. (a). The notice shall state the reason for the suspension or revocation. The  
13 herd owner may request a hearing before the department under ch. 227, Stats. A  
14 request for a hearing does not automatically stay the summary suspension or  
15 revocation.

16 **NOTE:** Copies of the USDA bovine tuberculosis eradication uniform methods  
17 and rules dated January 22, 1999 (APHIS publication 91-45-005) are on  
18 file at the department, the USDA, the secretary of state and the revisor  
19 of the statutes. Copies may be obtained from:

20  
21 Wisconsin Department of Agriculture, Trade and Consumer Protection  
22 Division of Animal Health  
23 P.O. Box 8911  
24 Madison, WI 53708-8911

25  
26 **SECTION 85.** ATCP 10.673 and 10.675 are created to read:

27 **ATCP 10.673 Brucellosis in cervids.** . (1) WHO MAY TEST. A person who  
28 collects a brucellosis test sample from a cervid shall be one of the following:

1 (a) An accredited veterinarian. If the veterinarian collects the sample in this  
2 state, the veterinarian shall also be a Wisconsin certified veterinarian.

3 (b) An authorized employee or agent of the department or the federal bureau.

4 (2) TEST PROCEDURES. A person who collects a brucellosis test sample shall  
5 comply with applicable requirements in the USDA brucellosis in cervidae uniform  
6 methods and rules dated September, 1998. The person shall submit the sample to a  
7 state or federal laboratory that the department or the federal bureau has approved to  
8 conduct brucellosis tests.

9 (3) VETERINARIAN TO REPORT. A veterinarian who collects a brucellosis test  
10 sample from a cervid in Wisconsin shall report the test result to the department within  
11 10 days after the veterinarian obtains the test result, unless the department's laboratory  
12 analyzes the test sample. A veterinarian shall immediately report a positive reaction by  
13 telephone or other rapid means, and shall confirm the report in writing within 10 days.  
14 A veterinarian shall provide a copy of every test report to the animal owner.

15 *NOTE:* See ss. ATCP 10.02 and 10.03

16 (4) REPORT FORM. A veterinarian shall report a brucellosis test result under  
17 sub. (3) in writing, on a form approved by the department. The report shall include  
18 the official individual identification of the animal tested, and any other information  
19 required by the USDA brucellosis in cervidae uniform methods and rules dated  
20 September, 1998. The veterinarian shall sign the report form. A report form may  
21 only be used for its intended purpose.



1 (5) IDENTIFYING TESTED ANIMALS. If a veterinarian collects a brucellosis test  
2 sample from a cervid that does not yet have an official individual identification, the  
3 veterinarian shall identify the cervid with an official individual identification.

4 (6) BRUCELLOSIS REACTORS. (a) The department shall classify a cervid as a  
5 brucellosis reactor if the cervid qualifies as a reactor under the USDA brucellosis in  
6 cervidae uniform methods and rules dated September, 1998.

7 (b) Within 15 days after the department classifies a cervid as a brucellosis  
8 reactor, the animal owner shall do all the following:

9 1. Have the cervid identified as a reactor and shipped to slaughter in  
10 compliance with the USDA brucellosis in cervidae uniform methods and rules dated  
11 September, 1998.

12 2. Clean and disinfect the premises where the cervid was kept.

13 (c) The department may, for good cause, extend a deadline under par. (b). The  
14 department may not extend a deadline under subd. (b)1. for more than 15 days.

15 (7) BRUCELLOSIS INDEMNITY. An animal owner may request an indemnity  
16 under s. 95.26(7), Stats., for a slaughtered brucellosis reactor. The animal owner shall  
17 file the request with the department, on a form provided by the department. The owner  
18 shall include, with the request, a slaughter confirmation signed by an authorized  
19 employee of the department or the federal bureau. An animal owner does not qualify  
20 for an indemnity if the owner fails to comply with sub. (6).

21 *NOTE:* Copies of the USDA brucellosis in cervidae uniform methods and rules  
22 dated September, 1998 (APHIS publication 91-45-12) are on file with  
23 the department, the secretary of state and the revisor of the statutes.  
24 Copies may be obtained from:  
25

1 Wisconsin Department of Agriculture, Trade and Consumer Protection  
2 Division of Animal Health  
3 P.O. Box 8911  
4 Madison, WI 53708-8911  
5

6 **ATCP 10.675 Cervids; brucellosis herd certification. (1) INITIAL**

7 CERTIFICATION. The department may certify a herd of cervids as one of the following  
8 if the herd qualifies under the USDA brucellosis in cervidae uniform methods and rules  
9 dated September, 1998.

- 10 1. A brucellosis-free cervid herd.  
11 2. A brucellosis monitored cervid herd.

12 (2) MAINTAINING CERTIFICATION. To maintain a herd certification under sub.  
13 (1), a herd owner shall comply with applicable requirements under the USDA  
14 brucellosis in cervidae uniform methods and rules dated September, 1998.

15 (3) SUSPENDING OR REVOKING CERTIFICATION. (a) The department may  
16 summarily suspend or revoke a herd certification under sub. (1) if any of the following  
17 occurs:

- 18 1. A cervid in the herd tests positive for brucellosis.  
19 2. The herd owner fails to comply with sub. (2).

20 (b) The state veterinarian may issue a summary suspension or revocation notice  
21 under par. (a). The notice shall state the reason for the suspension or revocation. The  
22 herd owner may request a hearing before the department under ch. 227, Stats. A  
23 request for a hearing does not automatically stay the summary suspension or  
24 revocation.

25 **NOTE:** Copies of the USDA brucellosis in cervidae uniform methods and rules  
26 dated September, 1998 (APHIS publication 91-45-12) are on file with

1 the department, the secretary of state and the revisor of the statutes.  
2 Copies may be obtained from:

3  
4 Wisconsin Department of Agriculture, Trade and Consumer Protection  
5 Division of Animal Health  
6 P.O. Box 8911  
7 Madison, WI 53708-8911  
8

9 **SECTION 86.** ATCP 10.68(1)(am) is created to read:

10 ATCP 10.68(1)(am) "Certified veterinarian" means a Wisconsin certified  
11 veterinarian whom the department has trained to perform fish disease control and  
12 eradication functions except that, for actions taken under this section outside this state,  
13 "certified veterinarian" means an accredited veterinarian.

14 **SECTION 87.** ATCP 10.68(1)(k) is amended to read:

15 ATCP 10.68(1)(k) "Salmonid" ~~means fish or fish eggs of the Salmonidae~~  
16 ~~family.~~ "Salmonidae" means fish or fish eggs of the family that includes trout,  
17 salmon, grayling, char, Dolly Vardon, whitefish, cisco and inconnu.

18 **SECTION 88.** ATCP 10.68(8)(note) is created to read:

19 **NOTE:** Under s. 93.21(5)(b), Stats., a person who files a late application for  
20 renewal of a registration certificate must pay, in addition to the fee  
21 prescribed under sub. (8), an additional fee equal to 20 percent of that  
22 registration fee.  
23

24 **SECTION 89.** ATCP 10.68(13)(a)1. and 2. are amended to read:

25 ATCP 10.68(13)(a)1. ~~An accredited~~ A certified veterinarian or certified fish  
26 inspector has issued a health certificate for that fish farm not earlier than January 1 of  
27 the preceding calendar year.

28 2. ~~An accredited~~ A certified veterinarian or certified fish inspector has issued a  
29 health certificate, not earlier than January 1 of the preceding calendar year, for each

1 fish farm from which the fish farm operator received fish or fish eggs in the preceding  
2 calendar year.

3 **SECTION 90.** ATCP 10.68(14)(a) is amended to read:

4 ATCP 10.68(14)(a) No person may obtain a type 2 fish farm registration  
5 certificate for any calendar year beginning after December 31, 2001 unless ~~an~~  
6 ~~accredited~~ a certified veterinarian or certified fish inspector issues a health certificate  
7 for that fish farm not earlier than January 1 of the preceding calendar year. The  
8 ~~accredited~~ certified veterinarian or certified fish inspector shall issue the health  
9 certificate on a form provided by the department, based on a personal inspection of the  
10 fish farm. The ~~accredited~~ certified veterinarian or certified fish inspector shall use  
11 inspection, sampling and diagnostic methods specified by the department on the  
12 certification form.

13 **SECTION 91.** ATCP 10.68(14)(c) is amended to read:

14 ATCP 10.68(14)(c) ~~An accredited~~ A certified veterinarian or certified fish  
15 inspector who issues a health certificate under this subsection shall file the original  
16 certificate with the department, and shall provide at least 2 copies to the fish farm  
17 operator. A fish farm operator shall include a copy of the certificate with the  
18 operator's application for an annual fish farm registration certificate under sub. (7).

19 **SECTION 92.** ATCP 10.705 is created to read:

20 **ATCP 10.705 Temporary animal hold order.** (1) DEPARTMENT MAY ISSUE.  
21 The department may issue a temporary animal hold order whenever the department has  
22 reason to believe that animals may have been illegally imported, or may have been  
23 exposed to an infectious, contagious or communicable disease. A temporary animal

1 hold order may prohibit the movement of animals for up to 90 days while the  
2 department investigates the suspected illegal import or disease exposure. The  
3 department may, for good cause, extend the animal hold order for up to 90 days.

4 (2) CONTENTS. A temporary animal hold order shall contain the following  
5 information:

6 (a) The name and address of the person having custody or control of the  
7 animals covered by the order, if known.

8 (b) A description of the animals covered by the order.

9 (c) A description of the premises where the animals are to be held.

10 (d) The reason or justification for the order.

11 (e) The duration of the order, and all terms and conditions applicable to the  
12 order.

13 (f) Notice that a person adversely affected by the order may request a hearing  
14 under sub. (6).

15 (3) SERVICE. The department shall serve a temporary animal hold order in one  
16 of the following ways:

17 (a) Delivering the order, in person or by certified mail, to a person having  
18 custody or control of the animals covered by the order.

19 (b) Posting the order at 2 conspicuous places on the premises where the  
20 animals are kept.

21 (4) PROOF OF SERVICE. The department may prove service of a temporary  
22 animal hold order by means of an affidavit or certified mail return receipt.

1 (6) REVIEW OF ANIMAL HOLD ORDER. A person adversely affected by a  
2 temporary animal hold order may request a hearing before the department to review the  
3 order. The department shall conduct an informal hearing as soon as reasonably  
4 possible, and not later than 10 days after receiving a request for hearing. If the matter  
5 is not resolved after informal hearing, the person requesting the hearing may seek a  
6 formal hearing under ch. 227, Stats. A request for hearing does not automatically stay  
7 a temporary animal hold order.

8 **SECTION 93.** ATCP 10.71(title) is amended to read:

9 **ATCP 10.71(title) Destruction or removal ~~or~~ of animals illegally imported.**

10 **SECTION 94.** ATCP 10.71(1)(a) is amended to read:

11 ATCP 10.71(1)(a) The owner or custodian of the animal fails to produce a  
12 valid certificate of veterinary inspection ~~or interstate health certificate~~, if a certificate is  
13 required.

14 **SECTION 95.** ATCP 10.72(1)(d) is repealed and recreated to read:

15 ATCP 10.72(1)(d) Sell or move any animal in violation of this chapter, or an  
16 order issued under this chapter.

17 **SECTION 96.** ATCP 10.72(1)(g) and (h) are created to read:

18 ATCP 10.72(1)(g) Physically assault a department employee while that  
19 employee is performing his or her duties.

20 (h) Knowingly make any false statements to the department concerning any of  
21 the following:

22 1. The ownership, identification, age, vaccination status, test status, or health  
23 status of livestock.



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## APPENDIX B

### Diseases Reported Within 10 Days

#### Multiple species diseases

Anthrax  
Echinococcosis/hydatidosis  
Heartwater  
Leptospirosis  
New world screwworm (*Cochliomyia hominivorax*)  
Old world screwworm (*Chrysomya bezziana*)  
Paratuberculosis also known as Johne's Disease  
Q Fever

#### Fish diseases

Epizootic haematopoietic necrosis  
Infectious haematopoietic necrosis  
Oncorhynchus masou virus disease  
Spring viraemia of carp  
Viral haemorrhagic septicaemia

#### Sheep and goat diseases

Caprine and ovine brucellosis (excluding *B. ovis*)  
Caprine arthritis/encephalitis  
Contagious agalactia  
Contagious caprine pleuropneumonia  
Enzootic abortion of ewes (ovine chlamydiosis)  
Maedi-visna  
Nairobi sheep disease  
Ovine epididymitis (*Brucella ovis*)  
Ovine pulmonary adenomatosis  
Salmonellosis (*S. abortusovis*)  
Scrapie

#### Cattle diseases

Bovine anaplasmosis  
Bovine babesiosis  
Bovine spongiform encephalopathy  
Bovine cysticercosis  
Bovine genital campylobacteriosis  
Infectious bovine rhinotracheitis / infectious pustular vulvovaginitis  
Dermatophilosis

Enzootic bovine leukosis  
Haemorrhagic septicaemia  
Malignant catarrhal fever  
Theileriosis  
Trichomonosis  
Trypanosomosis (tsetse-borne)

#### Equine diseases

Contagious equine metritis  
Dourine  
Epizootic lymphangitis  
Equine infectious anemia  
Equine influenza  
Equine piroplasmosis  
Equine rhinopneumonitis  
Equine viral arteritis  
Glanders  
Horse mange  
Horse pox  
Japanese encephalitis  
Surra (*Trypanosoma evansi*)  
Venezuelan equine encephalomyelitis



**Swine diseases**

Atrophic rhinitis of swine  
Enterovirus encephalomyelitis  
Porcine cysticercosis  
Porcine reproductive and respiratory syndrome  
Transmissible gastroenteritis  
Trichinellosis

**Bee diseases**

Acariosis of bees  
American foulbrood  
European foulbrood  
Nosemosis of bees  
Varroosis

**Lagomorph diseases**

Myxomatosis  
Rabbit haemorrhagic disease

**Mollusc diseases**

Haplosporidiosis (*H. nelsoni* or *H. costale*)  
Bonamiosis  
Marteiliosis  
Mikrocytosis (*Mikrocytos mackini*)  
Perkinsosis

**Avian diseases**

Avian chlamydiosis  
Avian infectious bronchitis  
  
Avian infectious laryngotracheitis  
Avian mycoplasmosis (*M. gallisepticum*)  
Avian tuberculosis  
Duck virus enteritis  
Duck virus hepatitis  
Fowl cholera  
Fowl pox  
Fowl typhoid  
Infectious bursal disease (Gumboro disease)  
Marek's disease  
Pullorum disease  
Avian infectious encephalomyelitis  
Orinthosis (psittacosis)  
Mycoplasma gallisepticum infection  
Paramylovirus infections of poultry other than Newcastle disease  
Salmonellosis  
Infectious laryngotracheitis

**Diseases of other animal species**

Leishmaniosis

1  
2       **SECTION 98.** ATCP 11.01(1)(intro.) is amended to read:

3       ATCP 11.01(1) “Accredited tuberculosis-free herd” means a herd of bovine  
4 animals, ~~cervidae~~ cervids or goats which is certified as tuberculosis-free by one of the  
5 following:

6       **SECTION 99.** ATCP 11.01(2)(note) is created to read:

7       *NOTE:* See s. ATCP 10.05.

8  
9       **SECTION 100.** ATCP 11.01(3) to (5) are repealed.

10       **SECTION 101.** ATCP 11.01(7) is amended to read:

11       ATCP 11.01(7) “Approved ~~feed lot~~ feedlot” means a feedlot for which the  
12 department has issued a permit under s. ATCP 11.14.

13       **SECTION 102.** ATCP 11.01(8) is repealed.

14       **SECTION 103.** ATCP 11.01(11m) is created to read:

15       ATCP 11.01(11m) “Breeder swine” means all the following:

- 16       (a) Sexually intact swine 4 months of age or older.  
17       (b) Swine intended for breeding, regardless of the age of the swine.

18       **SECTION 104.** ATCP 11.01(12m) is created to read:

19       (12m) “Brucellosis monitored herd” means a herd of cervids that is certified as  
20 a brucellosis monitored herd by one of the following:

- 21       (a) The department under s. ATCP 10.675.  
22       (b) The authorized animal health agency in the state where the herd is located,  
23 under standards comparable to s. ATCP 10.675.

1           **SECTION 105.** ATCP 11.01(13m) is created to read:

2           ATCP 11.01(13m) “Brucellosis test eligible animals” means cattle and bison  
3 that are at least 18 months old as evidenced by the loss of the first pair of temporary  
4 incisor teeth, and official calfhood vaccinates that are parturient or post-parturient.

5 “Brucellosis test eligible animals” does not include any of the following:

6           (a) Steers.

7           (b) Spayed heifers.

8           (c) Official calfhood vaccinates of the dairy cattle breeds under 20 months old.

9           (d) Official calfhood vaccinates of bison or beef cattle breeds under 24 months  
10 old. For purposes of this paragraph, animals that have their first pair of fully erupted  
11 permanent incisor teeth are considered to be at least 24 months old.

12           **SECTION 106.** ATCP 11.01(17) is amended to read:

13           ATCP 11.01(17) “Certificate of veterinary inspection” means a written  
14 certificate ~~prepared by an accredited veterinarian in compliance~~ that complies with s.  
15 ATCP 11.02.

16           **SECTION 107.** ATCP 11.01(17m) is created to read:

17           ATCP 11.01(17m) “Certified brucellosis-free flock” means a flock of sheep that  
18 is certified as brucellosis-free by one of the following:

19           (a) The department under s. ATCP 10.64.

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

1           **SECTION 108.** ATCP 11.01(18) is amended to read:

2           ATCP 11.01(18) “Certified brucellosis-free herd” means a herd of cattle,  
3 cervids, or goats ~~which that~~ is certified as brucellosis-free by one of the following:

4           (a) The department under s. ATCP 10.14, ~~or 10.61~~ or 10.675.

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

7           **SECTION 109.** ATCP 11.01(18m) is amended to read:

8           ATCP 11.01(18m) “Cervid” ~~is the singular form of the plural “Cervidae”.~~  
9 ~~“Cervidae” means members~~ a member of the family of animals ~~which that~~ includes  
10 deer, elk, moose, caribou, reindeer and the subfamily musk deer. ~~“Cervidae”~~  
11 “Cervid” includes all “farm-raised deer”.

12           **SECTION 110.** ATCP 11.01(20m) is repealed.

13           **SECTION 111.** ATCP 11.01(24) is amended to read:

14           ATCP 11.01(24) “Equine animal” ~~means a horse, mule, zebra, donkey or ass~~  
15 has the meaning given in s. 95.68(1)(a), Stats.

16           **SECTION 112.** ATCP 11.01(27) is amended to read:

17           ATCP 11.01(27) “Exotic ruminant” means a ruminant not indigenous to  
18 Wisconsin. “Exotic ruminant” includes llamas and other camelids, but does not  
19 include bovine animals ~~and cervidae~~ or cervids.

20           **SECTION 113.** ATCP 11.01(29m) is amended to read:

21           ATCP 11.01(29m) “Farm-raised deer” has the meaning given in s.  
22 95.001(1)(a), Stats., but does not include ~~cervidae~~ cervids kept by an institution  
23 accredited by the American association of zoological parks and aquariums.

1           **SECTION 114.** ATCP 11.01(30m) is created to read:

2           ATCP 11.01(30m) “Federally approved livestock import market” means a  
3 livestock market that complies with s. ATCP 11.04

4           **SECTION 115.** ATCP 11.01(32) is amended to read:

5           ATCP 11.01(32) “Feeder swine” means swine, ~~excluding boars, weighing less~~  
6 ~~than 175 pounds~~ that weigh 80 pounds or less and are kept for the sole purpose of  
7 feeding for slaughter.

8           **SECTION 116.** ATCP 11.01(32m) is created to read:

9           ATCP 11.01(32m) “Feeder swine pseudorabies monitored herd” means a herd  
10 of swine which is certified as being a feeder swine pseudorabies monitored herd by one  
11 of the following:

12           (a) The department under s. ATCP 10.34.

13           (b) The authorized animal health agency in the state where the herd is located,  
14 under standards comparable to s. ATCP 10.34.

15           **SECTION 117.** ATCP 11.01(33) is repealed and recreated to read:

16           ATCP 11.01(33) “Flock” as applied to poultry means all poultry on a farm,  
17 except that the department may designate as a separate “flock” any group of poultry  
18 that has not been allowed to commingle with other poultry on a farm for at least 21  
19 days.

20           **SECTION 118.** ATCP 11.01(33m) is created to read:

21           ATCP 11.01(33m) “Flock” as applied to sheep means a commonly owned or  
22 controlled group of sheep that have at some time been commingled or allowed to  
23 commingle with other sheep in the group.

1           **SECTION 119.** ATCP 11.01(35) is amended to read:

2           (35) “Hatchery” means premises used to hatch poultry, ~~including or ratites.~~

3           “Hatchery” includes buildings, incubators, hatchers and auxiliary equipment.

4           **SECTION 120.** ATCP 11.01(37) is repealed and recreated to read:

5           ATCP 11.01(37) “Herd” means a commonly owned or controlled group of  
6 animals, of the same species, that have at some time been commingled or allowed to  
7 commingle with other animals in the group.

8           **SECTION 121.** ATCP 11.01(39) is repealed.

9           **SECTION 122.** ATCP 11.01(47 ) is repealed.

10          **SECTION 123.** ATCP 11.01(49) and (50) are amended to read:

11          ATCP 11.01(49) “Mycoplasmosis” means a disease of poultry caused by  
12 bacteria of the genus *Mycoplasma gallisepticum*.

13          (50) “National poultry improvement plan” means the ~~national poultry~~  
14 ~~improvement~~ plan established by the federal bureau under 9 CFR 145.

15          **SECTION 124.** ATCP 11.01(52) and (53) are amended to read:

16          ATCP 11.01(52) “Official ~~back tag~~ backtag” means an identification ~~back tag~~  
17 backtag, approved by the federal bureau or the department, that conforms to the ~~8~~  
18 ~~character alpha-numeric~~ national uniform backtagging system.

19          (53) “Official eartag” means an identification eartag, approved by the federal  
20 bureau or the department, that conforms to the ~~9 character alpha-numeric~~ national  
21 uniform eartagging system.

1           **SECTION 125.** ATCP 11.01(54)(e) is amended to read:

2           ATCP 11.01(54)(e) The official breed registration lip tattoo number of an  
3 equine animal which uniquely identifies that equine animal.

4           **SECTION 126.** ATCP 11.01(54)(f)2. is amended to read:

5           ATCP 11.01(54)(f)2. The equine animal's sexual status ~~as a gelding, mare or~~  
6 ~~stallion, which may be abbreviated as "G", "M" or "S" respectively.~~

7           **SECTION 127.** ATCP 11.01(54)(i) is renumbered ATCP 11.01(54)(j).

8           **SECTION 128.** ATCP 11.01(54)(i) is created to read:

9           ATCP 11.01(54)(i) For a swine weighing 80 pounds or less, the premises  
10 identification of the premises of origin.

11           **SECTION 129.** ATCP 11.01(61) and (62) are repealed.

12           **SECTION 130.** ATCP 11.01(63) is amended to read:

13           ATCP 11.01(63) "Person" includes any individual, corporation, partnership  
14 association, ~~or firm~~ limited liability company, trust, governmental entity, or other  
15 organization or entity.

16           **SECTION 131.** ATCP 11.01(67m) is created to read:

17           ATCP 11.01(67m) "Qualified pseudorabies negative grow-out herd" means a  
18 grow-out herd of swine that is certified by one of the following:

19           (a) The department under s. ATCP 10.33.

20           (b) The authorized animal health agency in the state where the herd is located,  
21 under standards comparable to s. ATCP 10.33.

1           **SECTION 132.** ATCP 11.01(68) is amended to read:

2           ATCP 11.01(68) “Qualified pseudorabies negative herd: means a herd of swine  
3 ~~which~~ that is certified as being pseudorabies negative by one of the following:

4           (a) The department under s. ATCP ~~10.30~~ 10.32.

5           (b) The authorized animal health agency in the state where the herd is located,  
6 under standards comparable to s. ATCP ~~10.30~~ 10.32.

7           **SECTION 133.** ATCP 11.01(70g) is created to read:

8           ATCP 11.01(70g) “Shipped directly to a slaughtering establishment” means  
9 delivered to a slaughtering establishment within 10 days without leaving slaughter  
10 channels, except that if an animal is a brucellosis, tuberculosis, pseudorabies, chronic  
11 wasting disease or scrapie reactor, “shipped directly to a slaughtering establishment”  
12 means delivered to a slaughtering establishment without being off-loaded at any other  
13 location in this state.

14           **SECTION 134.** ATCP 11.01(71) is amended to read:

15           ATCP 11.01(71) “Slaughtering establishment” means a slaughtering  
16 establishment ~~which is subject to licensing~~ that is licensed by the department, or subject  
17 to inspection by the United States department of agriculture. “Slaughtering  
18 establishment” includes all premises used in connection with a slaughter operation.

19           **SECTION 135.** ATCP 11.01(80m) and (80r) are amended to read:

20           ATCP 11.01(80m) “Tuberculosis monitored herd” means a herd of ~~cervidae~~  
21 cervids that is certified as a tuberculosis monitored herd by one of the following:

22           (a) ~~By the~~ The department under s. ATCP 10.67(3).



1 (b) ~~By the~~ The authorized animal health agency of the state ~~in which~~ where the  
2 herd is located, using standards comparable to those ~~specified~~ under s. ATCP 10.67(3).

3 ATCP 11.01(80r) “Tuberculosis qualified herd” means a herd of ~~cervidae~~  
4 cervids that is certified as a tuberculosis qualified herd by one of the following:

5 (a) ~~By the~~ The department under s. ATCP 10.67(2).

6 (b) ~~By the~~ The authorized animal health agency of the state ~~in which~~ where the  
7 herd is located, using standards comparable to those ~~specified~~ under s. ATCP 10.67.

8 **SECTION 136.** ATCP 11.01(81)(b) is repealed and recreated to read:

9 ATCP 11.01(81)(b) A single cervical tuberculin test or a comparative cervical  
10 tuberculin test for cervids.

11 **SECTION 137.** ATCP 11.01(82m) is created to read:

12 ATCP 11.01(82m) “USDA” means the United States department of  
13 agriculture.

14 **SECTION 138.** ATCP 11.01(83) is amended to read:

15 ATCP 11.01(83) “Validated brucellosis-free herd” means a herd of swine  
16 which is certified as brucellosis-free by one of the following”

17 (a) The department under s. ATCP ~~10.33~~ 10.36.

18 (b. The authorized animal health agency of the state ~~in which~~ where the herd is  
19 located, under standards comparable to s. ATCP ~~10.33~~ 10.36.

20 **SECTION 139.** ATCP 11.01(84m) is created to read:

21 ATCP 11.01(84m) “Wisconsin certified veterinarian” means a veterinarian  
22 certified under s. ATCP 10.05.

1           **SECTION 140.** ATCP 11.01(85) is amended to read:

2           ATCP 11.01(85) “Zoo” or “zoological park” means any park, building, cage,  
3 enclosure, or other structure or ~~premise~~ premises in which a live animal or animals are  
4 kept for public exhibition or viewing, regardless of whether admission or other  
5 consideration is paid by the viewer.

6           **SECTION 141.** ATCP 11.02 and 11.03 are repealed and recreated to read:

7           **ATCP 11.02 Certificate of veterinary inspection. (1) CERTIFICATE**

8 **REQUIRED FOR IMPORT.** No person may import any of the following animals into this  
9 state unless the animal is accompanied by a valid certificate of veterinary inspection:

10           (a) Bovine animals, except as provided under s. ATCP 11.11(1)(b).

11           (b) Swine, except as provided under s. ATCP 11.20(1)(b).

12           (c) Equine animals, except as provided under s. ATCP 11.30(1).

13           (d) Poultry.

14           (e) Sheep.

15           (f) Goats.

16           (g) Dogs or domestic cats.

17           (h) Circus, rodeo, racing or menagerie animals.

18           (i) Exotic ruminants and South American camelids

19           (j) Cervids.

20           (k) Ratites, except ratites imported directly from a federal quarantine facility.

21           (2) **WHO MAY ISSUE.** An accredited veterinarian shall prepare and sign a  
22 certificate of veterinary inspection, except that a Wisconsin certified veterinarian shall  
23 prepare and sign a certificate issued in Wisconsin.

1 (3) FORM. (a) A certificate of veterinary inspection shall be issued on a form  
2 provided by the department, the federal bureau or the state in which the certificate is  
3 issued. A certificate issued in this state shall be issued on a form provided by the  
4 department.

5 **NOTE:** A certificate of veterinary inspection issued in another state for fish  
6 imported to this state must also be issued on a form provided by the  
7 department. See ATCP 11.58(15).  
8

9 (b) A veterinarian may obtain a certificate of veterinary inspection form from  
10 the department. The department shall charge a fee of \$3 for each form provided.

11 **NOTE:** Veterinarians may obtain certificate forms and pay fees by contacting  
12 the department at the following address:

13  
14 Wisconsin Department of Agriculture, Trade and Consumer Protection  
15 Animal Health Laboratory  
16 6101 Mineral Point Road  
17 Madison, WI 53705-4494  
18 Phone: (608) 266-2465, (800) 608-8387  
19 Fax: (608) 267-0636  
20

21 (4) CONTENTS. A certificate of veterinary inspection shall include all the  
22 following:

23 (a) Identification of each animal covered by the certificate. Official individual  
24 identification is required for bovine animals, swine, equine animals, sheep 6 months of  
25 age or older, goats, raptines and cervids. Except as provided under s. ATCP 11.03,  
26 official individual identification is not required for any of the following if the certificate  
27 clearly identifies the shipment destination and the number of animals included in the  
28 shipment:

29 1. Poultry.

1           2. Veal calves or steers originating from a brucellosis-free state or nation, or a  
2 brucellosis class A state.

3           (b) The species, breed, sex and age of the animal.

4           (c) The name and address of the person shipping the animal, and the location  
5 from which the animal is shipped.

6           (d) The name and address of the person receiving the animal, and the location  
7 at which the animal will be received.

8           (e) Any information required under this chapter for the import or movement of  
9 the animal.

10           **NOTE:** This chapter requires additional information for the import or  
11 movement of certain animals. Required information may include, for  
12 example, information related to herd or flock of origin, animal  
13 vaccination status or diagnostic test results. The department may also  
14 require additional information under s. ATCP 11.03.

15           (f) If the certificate pertains to a shipment of farm-raised deer shipped from any  
16 location in this state, the registration number of the person registered under s. ATCP  
17 10.652 who kept those farm-raised deer at that location.

18           (g) The following statement, or one substantially similar:

19           **“I certify, as a veterinarian, that I have inspected the animals identified on  
20 this certificate and that the animals are not showing signs of contagious or  
21 infectious disease, except where noted. Vaccinations and test results are as  
22 indicated on the certificate. To the best of my knowledge, the animals  
23 identified on this certificate meet applicable federal and state of destination  
24 requirements.”**

25           (h) The veterinarian’s signature and date of signature.

26           (5) CERTIFICATE VALID FOR 30 DAYS. (a) Except as provided under par. (b) or  
27 s. ATCP 11.03, a certificate of veterinary inspection is valid for 30 days.  
28  
29

1 (b) Except as provided in s. ATCP 11.03, a certificate of veterinary inspection  
2 is valid for 90 days if all the following apply:

3 1. A veterinarian issues the certificate for the interstate movement of an animal  
4 solely for exhibition at a livestock fair, exhibition or show.

5 2. The animal returns to its herd of origin after being exhibited.

6 (6) FILING COPIES OF CERTIFICATE. (a) If this chapter requires a certificate of  
7 veterinary inspection to accompany animals imported to this state, the veterinarian who  
8 signs the certificate shall also file copies with the department and the chief livestock  
9 health official in the state of origin. The veterinarian shall file the copies within 7 days  
10 after the import shipment date.

11 (b) Whenever a Wisconsin certified veterinarian issues a certificate of  
12 veterinary inspection for export or intrastate movement of Wisconsin animals, the  
13 veterinarian shall file a copy of the certificate with the department within 7 days after  
14 the export or intrastate movement. If the animals are being exported, the veterinarian  
15 shall also file a copy of the certificate with the chief livestock health official of the state  
16 of destination.

17 (7) ANIMAL IMPORTED TO CONSIGNMENT SALE; CERTIFICATE TO ACCOMPANY  
18 ANIMAL WHEN SOLD. (a) If an animal is imported on consignment to a livestock dealer  
19 or market operator, for sale on behalf of an out-of-state seller, any required certificate  
20 of veterinary inspection that accompanies the imported animal shall continue to  
21 accompany that animal until the purchaser receives it.

22 (b) Whenever a Wisconsin certified veterinarian issues a certificate of  
23 veterinary inspection for an imported animal sold on consignment in this state, the

1 certificate may incorporate pertinent health information from the certificate that  
2 accompanied the imported animal. The veterinarian may issue the certificate on the  
3 same certification form if the form is specifically designed for that purpose, or the  
4 veterinarian may issue a separate certificate that includes the following statement or one  
5 substantially similar:

6 **“The vaccination record, test results, and source herd information on this**  
7 **certificate have been copied from the incoming certificate of veterinary**  
8 **inspection that was issued by (*accredited veterinarian*), who certified the**  
9 **information at (*address and state of origin*) on (*date*). A copy of the**  
10 **incoming certificate is attached.”**

11  
12 (c) Within 7 days after a Wisconsin certified veterinarian issues a certificate of  
13 veterinary inspection under par. (b), that veterinarian shall file with the department  
14 copies of that certificate and the certificate that accompanied the imported animal under  
15 par. (a).

16 **ATCP 11.03 Import restrictions. (1) GENERAL. (a) Persons importing**  
17 **animals to this state shall comply with applicable import requirements under this**  
18 **chapter and chs. ATCP 10 and 12.**

19 (b) The state veterinarian may by written notice or by oral notice confirmed in  
20 writing, direct a person to comply with additional import requirements if the state  
21 veterinarian determines, based on an epidemiological evaluation of current disease risks  
22 in the herd, state or nation of origin, that those additional requirements are needed to  
23 prevent the spread of disease to this state.

24 **NOTE:** Whenever the state veterinarian imposes additional import  
25 requirements under par. (b), the department will determine whether those  
26 import requirements have general application. If the requirements have  
27 general application, the department will adopt an emergency rule and  
28 promulgate a permanent rule adopting the requirements. If the import

1 requirements do not have general application, the requirements constitute  
2 an order under s. 93.07(10), Stats., and are reviewable in a contested  
3 case proceeding under ch. 227, Stats., and ch. ATCP 1. Whenever an  
4 additional import requirement affects an entire state or a substantial  
5 portion of a state, the department will notify the chief animal health  
6 officer in the affected state.

7  
8 (c) No person who receives a notice of an additional import requirement under  
9 par. (b) may import an animal in violation of the additional import requirement.

10 (2) IMPORT PERMIT. (a) No person may import an animal to this state without  
11 first obtaining a written import permit from the department if a written permit is  
12 required by this chapter or chs. ATCP 10 or 12.

13 (b) The department may issue a written permit in paper or electronic form.  
14 The department shall include a permit number on each written permit.

15 (c) The department shall grant or deny the permit within 30 days after the  
16 department received a complete permit application.

17 (d) An importer, or an accredited veterinarian acting on behalf of an importer,  
18 may apply for a permit in any of the following ways:

- 19 1. By telephone at (608) 224-4879.
- 20 2. By writing to the department at the following address:

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

26 (e) A permit application under par. (d) shall include all the following  
27 information:

1           1. The name, address and telephone number of the importer. If an accredited  
2 veterinarian applies on behalf of an importer, the veterinarian shall also disclose his or  
3 her name, address and telephone number.

4           2. The name and address of the import recipient.

5           3. The type of animal being imported.

6           4. The number of animals being imported.

7           5. The state or nation from which the animals are being imported.

8           6. Any other information required by the department.

9           (f) The department may accept the information under par. (e) by telephone or  
10 other oral communications, or may require the applicant to submit the information in  
11 writing. The department may accept written information in hard copy or electronic  
12 form.

13           (g) An import permit expires 30 days after it is issued, unless the department  
14 specifies a different expiration date on the import permit.

15           (3) WRITTEN PERMIT WAIVING IMPORT REQUIREMENTS. (a) The state  
16 veterinarian may issue a written import permit that waives import requirements for a  
17 single import shipment if the state veterinarian determines that special conditions justify  
18 the waiver.

19           (b) A permit under par. (a) shall identify the import shipment, the import  
20 requirements waived, and the special conditions that justify the waiver. The permit  
21 may specify alternative import requirements that the state veterinarian deems necessary.



1 (c) A person applying for an import permit under par. (a) shall apply in writing.  
2 The application shall include all the information required under sub. (2)(e), and shall  
3 explain the special conditions that justify the permit.

4 (4) PERMIT RECORDS. The department shall keep, for at least 5 years, a record  
5 of every permit issued under this section.

6 **SECTION 142.** ATCP 11.04 is created to read:

7 **ATCP 11.04 Federally approved livestock import markets.** (1) APPROVAL  
8 REQUIRED. A livestock market is a federally approved livestock import market, for  
9 purposes of this chapter, if all the following apply:

10 (a) The livestock market is licensed under s. ATCP 12.02.

11 (b) The livestock market operator has a current agreement with the federal  
12 bureau under 9 CFR 71.20.

13 (c) The department has authorized the livestock market to receive animal  
14 import shipments as a federally approved livestock import market under this chapter.

15 (d) The livestock market operates in compliance with this section.

16 (2) RECEIVING ANIMALS AT A FEDERALLY APPROVED LIVESTOCK IMPORT  
17 MARKET. Animals of a type identified in a federal livestock market agreement under  
18 sub. (1)(b) may be imported to that market without meeting import requirements under  
19 this chapter, provided that the animals are imported in compliance with 9 CFR 71, 78  
20 and 85 and the agreement under sub. (1)(b).

21 (3) REMOVING ANIMALS FROM A FEDERALLY APPROVED LIVESTOCK IMPORT  
22 MARKET. The operator of a federally approved livestock import market may not

1 release any animal from that market to a Wisconsin destination unless the animal meets  
2 all applicable import requirements under this chapter.

3 (4) RECORDS. The operator of a federally approved livestock import market  
4 shall keep all records required by this chapter, ch. ATCP 12 and 9 CFR 71.20. The  
5 operator shall keep the records for at least 5 years, and shall make them available to the  
6 department for inspection and copying upon request.

7 SECTION 143. ATCP 11.10(1)(a)1. is amended to read:

8 ATCP 11.10(1)(a)1. Vaccinates, identifies or tests a bovine animal in order to  
9 complete ~~an interstate health certificate, a certificate of veterinary inspection, or any~~  
10 other official document or certification related to that animal.

11 SECTION 144. ATCP 11.10(2) and (3) are repealed and recreated to read:

12 ATCP 11.10(2) IDENTIFYING OFFICIAL BRUCELLOSIS VACCINATES. A  
13 veterinarian who vaccinates a bovine animal for brucellosis shall identify the animal in  
14 compliance with the USDA brucellosis eradication uniform methods and rules dated  
15 February 1, 1998.

16 NOTE: Copies of the USDA brucellosis eradication uniform methods and rules  
17 dated February 1, 1998 (APHIS publication 91-45-011) are on file with  
18 the department, the secretary of state and the revisor of the statutes.  
19 Copies may be obtained from:

20  
21 Wisconsin Department of Agriculture, Trade and Consumer Protection  
22 Division of Animal Health  
23 P.O. Box 8911  
24 Madison, WI 53708-8911  
25

26 (3) REACTOR IDENTIFICATION. (a) Tuberculosis reactors shall be identified  
27 according to s. ATCP 10.16.

28 (b) Brucellosis reactors shall be identified according to s. ATCP 10.36.

1 (c) Paratuberculosis reactors shall be identified according to s. ATCP 10.21.

2 **SECTION 145.** ATCP 11.10(4)(d) is amended to read:

3 ATCP 11.10(4)(d) *Records kept and made available.* Records under pars. (b)  
4 and (c) shall be kept for a period of ~~2~~ 5 years, and shall be made available to the  
5 department for inspection and copying upon request.

6 **SECTION 146.** ATCP 11.11 and 11.12 are repealed and recreated to read:

7 **ATCP 11.11 Bovine animals; import.** (1) CERTIFICATE OF VETERINARY  
8 INSPECTION. (a) *Requirement.* Except as provided in par. (b), no person may import a  
9 bovine animal into this state unless the animal is accompanied by a valid certificate of  
10 veterinary inspection. The certificate shall comply with s. ATCP 11.02 and shall  
11 include the following information:

12 1. The official individual identification of the bovine animal. Official  
13 individual identification is not required for veal calves or steers imported from a  
14 brucellosis free state or nation, or from a brucellosis class A state, provided that the  
15 certificate clearly identifies the shipment destination and the number of animals  
16 included in the shipment.

17 2. A report of a negative brucellosis test conducted not more than 30 days  
18 before the animal enters this state, unless the animal is exempt from the brucellosis  
19 testing requirement under sub. (2).

20 3. The written import permit number, if a written import permit is required  
21 under sub. (3), (5) or (6).

1           4. A report of a negative tuberculosis test conducted not more than 60 days  
2 before the animal enters this state, unless the animal is exempt from the tuberculosis  
3 testing requirement under sub. (4)(b).

4           5. If the animal is imported to an approved feed lot, the permit number  
5 assigned to that feed lot under s. ATCP 11.14.

6           6. Any other information required under this section.

7           (b) *Exemptions.* A certificate of veterinary inspection is not required under  
8 par. (a) for any of the following:

9           1. An animal imported directly to a slaughtering establishment for slaughter.

10          2. An animal imported directly to a federally approved livestock import market  
11 under s. ATCP 11.04.

12          3. A calf under 30 days old originating from a brucellosis-free state or nation,  
13 or from a brucellosis class A state.

14          (2) BRUCELLOSIS TEST. (a) *Requirement.* Except as provided in par. (b), no  
15 person may import a bovine animal into this state unless the animal tests negative on a  
16 pre-import brucellosis test. Except as provided in par. (c), the pre-import brucellosis  
17 test shall be conducted not more than 30 days before the animal enters this state.

18          (b) *Exemptions.* Paragraph (a) does not require a pre-import brucellosis test  
19 for any of the following animals:

20          1. An animal imported directly to a slaughtering establishment for slaughter.

21          2. An animal originating from a brucellosis-free state or nation, unless testing  
22 is required under s. ATCP 11.03(1)(b).

23          3. An animal originating from a certified brucellosis-free herd.

1           4. An animal imported directly to a federally approved livestock import market  
2 under s. ATCP 11.04.

3           5. A steer or official spayed heifer.

4           6. A calf under 6 months old originating from a brucellosis class A state.

5           7. An official vaccinate under 20 months old originating from a brucellosis  
6 class A state.

7           8. Feeder cattle originating from a brucellosis class A state that are imported  
8 directly to an approved feedlot.

9           (c) *Exhibition animals; extended time for pre-import test.* An animal may be  
10 tested for brucellosis up to 90 days before the animal enters this state if all the  
11 following apply:

12           1. The animal originates from a brucellosis class A state.

13           2. The animal is imported solely for exhibition at a fair or livestock exhibition.

14           3. The animal returns to its herd of origin after being exhibited at the fair or  
15 livestock exhibition.

16           (d) *Test method.* A laboratory approved by the department or the federal  
17 bureau shall conduct a brucellosis test under par. (a). The laboratory shall conduct the  
18 test using the tube, plate, or buffered acidified plate antigen (BAPA) test method, or  
19 another test method approved by the department.

20           (3) IMPORT FROM BRUCELLOSIS CLASS B OR C STATES. (a) *Written*  
21 *authorization required.* Except as provided in par. (b), no person may import a bovine  
22 animal originating from a brucellosis class B or C state unless the department first  
23 issues a written permit under s. ATCP 11.03 authorizing that import shipment.

1 (b) *Exceptions*. Paragraph (a) does not apply to any of the following:

2 1. An animal imported directly to a slaughtering establishment for slaughter.

3 2. An animal originating from a certified brucellosis-free herd.

4 3. A steer or official spayed heifer.

5 (4) TUBERCULOSIS TEST. (a) *Requirement*. Except as provided in par. (b), no  
6 person may import a bovine animal into this state unless the animal tests negative on a  
7 pre-import tuberculosis test. Except as provided under par. (c), the pre-import  
8 tuberculosis test shall be conducted not more than 60 days before the animal enters this  
9 state.

10 (b) *Exemptions*. Paragraph (a) does not require a pre-import tuberculosis test  
11 for any of the following:

12 1. An animal imported directly to a slaughtering establishment for slaughter.

13 2. An animal imported directly to a federally approved livestock import market  
14 under appropriate documents required by the federal bureau.

15 3. Feeder cattle imported directly to an approved feedlot.

16 4. A calf under 6 months old.

17 5. An animal originating from an accredited tuberculosis-free state or nation,  
18 provided that Wisconsin animals may be shipped to that state or nation without a prior  
19 tuberculosis test, unless testing is required under s. ATCP 11.03(1)(b).

20 6. An animal originating from an accredited tuberculosis-free herd if the animal is  
21 accompanied by a certificate of veterinary inspection that includes the tuberculosis-free

1 herd certification number of the herd of origin and the date on which the herd of origin  
2 was last tested for tuberculosis.

3 (c) *Exhibition animals; extended time for pre-import test.* An animal may be  
4 tested for tuberculosis up to 90 days before the animal enters this state if all the  
5 following apply:

6 1. The animal originates from an accredited tuberculosis-free state or nation, or  
7 an accredited tuberculosis-free herd.

8 2. The animal is imported solely for exhibition at a fair or livestock exhibition.

9 3. The animal returns to its herd of origin after being exhibited at the fair or  
10 livestock exhibition.

11 **ATCP 11.12 Reactor and suspect animals; import restricted. (1)**

12 BRUCELLOSIS REACTORS; IMPORT RESTRICTED. No person may import a brucellosis  
13 reactor into this state, except that a reactor originating from an adjacent state may be  
14 imported directly to a slaughtering establishment for slaughter if all the following apply:

15 (a) The department first issues a written import permit under s. ATCP 11.03 that  
16 identifies the animal as a brucellosis reactor imported for slaughter.

17 (b) Brucellosis reactors from this state may be imported to that adjacent state for  
18 slaughter under equivalent terms and conditions.

19 (2) TUBERCULOSIS SUSPECTS AND REACTORS; IMPORT RESTRICTED. (a)

20 *Tuberculosis reactors.* No person may import a tuberculosis reactor into this state,  
21 except that a tuberculosis reactor may be imported directly to a slaughtering  
22 establishment for slaughter if the department first issues a written import permit under

1 s. ATCP 11.03 that identifies the animal as a tuberculosis reactor imported for  
2 slaughter.

3 (c) *Tuberculosis suspects*. No person may import a tuberculosis suspect into this  
4 state until the suspect status is resolved, except that a tuberculosis suspect may be  
5 imported directly to a slaughtering establishment for slaughter if the department first  
6 issues a written import permit under s. ATCP 11.03 that identifies the animal as a  
7 tuberculosis suspect imported for slaughter.

8 (3) PARATUBERCULOSIS REACTORS; IMPORT. No person may import to this state a  
9 bovine animal determined to be a paratuberculosis reactor under s. ATCP 10.21(9)  
10 unless an accredited veterinarian first identifies that reactor with a permanent  
11 paratuberculosis reactor identification approved by the department.

12 **SECTION 147.** ATCP 11.13 is repealed.

13 **SECTION 148.** ATCP 11.14(title), (1) and (1)(note) are amended to read:

14 **ATCP 11.14 Approved ~~feed lot~~ feedlot.** (1) PERMIT. The department may  
15 issue an annual permit designating a ~~feed lot~~ feedlot as an “approved ~~feed lot~~ feedlot.”  
16 A permit expires on June 30 annually. Under s. 93.06(7), Stats., the department may  
17 deny, suspend or revoke a permit for cause, including violations of this chapter or  
18 other animal health laws.

19 **NOTE:** Not every ~~feed lot~~ feedlot is required to hold an approved ~~feed lot~~ feedlot  
20 permit under this section. However feeder cattle imported directly to an  
21 approved ~~feed lot~~ feedlot are exempt from certain import restrictions and  
22 pre-import testing requirements, as provided in s. ATCP 11.11.  
23

24 **SECTION 149.** ATCP 11.14(3)(c) and (d) are amended to read:

25 ATCP 11.14(3)(c) The ~~feed lot~~ feedlot shall be devoid of vegetation.



1 (d) Every animal in the ~~feed lot~~ feedlot, except a steer or official spayed heifer,  
2 shall have an official individual identification. If an animal is received without an official  
3 individual identification, the ~~feed lot~~ feedlot operator shall immediately identify the  
4 animal with ~~an official eartag~~ an official individual identification.

5 **SECTION 150.** ATCP 11.14(4) is amended to read:

6 ATCP 11.14(4) REMOVAL OF FEEDER CATTLE. Except as specifically authorized  
7 by the department in writing, no feeder cattle or cattle commingled with feeder cattle may  
8 be removed from an approved ~~feed lot~~ feedlot except to a licensed slaughtering  
9 establishment for slaughter.

10 **SECTION 151.** ATCP 11.14(5)(intro.) is amended to read:

11 ATCP 11.14(5) RECORDS. The operator of an approved ~~feed lot~~ feedlot shall  
12 keep complete and accurate records of all feeder cattle entering and leaving the  
13 approved feedlot. Records shall be held for at least ~~2~~ 5 years after the feeder cattle  
14 leave the approved feedlot, and shall be made available for inspection and copying by  
15 the department upon request. Records shall include:

16 **SECTION 152.** ATCP 11.14(5)(b) is amended to read:

17 ATCP 11.14(5)(b) A record of each feeder cattle shipment leaving the  
18 approved ~~feed lot~~ feedlot, including the date of shipment, the number of feeder cattle  
19 included in the shipment, the official individual identification of each animal included  
20 in the shipment, and the name and address of the person receiving the shipment.  
21 Official individual identification need not be recorded for steers and official spayed  
22 heifers.

23 **SECTION 153.** ATCP 11.16 is repealed.

1 SECTION 154. ATCP 11.17 is amended to read:

2 **ATCP 11.17 Intrastate movement of bovine animals; paratuberculosis**  
3 **reactors.** No person may sell or move ~~an~~, from a location in this state, a bovine  
4 animal determined to be a paratuberculosis reactor under s. ATCP 10.21(9) unless ~~an~~  
5 ~~accredited~~ a Wisconsin certified veterinarian first identifies that reactor with a  
6 permanent paratuberculosis reactor identification approved by the department.

7 SECTION 155. ATCP 11.20 is repealed and recreated to read:

8 **ATCP 11.20 Swine; import.** (1) CERTIFICATE OF VETERINARY INSPECTION.

9 (a) *Requirement.* Except as provided in par. (b), no person may import a swine into  
10 this state unless the swine is accompanied by a valid certificate of veterinary inspection.  
11 The certificate shall comply with s. ATCP 11.02 and shall include all the following  
12 information:

13 1. The official individual identification of the swine.

14 *NOTE:* A person may use, as the “official individual identification” of feeder  
15 swine, the premises identification of the premises where the feeder swine  
16 originated. See s. ATCP 11.01(54)(i).

17 2. The import permit number if an import permit is required under sub. (2).

18 3. If sub. (5)(a) applies, a statement certifying that no pseudorabies vaccine has  
19 been used on the swine.

20 4. If sub. (3)(a) applies, the identification number of the pseudorabies qualified  
21 negative herd or pseudorabies qualified negative grow-out herd from which the swine  
22 originates, and the date of the last herd qualifying test.

1           5. If sub (4)(a) applies, a report of a negative brucellosis test conducted not  
2 more than 30 days before the swine enters this state.

3           6. Any other information required under this section.

4           (b) *Exemptions.* Paragraph (a) does not apply to any of the following:

5           1. Swine imported directly to a slaughtering establishment for slaughter.

6           2. Swine imported directly to a federally approved livestock import market.

7           3. Micro pigs imported directly to a laboratory pursuant to a written import  
8 permit under sub. (9).

9           (c) *Prompt delivery to department.* Within 24 hours after a veterinarian issues  
10 a certificate of veterinary inspection for swine that are being imported from a  
11 pseudorabies stage I, II or III state to this state, the veterinarian shall deliver a copy of  
12 that certificate to the department. The veterinarian may deliver the certificate by fax or  
13 other electronic transmission.

14           (2) IMPORT PERMIT. (a) *Requirement.* Except as provided in par. (b), no  
15 person may import any swine into this state unless the person obtains an import permit  
16 from the department. The department may issue an import permit in writing, by  
17 telephone, or by fax or other electronic communication.

18           (b) *Exemptions.* Paragraph (a) does not apply to any of the following:

19           1. An animal imported directly to a slaughtering establishment for slaughter.

20           2. An animal imported directly to a federally approved livestock import  
21 market.

22           3. An animal originating from a pseudorabies stage IV or V state.

1           4. Micro pigs imported directly to a laboratory pursuant to a written import  
2 permit under sub. (9).

3           (c) *Permit application.* A person may apply for an import permit under par. (a)  
4 in writing, by telephone, or by fax or other electronic communication. The applicant  
5 shall identify the importer, the state from which the import shipment originates and the  
6 person receiving the import shipment in this state. If sub. (3)(a) applies, the applicant  
7 shall also provide the department with the following information:

8           1. The identification number of the pseudorabies qualified negative herd or  
9 pseudorabies qualified negative grow-out herd from which the swine originate.

10           2. The date of the last herd test that qualified the herd of origin as a  
11 pseudorabies qualified negative herd or pseudorabies qualified negative grow-out herd.

12           (d) *Herd Plan.* The department may not issue an import permit under (a) for  
13 animals originating from a pseudorabies stage I or II state unless the person receiving  
14 the import shipment has entered into a herd plan with the department.

15           (3) **SWINE MUST ORIGINATE FROM A PSEUDORABIES QUALIFIED NEGATIVE HERD.**

16           (a) *Requirement.* Except as provided in par. (b), no person may import a swine into  
17 this state unless the swine originates from a pseudorabies qualified negative herd or, if  
18 the swine originates from an off-site facility, a pseudorabies qualified negative grow-  
19 out herd that qualifies on the basis of monthly testing.

20           (b) *Exemptions.* Paragraph (a) does not apply to any of the following:

- 21           1. Swine imported directly to a slaughtering establishment for slaughter.
- 22           2. Swine imported directly to a federally approved livestock import market.
- 23           3. Swine originating from a pseudorabies stage IV or V state.

1           4. Swine originating from a pseudorabies stage III state that are imported for  
2 feeding for slaughter.

3           5. Breeder swine or show pigs that originate from a pseudorabies stage III state  
4 and have tested negative for pseudorabies on a test conducted not more than 30 days  
5 before the swine enters this state.

6           6. Micro pigs imported directly to a laboratory pursuant to a written import  
7 permit under sub. (9).

8           (4) BRUCELLOSIS TEST. (a) *Requirement.* Except as provided in par. (b), no  
9 person may import a swine into this state unless the swine tests negative on a pre-  
10 import brucellosis test conducted not more than 30 days before the swine enters this  
11 state.

12           (b) *Exemptions.* Paragraph (a) does not apply to any of the following:

- 13           1. Swine imported directly to a slaughtering establishment for slaughter.
- 14           2. Swine imported directly to a federally approved livestock import market.
- 15           3. Swine originating from a brucellosis stage III state, unless testing is required  
16 under s. ATCP 11.03(1)(b).
- 17           4. Swine originating from a validated brucellosis-free herd.
- 18           5. Feeder swine.
- 19           6. Micro pigs imported directly to a laboratory pursuant to a written permit  
20 under sub. (9).

21           (5) PSEUDORABIES VACCINATES; IMPORTS PROHIBITED. (a) *Prohibition.*  
22 Except as provided in par. (b), no person may import into this state any swine that has  
23 been vaccinated for pseudorabies.

1 (b) *Exemptions*. Paragraph (a) does not apply to any of the following:

- 2 1. Swine imported directly to a slaughtering establishment for slaughter.
- 3 2. Micro pigs imported directly to a laboratory pursuant to a written permit
- 4 under sub (9).

5 (6) IMPORTED SWINE; ISOLATION AND PSEUDORABIES TESTING. (a)

6 *Requirement*. Except as provided in par. (b), a person receiving imported swine in this  
7 state shall do all the following:

- 8 1. Isolate the imported swine from all other swine on the premises until the
- 9 imported swine test negative for pseudorabies.
- 10 2. Have all the imported swine tested for pseudorabies not less than 30 days
- 11 nor more than 45 days after the swine enter this state.

12 (b) *Exemptions*. Paragraph (a) does not apply to any of the following:

- 13 1. Swine imported directly to a slaughtering establishment for slaughter.
- 14 2. Swine imported directly to a federally approved livestock import market.
- 15 3. Swine originating from a pseudorabies stage IV or V state, unless testing is
- 16 required under s. ATCP 11.03(1)(b).
- 17 4. An import shipment of swine that includes no breeder swine or show pigs, if
- 18 the person receiving that shipment tests a representative statistical sample of these
- 19 swine for pseudorabies. The person shall test the statistical sample not less than 30
- 20 days nor more than 45 days after the swine enter this state. The person shall isolate all
- 21 of the imported swine until the sample swine test negative for psuedorabies.
- 22 5. Micro pigs imported directly to a laboratory pursuant to a written permit
- 23 under sub. (9).

1 (7) SLAUGHTER SWINE IMPORTED FROM PSEUDORABIES STAGE I OR II STATE. No  
2 person may import slaughter swine from a pseudorabies stage I or II state unless the  
3 swine are shipped in a sealed vehicle directly to a slaughter establishment, and are  
4 accompanied by a USDA permit for movement of restricted animals, form VS 1-27 or a  
5 Wisconsin import for slaughter form completed by a person approved by the department.

6 (8) FEEDER SWINE AND OTHER SWINE IMPORTED FROM PSEUDORABIES STAGE I OR  
7 II STATE. (a) *Separate from breeding stock.* All feeder swine and other swine that are  
8 imported for finish feeding prior to slaughter that originate from a pseudorabies stage I  
9 or II state shall at all times be kept separate from breeding stock.

10 (b) *Movement restricted.* No feeder swine or other swine that is imported for  
11 finish feeding prior to slaughter that originates from a pseudorabies stage I or II state  
12 may be removed from the farm at which it was received except for shipment direct to  
13 slaughter.

14 (c) *Commingled swine.* Swine that are shipped to a farm after being  
15 commingled with imported feeder swine or other swine that are imported for finish  
16 feeding prior to slaughter at a federally approved livestock import market are  
17 considered imported feeder swine under this subsection.

18 (9) LABORATORY IMPORT PERMIT. The department may issue a written import  
19 permit under s. ATCP 11.03 authorizing the import of micro pigs directly to a  
20 laboratory in this state, subject to the following conditions stated in the permit:

21 (a) The laboratory shall use the micro pigs for bona fide scientific research,  
22 studies or tests.

1 (b) The micro pigs shall be imported to the laboratory in a closed, biologically  
2 controlled environment that keeps the pigs biologically isolated from other swine.

3 (c) The micro pigs shall be confined in the laboratory so they are biologically  
4 isolated from other swine.

5 (d) The laboratory operator shall euthanize all of the micro pigs at the end of  
6 the study, test or experiment, and shall dispose of all carcasses in a manner that  
7 prevents biological exposure to other swine.

8 (10) **GARBAGE-FED SWINE; IMPORT PROHIBITED.** Swine fed on raw commercial  
9 garbage may not be imported into this state for slaughter or any other purpose. Swine  
10 fed on cooked commercial garbage may not be imported into this state unless the  
11 department first issues a written import permit under s. ATCP 11.03 that identifies the  
12 imported swine as swine fed on cooked commercial garbage.

13 **SECTION 156.** ATCP 11.21 is repealed.

14 **SECTION 157.** ATCP 11.22 and 11.23 are repealed and recreated to read:

15 **ATCP 11.22 Slaughter swine identification.** (1) **IDENTIFICATION REQUIRED.**

16 Except as provided in sub. (3), a livestock trucker, livestock market operator or  
17 slaughtering establishment operator shall do all the following whenever that person  
18 receives a sow, boar or stag for slaughter, or for sale or shipment to slaughter:

19 (a) Identify the swine with an official swine backtag or other approved  
20 slaughter identification, unless the swine already bears an official slaughter  
21 identification.

22 (b) Make a record of the slaughter identification.



1 (2) RECORDKEEPING. (a) A record under sub. (1)(b) shall include all the  
2 following:

- 3 1. The swine's slaughter identification number.
- 4 2. The date on which the swine was received.
- 5 3. The date on which the slaughter identification was applied. If the swine  
6 already bore a slaughter identification when received, the record shall note that fact.
- 7 4. The name and address of the person from whom the swine was received.
- 8 5. The class of swine received.

9 (b) A person required to keep records under sub. (1)(b) shall keep those  
10 records for at least 5 years, and shall make them available to the department for  
11 inspection and copying upon request.

12 (3) LOW-VOLUME SLAUGHTER ESTABLISHMENTS; EXEMPTION. The department  
13 may, by written notice, exempt a slaughtering establishment from sub. (1) if all the  
14 following apply:

15 (a) The slaughtering establishment receives all of its swine directly from  
16 producers.

17 (b) The slaughtering establishment can identify the herd of origin of every  
18 swine slaughtered.

19 (c) The slaughtering establishment slaughters not more than 100 swine per day,  
20 and operates no more than 5 days per week.

21 **ATCP 11.23 Swine; intrastate movement.** (1) PSEUDORABIES TEST  
22 REQUIRED. Except as provided in sub. (2), no person may move a swine within this  
23 state unless all the following apply:

1 (a) The swine first tests negative on a pseudorabies test conducted not more  
2 than 30 days prior to the intrastate movement.

3 (b) A copy of the negative test report under par. (a) accompanies the swine.  
4 The operator of a swine growth performance test station shall keep copies of  
5 pseudorabies test reports for all swine moved into or out of the test station. The test  
6 station operator shall retain the copies for a period of 5 years, and make them available  
7 to the department for inspection and copying upon request.

8 (2) EXEMPTIONS. Sub. (1) does not apply if any of the following applies:

9 (a) This state qualifies as a pseudorabies stage IV or V state.

10 (b) The animal originates from a qualified pseudorabies negative herd or a  
11 qualified pseudorabies negative grow-out herd.

12 (c) The animal is moved directly to a slaughtering establishment for slaughter.

13 (d) The animal is moved to the premises of a livestock dealer or livestock  
14 market if the dealer or market operator complies with the testing requirement under  
15 par. (a) before the animal is moved from those premises.

16 (e) The animal is moved between 2 premises, both of which are owned or  
17 operated by the owner of the animal.

18 **SECTION 158.** ATCP 11.30 is repealed and recreated to read:

19 **ATCP 11.30 Equine animals; import.** (1) **CERTIFICATE OF VETERINARY**  
20 **INSPECTION.** (a) *Requirement.* Except as provided in pars. (b) to (e), no person may  
21 import an equine animal into this state unless the animal is accompanied by a valid  
22 certificate of veterinary inspection. The certificate shall comply with s. ATCP 11.02  
23 and shall include all the following:

1           1. The official individual identification of the equine animal.

2           2. A report of a negative test for equine infectious anemia if required by sub.

3 (2).

4           (b) *Animal imported for slaughter.* Paragraph (a) does not apply to an equine  
5 animal imported directly to a slaughtering establishment for slaughter.

6           (c) *Animal imported to livestock market.* Paragraph (a) does not apply to an  
7 equine animal imported directly to a livestock market licensed under s. ATCP 12.02 if  
8 any of the following apply:

9           1. The animal is shipped directly to a slaughtering establishment, for slaughter,  
10 within 10 days after it arrives at the livestock market and before it is commingled with  
11 any equine animal that is not shipped to slaughter.

12           2. A Wisconsin certified veterinarian issues a certificate of veterinary  
13 inspection for the equine animal before the animal leaves the livestock market or is  
14 commingled with any other equine animal at the market. The certificate shall include a  
15 report of a negative test for equine infectious anemia if a test is required under sub. (2).

16           (d) *Animal imported for, or returned from, veterinary treatment.* Paragraph (a)  
17 does not apply to any of the following:

18           1. An equine animal that is imported directly to a veterinary facility for  
19 treatment, provided that the animal is returned to its place of origin immediately after  
20 treatment.

21           2. An equine animal returning to its place of origin in this state immediately  
22 after treatment in a veterinary facility outside this state.

1           (c) *Animal imported for trail ride, horse show or exhibition.* Paragraph (a)  
2 does not apply to an equine animal imported for a trail ride, horse show or exhibition if  
3 all the following apply:       “

4           1. Ownership does not change while the animal is in this state.

5           2. The animal remains in this state for no more than 7 days.

6           3. The animal is accompanied by a report of a negative equine infectious  
7 anemia test conducted in compliance with sub. (2).

8           4. The animal originates from a state that allows Wisconsin equine animals to  
9 attend trail rides, horse shows or exhibitions in that state under similar conditions.

10          (2) EQUINE INFECTIOUS ANEMIA; TEST. (a) *Requirement.* Except as provided  
11 in pars. (b) to (e), no person may import any equine animal into this state unless one of  
12 the following applies:

13          1. The animal tested negative on an equine infectious anemia test conducted  
14 during the calendar year in which the animal is imported into this state.

15          2. The animal is imported on or before January 31 of any calendar year and the  
16 animal tested negative for equine infectious anemia during the preceding calendar year.

17          (b) *Nursing foal.* Paragraph (a) does not apply to a nursing foal accompanying  
18 its dam.

19          (c) *Animal imported to livestock market.* Paragraph (a) does not apply to an  
20 equine animal imported directly to a livestock market licensed under s. ATCP 12.02,  
21 provided that one of the following applies:

1           1. The equine animal is shipped directly to a slaughtering establishment, for  
2 slaughter, within 10 days after it arrives at the livestock market and before it is  
3 commingled with any other animal that is not shipped to slaughter.

4           2. The livestock market operator has the animal tested for equine infectious  
5 anemia within 10 days after it arrives at the market, and obtains the test results before  
6 the animal leaves the livestock market and before it is commingled with any other  
7 equine animal at the livestock market.

8           (d) *Animal imported for, or returned from, veterinary treatment.* Paragraph (a)  
9 does not apply to any of the following:

10           1. An equine animal that is imported directly to a veterinary facility for  
11 treatment, provided that the animal is returned to its place of origin immediately after  
12 treatment.

13           2. An equine animal returning to its place of origin in this state immediately  
14 after treatment in a veterinary facility outside this state.

15           (e) *Animal imported under written permit.* The department may issue a written  
16 permit under s. ATCP 11.03, authorizing the permit holder to import an equine animal  
17 before that person obtains the results of an equine infectious anemia test under par. (a).

18 The department shall include the following conditions in the import permit:

19           1. An equine infectious anemia test sample shall be collected before the animal  
20 is imported.

21           2. The animal shall be confined to the premises at which the animal is first  
22 received in this state until the test results are known. The animal may not be

1 commingled with any other equine animals on the premises during that confinement  
2 period.

3 (3) EQUINE INFECTIOUS ANEMIA; TEST POSITIVE ANIMALS. (a) No person may  
4 import an equine animal that has tested positive for equine infectious anemia.

5 (b) If an equine animal tests positive for equine infectious anemia under sub.  
6 (2)(c) or (e) after it enters this state, the owner or custodian of the animal shall do one  
7 of the following:

8 1. Euthanize the animal on the premises where it is located.

9 2. Ship the animal directly to a slaughtering establishment for slaughter, with  
10 department approval under s. ATCP 10.41(9)(b).

11 3. Return the animal to its state of origin, with department approval under s.  
12 ATCP 10.41(9)(b).

13 **SECTION 159.** ATCP 11.31 is repealed.

14 **SECTION 160.** ATCP 11.32(3)(c) and (d), are amended to read:

15 ATCP 11.32(3)(c) The location of the equine quarantine station, specified by  
16 county, township, ~~and~~ section and fire number.

17 (d) The name and address of the ~~accredited~~ Wisconsin certified veterinarian  
18 who will perform all identification, handling, testing and treatment of equine animals at  
19 the approved equine quarantine station under procedures or protocols established ~~by the~~  
20 ~~department~~ under sub. (5).

21 **SECTION 161.** ATCP 11.32(5) is amended to read:

22 ATCP 11.32(5) TESTING AND TREATMENT PROCEDURES; WRITTEN AGREEMENT.

23 Before ~~any permit is issued for the operation of the department~~ issues any permit under

1 sub. (3) for an approved equine quarantine station, the station operator and the  
2 ~~accredited~~ Wisconsin certified veterinarian designated under sub. (3)(d) shall enter into  
3 a written agreement with the department ~~establishing procedures and protocols to be~~  
4 ~~followed in the identification, handling, testing and treatment of equine animals~~  
5 ~~quarantined at the station.~~ The agreement shall establish the procedures and protocols  
6 that will be used to identify, handle, test and treat equine animals quarantined at the  
7 station. The approved equine quarantine station shall be operated in compliance with  
8 the agreed procedures and protocols. ~~Procedures~~ The designated veterinarian shall  
9 perform the procedures and protocols ~~shall be performed by the designated~~  
10 ~~veterinarian,~~ except as otherwise authorized by the department.

11 **SECTION 162.** ATCP 11.32(6)(b) is amended to read:

12 ATCP 11.32(6)(b) Records under par. (a) shall be retained for at least ~~2~~ 5  
13 years and shall be made available for inspection and copying by the department upon  
14 request.

15 **SECTION 163.** ATCP 11.34 is repealed and recreated to read:

16 **ATCP 11.34 Selling equine animals.** (1) TEST REQUIRED. Except as  
17 provided in sub. (2), no person may sell or transfer ownership of any equine animal in  
18 this state unless one of the following applies:

- 19 1. The animal has tested negative for equine infectious anemia during the  
20 current calendar year and the official test report accompanies the animal.
- 21 2. The sale or transfer of ownership occurs on or before January 31, the animal  
22 has tested negative for equine infectious anemia during the preceding calendar year and  
23 the official test report accompanies the animal.

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

2 (a) A nursing foal accompanying its dam.

3 (b) An equine animal sold directly to a slaughtering establishment for  
4 slaughter.

5 (c) An equine animal consigned to a livestock market for sale directly to  
6 slaughter. If the animal is not sold to slaughter within 10 days after it is received at the  
7 market, it shall be tested immediately.

8 (d) An equine animal sold to a livestock market operator, provided that the  
9 livestock market operator shall either ship the animal to slaughter or have the animal  
10 tested within 10 days after purchase.

11 **SECTION 164.** ATCP 11.50 to 11.52 are amended to read:

12 **ATCP 11.50 Sheep imports.** No person may import a sheep into this state  
13 for any purpose except immediate slaughter unless the sheep is accompanied by a valid  
14 ~~interstate health certificate or~~ certificate of veterinary inspection. The certificate shall  
15 comply with s. ATCP 11.02, ~~and shall state that the sheep originates from a flock~~  
16 ~~which is free of foot rot and all other contagious and infectious diseases. No flock~~  
17 ~~inspection is required for feeder lambs.~~

18 **ATCP 11.51 Goat imports.** No person may import a goat into this state  
19 unless the goat is accompanied by a valid ~~interstate health certificate or~~ certificate of  
20 veterinary inspection ~~which~~ that complies with s. ATCP 11.02.

21 **ATCP 11.52 Dogs and domestic cats; imports.** No person may import any  
22 dog or domestic cat into this state unless it is accompanied by a valid ~~interstate health~~  
23 ~~certificate or~~ certificate of veterinary inspection. The certificate shall comply with s.



1 ATCP 11.02, and shall indicate whether the dog or cat has been vaccinated for rabies  
2 by a licensed veterinarian, the date of the last vaccination, and the date on which the  
3 dog or cat is due for revaccination ~~or repeat vaccination~~. If the dog or cat has not been  
4 vaccinated by a licensed veterinarian, or if the dog or cat is due for revaccination ~~or~~  
5 ~~repeat vaccination~~ when it enters this state, the owner shall have the dog or ~~domestic~~  
6 cat vaccinated by a licensed veterinarian within 30 days after the dog or cat enters this  
7 state, or within 30 days after the dog or ~~domestic~~ cat reaches 4 months of age,  
8 whichever occurs later. Vaccinations shall comply with age and time standards and  
9 label instructions approved by the federal bureau for the type of vaccine used.

10 **SECTION 165.** ATCP 11.53(1) is repealed and recreated to read:

11 ATCP 11.53(1) PERMIT REQUIRED. Except as provided in sub. (3), no person  
12 may import any circus, rodeo, racing or menagerie animal into this state without a  
13 written permit from the department under s. ATCP 11.03.

14 **SECTION 166.** ATCP 11.53(2)(a) to (c) are amended to read:

15 ATCP 11.53(2)(a) Every animal shall be accompanied by a valid ~~interstate~~  
16 ~~health certificate or~~ certificate of veterinary inspection. The certificate shall comply  
17 with s. ATCP 11.02, and shall contain the number of the written import permit issued  
18 by the department under sub. (1).

19 (b) Every brucellosis test eligible bovine animal shall have a negative  
20 brucellosis test conducted within 30 days prior to entry. ~~The exemptions under s.~~  
21 ~~ATCP 11.11(3)(b) do not apply to circus, rodeo or menagerie animals.~~

22 (c) Every equine animal shall be tested and found negative for equine infectious  
23 anemia within ~~180 days before a permit application is filed with the department~~ the

1 current calendar year, except if the equine animal is imported before January 31, the  
2 equine animal shall have tested negative for equine infectious anemia within the  
3 preceding calendar year.

4 **SECTION 167.** ATCP 11.53(2)(e) is repealed.

5 **SECTION 168.** ATCP 11.54(title) is amended to read:

6 **ATCP 11.54 Exotic ruminants ~~and South American camelidae~~; import.**

7 **SECTION 169.** ATCP 11.54(1)(title) and (intro.) are amended to read:

8 ATCP 11.54(1) ~~HEALTH CERTIFICATE~~ CERTIFICATE OF VETERINARY

9 INSPECTION. No person may import an exotic ruminant ~~or south American camelid~~ into  
10 this state unless the animal is accompanied by a valid ~~interstate health certificate or~~  
11 certificate of veterinary inspection. The certificate shall comply with s. ATCP 11.02,  
12 and shall include the following information:

13 **SECTION 170.** ATCP 11.54(2) is amended to read:

14 ATCP 11.54(2) **IMPORT PERMIT.** No person may import an exotic ruminant ~~or~~  
15 ~~South American camelid~~ into this state without a written import permit under s. ATCP  
16 11.03.

17 **SECTION 171.** ATCP 11.54(3) is repealed and recreated to read:

18 ATCP 11.54(3) **TUBERCULOSIS TEST REQUIRED.** (a) Except as provided under  
19 par. (b), no person may import an exotic ruminant into this state unless the animal tests  
20 negative on a tuberculosis test that is approved by the department, and is conducted not  
21 more than 60 days prior to the import date. The person who imports an exotic  
22 ruminant shall contact the department and obtain a list of specific tests approved for the  
23 species to be imported.

1           **NOTE:** A person may obtain a list of approved tests for a specific species by  
2 contacting the department at the following address:

3                   Wisconsin Department of Agriculture, Trade and Consumer Protection  
4                   Division of Animal Health  
5                   P.O. Box 8911  
6                   Madison, WI 53708-8911  
7                   Phone: (608)224-4872  
8

9           (b) Paragraph (a) does not apply to an exotic ruminant imported directly to an  
10 institution accredited by the American association of zoological parks and aquariums.

11 An animal imported to an accredited institution under this paragraph may not be moved  
12 to any place which is not an accredited institution unless the animal tests negative on a  
13 tuberculosis test that is approved by the department, and conducted not more than 60  
14 days before the animal is moved.

15           (c) The veterinarian performing a tuberculosis test under par. (a) or (b) shall be  
16 one of the following:

17           1. An accredited veterinarian, except that a test performed in this state shall be  
18 performed by a Wisconsin certified veterinarian.

19           2. An employee of the department or the federal bureau.

20           **SECTION 172.** ATCP 11.54(4) is amended to read:

21           (4) BRUCELLOSIS TEST REQUIRED. (a) Except as provided under par. (b) no  
22 person may import an exotic ruminant ~~or south American camelid~~ into this state unless  
23 the animal first tests negative on a brucellosis test conducted not more than 30 days  
24 prior to the import date.

25           (b) Paragraph (a) does not apply to an exotic ruminant ~~or south American~~  
26 ~~camelid~~ imported directly to an institution accredited by the American association of

1 zoological parks and aquariums. An animal imported to an accredited institution under  
2 this paragraph may not be moved to any place which is not an accredited institution  
3 unless the animal first tests negative on a brucellosis test conducted not more than 30  
4 days before the animal is moved.

5 **SECTION 173.** ATCP 11.545(title) is amended to read:

6 **ATCP 11.545 Farm-raised deer and other ~~cervidae~~ cervids; identification**  
7 **requirements.**

8 **SECTION 174.** ATCP 11.545(1)(b)(title) is amended to read:

9 ATCP 11.545(1)(b) *Veterinarian required to identify ~~cervidae~~ cervids.*

10 **SECTION 175.** ATCP 11.545(2)(a)(title) and (a) are amended to read:

11 ATCP 11.545(2)(a)(title) *~~Back-tag~~ Identification required.* Whenever a  
12 livestock trucker, livestock dealer, livestock market operator, ~~stockyard operator~~ or  
13 slaughtering establishment operator receives any farm-raised deer for slaughter, or for  
14 sale or shipment to slaughter, that recipient shall immediately identify that farm-raised  
15 deer with an official backtag or other approved slaughter identification unless the farm-  
16 raised deer already bears an official ~~backtag~~ slaughter identification. ~~The recipient of~~  
17 ~~the farm-raised deer shall affix the backtag to the deer at a point 4 inches behind the~~  
18 ~~shoulder and 4 inches below the topline.~~

19 **SECTION 176.** ATCP 11.545(2)(b)1. is amended to read:

20 ATCP 11.545(2)(b)1. The number of the official ~~backtag~~ slaughter  
21 identification under par. (a) which that recipient applied to that deer at the time of  
22 receipt, or which that deer bore at the time of receipt.

1           **SECTION 177.** ATCP 11.545(2)(c)(title) and (c) is amended to read:

2           ATCP 11.545(2)(c)(title) *Records retained for at least ~~2~~ 5 years; inspection*  
3 *and copying.* A person required to keep records under par. (b) shall do all of the  
4 following:

5           1. Retain those records for at least ~~2~~ 5 years after the records are made.

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

8           **SECTION 178.** ATCP 11.545(3) is repealed and recreated to read:

9           ATCP 11.545(3) TUBERCULOSIS REACTOR. Whenever the department classifies  
10 a cervid as a tuberculosis reactor, the owner of the cervid shall take the actions  
11 required under s. ATCP 10.66(7).

12           **SECTION 179.** ATCP 11.55(title) and (1) are repealed and recreated to read:

13           **ATCP 11.55 Cervids; import requirements.** (1) CERTIFICATE OF  
14 VETERINARY INSPECTION REQUIRED. No person may import a cervid into this state  
15 unless the cervid is accompanied by a valid certificate of veterinary inspection. The  
16 certificate shall comply with s. ATCP 11.02 and shall include the following  
17 information:

18           (a) A report of negative tuberculosis tests under sub. (2).

19           (b) The permit number of the import permit under sub. (4).

20           (c) A report of a negative pre-import brucellosis test conducted not more than  
21 30 days before the cervid enters this state.

1 SECTION 180. ATCP 11.55(2)(b)3. to 5. are amended to read:

2 ATCP 11.55(2)(b)3. A cervid imported directly from an accredited  
3 tuberculosis-free herd, provided that the cervid is accompanied by ~~an interstate health~~  
4 ~~certificate or~~ a certificate of veterinary inspection ~~which that~~ includes the source herd  
5 number and the date on which the source herd was last tested for tuberculosis.

6 4. A cervid originating from a tuberculosis qualified herd, provided that the  
7 cervid is accompanied by ~~an interstate health certificate or~~ a certificate of veterinary  
8 inspection ~~which that~~ includes the source herd number, the date on which the source  
9 herd was last tested for tuberculosis, and a certification that the imported cervid ~~tested~~  
10 negative ~~on a single cervical tuberculin test conducted~~ on a tuberculosis test under par.  
11 (a)1. not more than 90 days before the cervid was imported into this state.

12 5. A cervid originating from a tuberculosis monitored herd, provided that the  
13 cervid is accompanied by ~~an interstate health certificate or~~ a certificate of veterinary  
14 inspection ~~which that~~ includes the source herd number, the date on which the source  
15 herd was first certified as a tuberculosis monitored herd, the most recent date on which  
16 the source herd was recertified as a tuberculosis monitored herd, and certification that  
17 the imported cervid tested negative ~~on a single cervical tuberculin test conducted~~ on a  
18 tuberculosis test under par. (a)1. not more than 90 days before the cervid was imported  
19 into this state.

20 SECTION 181. ATCP 11.55(2)(c) is created to read:

21 ATCP 11.55(2)(c) *Blood tuberculosis test does not qualify.* A blood  
22 tuberculosis test (BTB test) does not qualify as a pre-import tuberculosis test under this  
23 subsection.

1           **SECTION 182.** ATCP 11.55(3) and (4) are repealed and recreated to read:

2           ATCP 11.55(3) **ANIMAL FROM SUSPECT HERD MAY NOT BE IMPORTED.** No  
3 cervid may be imported to this state from a herd of origin in which any animal is  
4 classified as a tuberculosis suspect until the suspect status has been resolved. This  
5 paragraph does not apply to a cervid imported directly to a slaughtering establishment  
6 for slaughter.

7           **(4) IMPORT PERMIT REQUIRED.** No person may import a cervid into this state  
8 without a written import permit under s. ATCP 11.03.

9           **SECTION 183.** ATCP 11.56(title) is amended to read:

10           **ATCP 11.56 Keeping and moving ~~cervidae~~ cervids within Wisconsin.**

11           **SECTION 184.** ATCP 11.56(1)(title) and (1) are amended to read:

12           ATCP 11.56(1) ~~HEALTH CERTIFICATE~~ CERTIFICATE OF VETERINARY INSPECTION  
13 REQUIRED FOR INTRASTATE MOVEMENT. Except as provided under sub. (2), no person  
14 may move any cervid between locations in this state unless the cervid is accompanied  
15 by a certificate of veterinary inspection ~~or an interstate health certificate~~ signed by ~~an~~  
16 ~~accredited~~ a Wisconsin certified veterinarian. The certificate shall state that the cervid  
17 tested negative on ~~the~~ a single cervical tuberculin test, or another tuberculosis test  
18 approved by the department, not more than 90 days prior to the intrastate movement.

19           **SECTION 185.** ATCP 11.56(2)(f) is amended to read:

20           ATCP 11.56(2)(f) The cervid is a member of the species *Odocoileus*  
21 *virginianus* (*white-tailed deer*), provided that the cervid has not commingled with  
22 ~~cervidae~~ cervids of any other species during the 12 months preceding the intrastate  
23 movement.

1           **SECTION 186.** ATCP 11.56(2)(g) is repealed.

2           **SECTION 187.** ATCP 11.56(3) is amended to read:

3           (3) **COMMINGLING WITH BOVINE ANIMALS PROHIBITED.** No person may cause or  
4 allow captive ~~cervidae~~ cervids to commingle with bovine animals on the same premises  
5 or in the same building, enclosure or vehicle. ~~Captive cervidae and bovine animals~~  
6 ~~kept in an outside environment on the same premises are not commingled if direct~~  
7 ~~contact between the species is precluded by double fencing between adjoining pastures~~  
8 ~~for each specie.~~

9           **SECTION 188.** ATCP 11.56(4)(a) is amended to read:

10           ATCP 11.56(4)(a) The department may approve tuberculosis isolation and  
11 testing facilities for ~~cervidae~~ cervids. The department may approve a facility for a  
12 period of up to 2 years, and may renew its approval for periods up to 2 years each.  
13 The department may, for cause, suspend or revoke its approval.

14           **SECTION 189.** ATCP 11.57 is repealed and recreated to read:

15           **ATCP 11.57 Ratites; import.** No person may import a ratite into this state  
16 unless both the following apply:

17           (1) The person holds an import permit under s. ATCP 11.03.

18           (2) The ratite is accompanied by a valid certificate of veterinary inspection that  
19 complies with s. ATCP 11.02. A certificate of veterinary inspection is not required if  
20 the ratite is imported directly from a federal quarantine facility.

21           **NOTE:** The department recommends, but does not require, that every ratite  
22 imported into Wisconsin be isolated on the recipient's premises for at  
23 least 14 days, and that the bird be tested for avian influenza before being  
24 allowed to commingle with other ratites or poultry.  
25



1           **SECTION 190.** ATCP 11.58(1)(k) is amended to read:

2           ATCP 11.58(1)(k) “Salmonid” means fish or fish eggs ~~of the Salmonidae~~  
3 ~~family.~~ “Salmonidae” means fish or fish eggs of the family that includes trout,  
4 salmon, grayling, char, Dolly Vardon, whitefish, cisco and inconnu.

5           **SECTION 191.** ATCP 11.58(2)(intro.) is amended to read:

6           ATCP 11.58(2)(intro.) ANNUAL IMPORT PERMIT REQUIRED. Except as  
7 provided in sub. (3), no person may import live fish or fish eggs into this state for any  
8 of the following purposes except under an annual written import permit from the  
9 department:

10          **SECTION 192.** ATCP 11.59(1)(am) is created to read:

11          ATCP 11.59(1)(am) “Certified veterinarian” means one of the following:

12           1. For actions taken in this state, a Wisconsin certified veterinarian whom the  
13 department has trained to perform disease eradication and control functions related to  
14 fish.

15           2. For actions taken outside this state, an accredited veterinarian.

16          **SECTION 193.** ATCP 11.59(1)(e) is amended to read:

17          ATCP 11.59(1)(e) “Salmonid” means fish or fish eggs ~~of the Salmonidae~~  
18 ~~family.~~ “Salmonidae” means fish or fish eggs of the family that includes trout,  
19 salmon, grayling, char, Dolly Vardon, whitefish, cisco and inconnu.

20          **SECTION 194.** ATCP 11.59(2)(a)(intro.) is amended to read:

21          ATCP 11.59(2)(a) No person may introduce live salmonids into waters of the  
22 state after June 1, 1999, and no person may introduce other live fish or fish eggs into

1 waters of the state after December 31, 2001, unless ~~an accredited~~ a certified  
2 veterinarian or certified fish inspector does one of the following:

3 **SECTION 195.** ATCP 11.59(3)(a) and (b) are amended to read:

4 ATCP 11.59(3)(a) ~~An accredited~~ A certified veterinarian or certified fish  
5 inspector shall issue a health certificate under sub. (2) on a form provided by the  
6 department, based on a personal inspection of the fish or fish farm. The ~~accredited~~  
7 certified veterinarian or certified fish inspector shall use inspection, sampling and  
8 diagnostic methods specified by the department on the certification form.

9 (b) ~~An accredited~~ A certified veterinarian or certified fish inspector who issues  
10 a health certificate under sub. (2) shall file the original certificate with the department,  
11 and shall provide at least 2 copies to the person introducing the fish or fish eggs into  
12 waters of the state.

13 **SECTION 196.** ATCP 11.60(2) is amended to read:

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

19 **SECTION 197.** ATCP 11.60(3)(dm) is created to read:

20 ATCP 11.60(3)(dm) Equine infectious anemia.

21 **SECTION 198.** ATCP 11.60(3)(mm) is created to read:

22 ATCP 11.60(3)(mm) Scrapie.

23 **SECTION 199.** ATCP 11.60(5)(b) is repealed.

1           **SECTION 200.** ATCP 11.60(5)(c) is amended to read:

2           ATCP 11.60(5)(c) This subsection does not apply to a brucellosis reactor  
3 ~~branded~~ identified in compliance with s. ATCP ~~11.10(3)(b)~~ 10.36.

4           **SECTION 201.** ATCP 11.62(2)(a) and (b) are amended to read:

5           ATCP 11.62(2)(a) No person may exhibit any swine at a fair or livestock  
6 exhibition unless the swine are accompanied by a certificate of veterinary inspection ~~or~~  
7 ~~an interstate health certificate~~ signed by a Wisconsin certified veterinarian or by an  
8 accredited veterinarian in the swine's state of origin. The certificate shall state that the  
9 veterinarian has inspected the herd of origin ~~has been inspected on the farm~~ and that no  
10 apparent disease has been present in the herd for the past 30 days.

11           (b) No person may exhibit any breeding swine at a fair or livestock exhibition  
12 unless the swine tests negative for pseudorabies in a pseudorabies test performed not  
13 more than 30 days before the person exhibits that swine, or the swine originates from a  
14 qualified pseudorabies negative herd, a qualified pseudorabies negative grow-out herd  
15 in this state, or a ~~state~~ stage IV or V state or area designated by the national  
16 pseudorabies control board.

17           **SECTION 202.** ATCP 11.62(2)(c)3. is amended to read:

18           ATCP 11.62(2)(c)3. The non-breeding swine originate from a qualified  
19 pseudorabies negative herd, a qualified negative pseudorabies grow-out herd in this  
20 state, or a ~~state~~ stage IV or V state or area designated by the national pseudorabies  
21 control board.

1           **SECTION 203.** ATCP 11.62(4)(b) is amended to read:

2           ATCP 11.62(4)(b) The poultry test negative for pullorum-typhoid on a test  
3 approved by the department' within 90 days before the poultry arrive at the fair or  
4 exhibition. Testing is required only for sexually mature birds over 4 months of age.  
5 ~~Turkeys may be tested for exhibition or fairs by the use of the negative plate test.~~

6           **SECTION 204.** ATCP 11.62(5) is repealed and recreated to read:

7           ATCP 11.62(5) **HEALTH RECORDS.** (a) Every person who exhibits livestock  
8 or poultry at a fair, exhibition or show in this state shall do all the following:

9           1. Provide, to the show chairman or show veterinarian, copies of all  
10 certificates of veterinary inspection and test reports required by this chapter.

11           2. Keep original copies of all certificates of veterinary inspection and test  
12 reports required by this chapter. The exhibitor shall make these records available to  
13 the department for inspection and copying upon request.

14           (b) The sponsor of the fair, exhibition or show shall maintain the copies  
15 provided under par. (a)1. for at least 5 years, and shall make them available to the  
16 department for inspection and copying upon request.

17           **SECTION 205.** ATCP 11.62(6) is repealed and recreated to read:

18           ATCP 11.62(6)(a) Except as provided under par. (am), no person may exhibit  
19 any equine animal at a fair, exhibition or show unless the animal has tested negative for  
20 equine infectious anemia during the previous 12 months.

21           (b) The sponsor of a fair, exhibition or show shall do one of the following:

22           1. Record the name and address of every person who owns an equine animal  
23 exhibited at the fair, exhibition or show; the animal's name and identification; and the

1 accession or laboratory number of the test required under par. (a). The sponsor shall  
2 keep the record for at least 5 years, and shall make it available to the department for  
3 inspection and copying upon request.

4 2. Keep a copy of the test report for each equine infectious anemia test required  
5 under par. (a). The sponsor shall keep the copy for at least 5 years, and shall make it  
6 available to the department for inspection and copying upon request.

7 **SECTION 206.** ATCP 11.705 is created to read:

8 **ATCP 11.705 Temporary animal hold order.** (1) DEPARTMENT MAY ISSUE.  
9 The department may issue a temporary animal hold order whenever the department has  
10 reason to believe that animals may have been illegally imported, or may have been  
11 exposed to an infectious, contagious or communicable disease. A temporary animal  
12 hold order may prohibit the movement of animals for up to 90 days while the  
13 department investigates the suspected illegal import or disease exposure. The  
14 department may, for good cause, extend the animal hold order for up to 90 days.

15 (2) CONTENTS. A temporary animal hold order shall contain the following  
16 information:

17 (a) The name and address of the person having custody or control of the  
18 animals covered by the order, if known.

19 (b) A description of the animals covered by the order.

20 (c) A description of the premises where the animals are to be held.

21 (d) The reason or justification for the order.

22 (e) The duration of the order, and all terms and conditions applicable to the  
23 order.

1 (f) Notice that a person adversely affected by the order may request a hearing  
2 under sub. (6).

3 (3) SERVICE. The département shall serve a temporary animal hold order in one  
4 of the following ways:

5 (a) Delivering the order, in person or by certified mail, to a person having  
6 custody or control of the animals covered by the order.

7 (b) Posting the order at 2 conspicuous places on the premises where the  
8 animals are kept.

9 (4) PROOF OF SERVICE. The department may prove service of a temporary  
10 animal hold order by means of an affidavit or certified mail return receipt.

11 (6) REVIEW OF ANIMAL HOLD ORDER. A person adversely affected by a  
12 temporary animal hold order may request a hearing before the department to review the  
13 order. The department shall conduct an informal hearing as soon as reasonably  
14 possible, and not later than 10 days after receiving a request for hearing. If the matter  
15 is not resolved after informal hearing, the person requesting the hearing may seek a  
16 formal hearing under ch. 227, Stats. A request for hearing does not automatically stay  
17 a temporary animal hold order.

18 SECTION 207. ATCP 11.71(1)(a) is amended to read:

19 ATCP 11.71(1)(a) The owner or custodian of the animal fails to produce a  
20 valid certificate of veterinary inspection ~~or an interstate health certificate~~, if a  
21 certificate is required under this chapter.

1           **SECTION 208.** ATCP 11.72(2) is repealed and recreated to read:

2           ATCP 11.72(2) Sell or move an animal in violation of this chapter, or an order  
3 issued under this chapter. "

4           **SECTION 209.** ATCP 11.72(4) is amended to read:

5           ATCP 11.72(4) Transport any livestock without ~~health~~ certificates of veterinary  
6 inspection, permits, or other documents required by ch. ATCP 10 or this chapter.

7           **SECTION 210.** ATCP 11.72(13) and (14) are created to read:

8           ATCP 11.72(13) Physically assault a department employee while the employee  
9 is performing his or her official duties.

10           (14) Fail to identify the state of origin of animals consigned to a livestock  
11 market in this state.

12           **SECTION 211.** ATCP 11.73 is created to read:

13           **ATCP 11.73 Animals imported without required tests; department testing.**  
14

15 If an animal is moved or imported without being tested according to this chapter, the  
16 department may perform the required test at the owner's expense. Department testing  
17 does not relieve any person from other penalties or remedies that may apply because of  
18 the illegal import or movement.

19           **SECTION 212.** ATCP 12.01(8x) is created to read:

20           ATCP 12.01(8x) "Federally approved livestock import market" means a  
21 market that complies with s. ATCP 11.04.

1           **SECTION 213.** ATCP 12.01(10) is amended to read:

2           ATCP 12.01(10) “Feeder swine” means swine, ~~excluding boars, weighing less~~  
3 ~~than 175 pounds~~ that weigh 80 pounds or less and are kept for the sole purpose of  
4 feeding for slaughter.

5           **SECTION 214.** ATCP 12.01 (18) and (19) are amended to read:

6           ATCP 12.01(18) “Official ~~back-tag~~ backtag” means an identification ~~back-tag~~  
7 backtag, approved by the federal bureau or the department, that conforms to the ~~8-~~  
8 ~~character alpha-numeric~~ national uniform backtagging system.

9           (19) “Official eartag” means an identification eartag, approved by the federal  
10 bureau or the department, that conforms to the ~~9-character alpha-numeric~~ national  
11 uniform eartagging system.

12           **SECTION 215.** ATCP 12.01(20)(f)2. is amended to read:

13           ATCP 12.01(20)(f)2. The equine animal’s sexual status ~~as a gelding, mare or~~  
14 ~~stallion, which may be abbreviated as “G”, “m” or “S” respectively.~~

15           **SECTION 216.** ATCP 12.01(20)(i) is renumbered ATCP 12.01(20)(j).

16           **SECTION 217.** ATCP 12.01(20)(i) is created to read:

17           ATCP 12.01(20)(i) For a swine weighing 80 pounds or less, the premises  
18 identification of the premises of origin.

19           **SECTION 218.** ATCP 12.01(21) and (22) are repealed.

20           **SECTION 219.** ATCP 12.01(24) is amended to read:

21           ATCP 12.01(24) “Person” ~~includes any~~ means an individual, corporation,  
22 partnership, association, ~~or firm~~ limited liability company, trust, governmental entity,  
23 or other organization or entity.



1           **SECTION 220.** ATCP 12.01(27) is repealed.

2           **SECTION 221.** ATCP 12.02(2)(e) and (f) are repealed.

3           **SECTION 222.** ATCP 12.02(2m)(a)2. is amended to read:

4           ATCP 12.02(2m)(a)2. For a livestock market, other than an equine market,  
5 that has conducted sales on fewer than 5 days during the year immediately preceding  
6 the year for which a license is issued, a fee of \$115. A livestock market operator  
7 paying this fee shall identify the dates on which the operator conducted the sales.

8           **SECTION 223.** ATCP 12.02(2r)(b) is amended to read:

9           ATCP 12.02(2r)(b) A livestock market operator shall register livestock vehicles  
10 when the market operator submits an application under sub. (2) for an annual livestock  
11 market license. The operator shall indicate how many vehicles are being registered,  
12 and shall pay the supplementary license fee required under sub. (2m)(b) for each  
13 livestock vehicle. A livestock market operator may register additional livestock  
14 vehicles during the license year.

15           **SECTION 224.** ATCP 12.02(2r)(c) is repealed.

16           **SECTION 225.** ATCP 12.03(2)(c) and (d) are repealed.

17           **SECTION 226.** ATCP 12.03(2r)(b) is amended to read:

18           ATCP 12.03(2r)(b) A livestock dealer shall register livestock vehicles when  
19 that dealer submits an application under sub. (2) for an annual livestock dealer license.  
20 The dealer shall indicate how many vehicles are being registered, and shall pay the  
21 supplementary license fee required under sub. (2m)(b) for each livestock vehicle. A  
22 livestock dealer may register additional livestock vehicles during the license year.

23           **SECTION 227.** ATCP 12.03(2r)(c) is repealed.

1           **SECTION 228.** ATCP 12.03(2w)(title) is amended to read:

2           ATCP 12.03(2w) ~~ACTION~~ ON LICENSE APPLICATION.

3           **SECTION 229.** ATCP 12.04(2)(c) is repealed.

4           **SECTION 230.** ATCP 12.04(2r)(b) is amended to read:

5           ATCP 12.04(2r)(b) A livestock trucker shall register livestock vehicles when  
6 that livestock trucker submits an application under sub. (2) for an annual livestock  
7 trucker license. The livestock trucker shall indicate how many vehicles are being  
8 registered, and shall pay the supplementary license fee required under sub. (2m)(b) for  
9 each livestock vehicle. A livestock trucker may register additional livestock vehicles  
10 during the license year.

11           **SECTION 231.** ATCP 12.04(2r)(c) is repealed.

12           **SECTION 232.** ATCP 12.045(1)(c) is created to read:

13           ATCP 12.045(1)(c) An annual livestock vehicle registration sticker issued by  
14 the department. The registration sticker shall be in close proximity to the license  
15 number required in par. (b).

16           **SECTION 233.** ATCP 12.05(1)(a) is amended to read:

17           ATCP 12.05(1)(a) *Official individual identification.* Whenever a livestock  
18 dealer or livestock market operator receives a bovine animal, the livestock dealer or  
19 market operator shall immediately record the animal's official individual identification.  
20 If a bovine animal has no official individual identification at the time of receipt, the  
21 ~~animal shall immediately be identified with an official eartag~~ livestock dealer or market  
22 operator shall immediately identify that animal with an official individual identification.

1 ~~Eartagging is not required under this~~ This paragraph for does not apply to steers,  
2 calves under 6 months old, or feeder cattle.

3 **SECTION 234.** ATCP 12.05(2)(a) is amended to read:

4 ATCP 12.05(2)(a) *Official individual identification.* Whenever a livestock  
5 dealer or livestock market operator receives any swine, the livestock dealer or market  
6 operator shall immediately record the official individual identification of that swine. If  
7 a swine has no official individual identification at the time of receipt, the ~~swine shall~~  
8 ~~immediately be identified with an official eartag~~ livestock dealer or market operator  
9 shall immediately identify that swine with an official individual identification.

10 ~~Eartagging is not required under this paragraph for~~ This paragraph does not apply to  
11 swine which are backtagged for slaughter under par. (b).

12 **SECTION 235.** ATCP 12.05(4) is amended to read:

13 ATCP 12.05(4) IDENTIFICATION OF SHEEP. Whenever a livestock dealer or  
14 livestock market operator receives any sheep, the livestock dealer or market operator  
15 shall immediately record the official individual identification of that sheep. If a sheep  
16 has no official individual identification when received by a livestock dealer or market  
17 operator, the livestock dealer or market operator shall immediately identify that sheep  
18 with an official ~~eartag~~ individual identification. This subsection does not apply to sheep  
19 under 6 months old.

20 **SECTION 236.** ATCP 12.05(5)(b) is amended to read:

21 ATCP 12.05(5)(b) *Slaughter identification.* Whenever a livestock dealer,  
22 livestock market operator or livestock trucker receives a farm-raised deer for sale or  
23 shipment to slaughter, that recipient shall immediately identify that deer with an official

1 backtag or other slaughter identification approved by the department unless that deer  
2 already bears an official backtag slaughter identification. ~~The recipient shall affix the~~  
3 ~~backtag to the deer at a point 4 inches behind the shoulder and 4 inches below the~~  
4 ~~topline~~. The livestock dealer, livestock market operator or livestock trucker shall  
5 immediately record the backtag or slaughter identification number.

6 **SECTION 237.** ATCP 12.06(1) is repealed and recreated to read:

7 ATCP 12.06(1) LIVESTOCK MARKET OPERATORS. (a) *Daily record of*  
8 *transactions*. Every livestock market operator shall keep a daily record of all  
9 transactions involving the purchase, receipt, sale or delivery of livestock.

10 (b) *Animals purchased or received*. For each livestock animal purchased or  
11 received by a livestock market operator, the daily record under par. (a) shall include all  
12 the following:

13 1. The name and address of the person from whom the animal was purchased  
14 or received.

15 2. The animal's official individual identification if required under s. ATCP  
16 12.05(1)(a), (2)(a), (3), (4) or (5)(a).

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

21 4. The date of receipt, and the place where the animal was received.

1           5. The animal's breed or class if the animal is a bovine animal or swine. If a  
2 bovine animal is a crossbreed of beef and dairy animals, the animal shall be classified  
3 as a beef breed.

4           6. A copy of any certificate of veterinary inspection that is required to  
5 accompany the animal under ch. ATCP 11. The copy may be kept at the livestock  
6 market office or at the office of the market veterinarian.

7           7. Equine infectious anemia test results if required under s. ATCP 11.30(2) for  
8 an equine animal.

9           (c) *Animals sold or delivered.* For each livestock animal sold or delivered by a  
10 livestock market operator, the daily record under par (a) shall include all the following:

11           1. The name and address of the person to whom the animal was sold or  
12 delivered.

13           2. The animal's official individual identification if required under s. ATCP  
14 12.05(1)(a), (2)(a), (3), (4) or (5)(a)

15           3. The animal's backtag number if the animal is backtagged for slaughter under  
16 s. ATCP 12.05(1)(b), (2)(b) or (5)(b).

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

18           5. The animal's breed or class if the animal is a bovine animal or swine. If a  
19 bovine animal is a crossbreed of beef and dairy animals, the animal shall be classified  
20 as a beef breed.

21           6. A copy of any certificate of veterinary inspection that is required to  
22 accompany the animal under ch. ATCP 11. The copy may be kept at the livestock  
23 market office or at the office of the market veterinarian.

1           7. Equine infectious anemia test results if required under s. ATCP 11.30(2) for  
2 an equine animal.

3           (d) *Animals dying in custody.* Every livestock market operator shall keep a  
4 record of every livestock animal which dies in the custody of the livestock market  
5 operator. The record shall indicate the disposition of the dead animal.

6           (e) *Records retained for 5 years; inspection and copying.* Records required  
7 under this subsection shall be retained for at least 5 years, and shall be made available  
8 for inspection and copying by the department upon request.

9           **SECTION 238.** ATCP 12.06(2)(a) to (d) are renumbered ATCP 12.06(3)(a) to  
10 (d).

11           **SECTION 239.** ATCP 12.06(2)(e) is renumbered ATCP 12.06(3)(e) and  
12 amended to read:

13           ATCP 12.06(3)(e)(title) *Records retained for ~~2~~ 5 years; inspection and*  
14 *copying.* Records required under this subsection shall be retained for at least ~~2~~ 5 years,  
15 and shall be made available for inspection and copying by the department upon request.

16           **SECTION 240.** ATCP 12.06(2) is created to read:

17           ATCP 12.06(2) LIVESTOCK DEALERS. (a) *Daily record of transactions.* Every  
18 livestock dealer shall keep a daily record of all transactions involving the purchase,  
19 receipt, sale or delivery of livestock.

20           (b) *Animals purchased or received.* For each livestock animal purchased or  
21 received by a livestock dealer, the daily record under par. (a) shall include all the  
22 following:

- 1           1. The name and address of the person from whom the livestock dealer  
2 purchased or received the animal.
- 3           2. The animal's official individual identification if required under s. ATCP  
4 12.05.
- 5           3. The animal's slaughter identification number if the animal is identified for  
6 slaughter under s. ATCP 12.05. If the animal is not sold or delivered directly to  
7 slaughter, the record must correlate the slaughter identification number with the official  
8 individual identification recorded under subd. 2.
- 9           4. The date of receipt, and the place where the animal was received.
- 10          5. The animal's breed or class if the animal is a bovine animal or swine. If a  
11 bovine animal is a crossbreed of beef and dairy animals, the animal shall be classified  
12 as a beef breed.

13           (c) *Animals sold or delivered.* For each livestock animal sold or delivered by a  
14 livestock dealer, the daily record under par. (a) shall include all the following:

- 15          1. The name and address of the person to whom the animal was sold or  
16 delivered.
- 17          2. The animal's official individual identification if required under s. ATCP  
18 12.05.
- 19          3. The animal's slaughter identification number if the animal is identified for  
20 slaughter under s. ATCP 12.05.
- 21          4. The date of delivery, and the place to which the animal was delivered.

1           5. The animal's breed or class if the animal is a bovine animal or swine. If a  
2 bovine animal is a crossbreed of beef and dairy animals, the animal shall be classified  
3 as a beef breed.

4           (d) *Animals dying in custody.* Every livestock dealer shall keep a record of  
5 every livestock animal which dies in the custody of the livestock dealer. The record  
6 shall indicate the disposition of the dead animal.

7           (e) *Records retained for 5 years; inspection and copying.* Records required  
8 under this subsection shall be retained for at least 5 years, and shall be made available  
9 for inspection and copying by the department upon request.

10           **SECTION 241.** ATCP 12.08(2) is repealed and recreated to read:

11           ATCP 12.08(2) Sell or move any animal in violation any of the following:

12           (a) Chapter ATCP 10 or any order issued under that chapter.

13           (b) Chapter ATCP 11 or any order issued under that chapter.

14           (c) This chapter.

15           **SECTION 242.** ATCP 12.08(10) is repealed and recreated to read:

16           ATCP 12.08(10) Receive interstate shipments of bovine animals or swine as a  
17 federally approved import market unless the market is specifically approved as a  
18 federally approved import market under ATCP 11.04.

19           **SECTION 243.** ATCP 12.08(11) is repealed.

20           **SECTION 244.** ATCP 12.08(12) is amended to read:

21           ATCP 12.08(12) Use ~~or possess any unauthorized~~ brand or tattoo device, ~~or~~  
22 ~~use or possess an official brand or official tattoo device~~ for official identification  
23 purposes, without authorization from the department.



1           **SECTION 245.** ATCP 12.08(24) is created to read:

2           ATCP 12.08(24) Physically assault a department employee while the employee  
3 is performing his or her official duties.

4           **EFFECTIVE DATE.** The rules contained in this order shall take effect on the  
5 first day of the month following publication in the Wisconsin administrative register, as  
6 provided under s. 227.22(2)(intro), Stats.

Dated this 12 day of Sept., 2000.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE  
AND CONSUMER PROTECTION

By: Ben Brancel  
Ben Brancel  
Secretary