State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

DATE: July 1, 2013

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Ben Brancel, Secretary
Paul McGraw DVM, Administrator, Division of Animal Health

SUBJECT: Animal Health and Movement, ch. ATCP 10, Wis. Admin. Code, and Animal Markets, Truckers and Dealers, ch. ATCP 12, Wis. Admin. Code (Hearing Draft Rule)

PRESENTED BY: Darlene Konkle, DVM, Assistant State Veterinarian
Melissa Mace, Bureau Director, Field Services Bureau

REQUESTED ACTION:

At the July 16, 2013, Board meeting, the Department of Agriculture, Trade and Consumer Protection (DATCP) will ask the DATCP Board to authorize public hearings on a proposed rule (copy attached) amending chs. ATCP 10 and 12, Wis. Admin. Code, relating to animal health and movement, and animal markets, truckers and dealers.

SUMMARY:

Federal Regulations

Many of the programs regulated by state administrative rules are also regulated by federal rules. As federal rules change over time, state rules must also be modified so Wisconsin producers have consistent, non-conflicting requirements to comply with when moving livestock interstate. This rule modifies provisions relating to documentation required for horses and to official individual identification of certain animals to align with federal traceability rules. The rule also modifies provisions relating to the chronic wasting disease (CWD) herd status program to align with United States Department of Agriculture (USDA) rules that establish a Herd Certification Program (HCP) for CWD in farm-raised or captive cervids in the United States.

Documentation required for horses moving interstate

Current rule allows horses to be imported without a certificate of veterinary inspection (CVI) if the horse is not commingled with other horses and goes to slaughter within 10 days after arrival at an animal market. Federal regulations no longer allow for this CVI exemption. Therefore, this rule will eliminate this CVI exemption for horses to be consistent with federal regulations.

Official individual identification of animals

Current rule allows bovine animals to be officially identified with eartags approved by the federal bureau or the department, registration numbers, or tattoos. Federal rules now only allow official eartags to be used as official identification. The official eartags must adhere to the National Uniform Eartagging System, the Animal Identification Number System, or other identification system approved by the federal bureau and the department. In addition, federal rules now require the following bovine animals to have official identification: all sexually intact cattle/bison over 18 months of age, all female dairy cattle of any age, all male dairy cattle born after March 11, 2013, and cattle/bison used for shows and exhibitions. The proposed rule modifies the definition of "official individual identification" and "official eartag" when applied to bovine animals to align with federal traceability requirements.

Current rule allows farm-raised deer enrolled in the CWD herd status program to be officially identified with a CWD status program registration tag or a premises tattoo provided the farm-raised deer also has a unique individual identification number. Federal rules now only allow official eartags to be used as official identification of these deer. The official eartags must adhere to the National Uniform Eartagging System, the Animal Identification Number System, or other identification system approved by the federal bureau and the department. The proposed rule modifies the definition of "official individual identification" and "official eartag" as applied to farm-raised deer to align with federal traceability requirements.

The current rule definition of "official individual identification," as it pertains to other animals, is unclear. The proposed rule modifies the definition of official individual identification for clarity when the term is applied to other animals.

Farm-raised deer enrolled in the CWD herd status program

Current rule requires a farm-raised deer keeper (FRDK) whose herd is enrolled in the CWD herd status program to conduct an annual herd census and file a report of that herd census with the department. To comply with new federal requirements under 9 CFR 55.23 (b) (4), the proposed rule requires that a physical herd inventory be completed by a herd veterinarian or department-authorized agent before a FRDK may enroll in the CWD herd status program. Similar physical herd inventories must be completed every three years thereafter to maintain enrollment. For FRDKs currently enrolled in the CWD herd status program, the proposed rule requires the first complete herd inventory to be submitted to the department by December 31, 2015, providing reasonable time to comply.

Current rule requires deer enrolled in the CWD herd status program to have one official identification. To comply with new federal requirements under 9 CFR 55.25 that became effective December 10, 2012, the proposed rule requires that two identifications (one official and the second either official or unique to the herd) be attached to farm-raised deer that are enrolled in the CWD herd status program. The proposed rule also requires the two identifications be recorded in the annual census report, as well as the physical herd inventory conducted every three years.

Current rule specifies that a farm-raised deer is CWD test-eligible if it is at least 16 months old, unless a different age is required under USDA rules. USDA rules, under 9 CFR 55.23 (b) (4), now requires herd owners enrolled in a CWD herd certification program to test deer aged 12 months or older for CWD upon death,

including by slaughter or hunt (effective 12/10/12). The proposed rule clarifies that the age of test-eligible deer enrolled in the CWD herd status program is 12 months of age or older in accordance with USDA regulations.

State Statutory Modifications

All of the programs regulated by state administrative rules are authorized by Wisconsin Statutes. As statutory modifications are made, state rules must also be modified to be in compliance with Wisconsin Statutes. To be in compliance with state statutes, the proposed rule modifies provisions relating to:

1. Establishing veteran fee waivers for farm-raised deer and fish farm registration (pursuant to 2011 Wisconsin Act 209).

2. Eliminating certain record keeping requirements for persons who operate a fish farm but sell fish to an individual for the individual's personal use as food or bait (pursuant to 2011 Wisconsin Act 207).

3. Eliminating the requirement that a person have an import permit when bringing fish or fish eggs from a fish farm in another state to a fish farm in this state if he or she has a valid fish health certificate that covers the fish or fish eggs (pursuant to Wisconsin Act 207).

4. Eliminating the DNR exemption from the requirement to obtain a permit from the department to bring fish into this state (pursuant to 2011 Wisconsin Act 207).

Flexibility, Clarity, and Consistency

The proposed rule makes the following modifications to provide for flexibility, clarity and consistency:

1. Definitions and terms.

   Replacing the term "American association of zoological parks and aquariums" with "association of zoos and aquariums," the current title of the entity.

   Changing the definition of "feeder cattle" in ch. ATCP 10 to be consistent with the definition of feeder cattle in ch. ATCP 12.

   Modifying the definition of "individual" for clarity.

   Creating the definition of "immediate family member" to clarify what individuals are eligible to collect a CWD test sample once properly trained.

   Creating a definition of "salvage value" to clarify that payment received from any source, other than state or federal indemnifications, are considered part of the salvage value of an animal.

   Defining the new term "new world camelids" to allow vicunas to be classified as, and have the same import requirements as, llamas, alpacas and guanacos, rather than classified as an exotic ruminant with additional import requirements.

2. Blanket import permit.

   Creating a blanket import permit system to be used when the department is not open for business. An accredited veterinarian or a Wisconsin importer who anticipates a possible purchase of an animal from an out-of-state farm or sale at a time the department is not open for business may apply for a blanket import permit, by providing some specifics, and following up with the details on the first business day.

3. Johne's program.

   Clarifying that reimbursements under the Johne's program are made only when funds are available. Funds for the Johne's program are eliminated in the 2013-15 biennial budget.

4. Bovine.

   Eliminating the requirement that official individual identification of bovine animals be inserted in the *right* ear of the animal.

5. Swine.

   Eliminating the requirement that a certificate of veterinary inspection (CVI) include a statement that no pseudorabies vaccine has been used on a swine imported into Wisconsin. In the alternative, the proposed rule requires that a statement disclosing the porcine reproductive and respiratory syndrome status (PRRS) of the herd of origin, if known, be included on the CVI of an imported swine. This change was made in consultation with the swine industry which felt the genetics of the hogs bred in Wisconsin were in need of protection from the disease of PRRS.

6. Equine.

   Changing the timing of the required negative equine infectious anemia (EIA) test result from "during the current calendar year" to "within 12 months" of the purchase, sale transfer or import of the equine into this state. This will make Wisconsin's EIA testing intervals consistent with other states, facilitating interstate movement.

7. Poultry.

   Eliminating the turkey commingling prohibitions to benefit small poultry farmers.

8. Farm-raised deer.

   Eliminating a provision on deer moving to a tuberculosis isolation and testing facility as such facilities no longer exist.

   Requiring that FRDKs include in their records the circumstances which resulted in an escape consistent with the information reported to the department whenever a farm-raised deer escapes a registered herd. Whatever is *reported* to the department must be *recorded* in herd records.

Requiring that FRDKs keep a record of where a carcass is buried or otherwise disposed of, consistent with record keeping requirements for deer killed on a hunting preserve.

Clarifying that all farm-raised deer that are killed intentionally, including escaped deer, must be tested for CWD if they are test-eligible.

Eliminating the requirement that the livestock premises code be included in the herd records of farm-raised deer added to a herd under the CWD herd status program.

Establishing training requirements for FRDKs, their immediate family members, and their employees to be qualified to collect CWD test samples. The proposed rule also establishes a fee for becoming a qualified CWD test sample collector.

Clarifying that official individual identification numbers be included on a certificate of veterinary inspection for farm-raised deer imported or moving in Wisconsin.

9. Fish.

Clarifying when a valid fish health certificate must accompany any fish and fish eggs moved from a fish farm that has registered two or more fish farms at a single location. Current rules require a valid health certificate accompany *any* fish or fish eggs moved between *any* of the registered fish farms. The proposed rule will require a valid health certificate accompany *only* fish or fish eggs of a species found to be susceptible to VHS, moving from a type 3 fish farm.

Eliminating the record keeping requirements for sales of farm-raised fish or fish eggs sold directly to a consumer for bait or food.

10. Appendices to ch. ATCP 10.

The current rule requires a person who diagnoses, or obtains, credible diagnostic evidence of a disease listed in Appendix A report that finding to the department within one day. The proposed rule removes Mycoplasma meleagridis from Appendix A and adds it to Appendix B which requires the listed diseases to be reported to the department within 10 days.

11. Animal markets, dealers and truckers.

Clarifying that Class A animal markets may conduct livestock and wild animal sales and auctions on any number of days during the license year.

Clarifying that Class B animal markets may conduct livestock sales on any number of days during the license year but may hold auctions on no more than 4 days during the license year.

Clarifying that any person, *as principal or agent*, engaged in the business of animal dealing must hold an animal dealer license. This language aligns the rule with Wisconsin Statutes.

Clarifying the language regarding the identification of bovine animals for sale or shipment to slaughter.

Clarifying, in a note, that if an animal dealer or trucker hauls bovine animals or swine direct to slaughter or to a slaughter sale held at a licensed market, an official backtag is adequate identification for the animal.

Clarifying that for animal trucker records, the individual backtags do not need to be recorded for animals being moved from a licensed dealer or market direct to slaughter. Also, clarifying that the owner of each animal must be included in animal trucker records.

Summary of, and comparison with, existing or proposed federal statutes and regulations

The United States Department of Agriculture (USDA) administers federal regulations related to the interstate movement of animals, particularly with respect to certain major diseases. States regulate intrastate movement and imports into the state.

Federal CWD Herd Certification Program requirements include individual animal ID's, regular inventories, and testing of all cervids over 12 months that die for any reason. Interstate movement of cervids will be dependent on a state's participation in the program, maintaining compliance with program requirements, and having achieved herd certification status.

Federal traceability requirements establish minimum national official identification and documentation for the traceability of livestock moving interstate. These regulations specify approved forms of official identification and documentation for each species.

The proposed rules will align state rule relating to CWD and identification requirements for traceability with approaches used by the federal government. These changes will allow for the continued interstate movement of farm-raised deer and other livestock.

Comparison with Rules in Adjacent states

Surrounding state animal health programs are comparable to those in Wisconsin. Programs for historically important diseases, such as tuberculosis, brucellosis and CWD in the Midwest states, are similar to Wisconsin as all are based on well-established federal standards.

States may apply to become an Approved State HCP if they meet (or exceed) national program requirements. Cervid owners can enroll and participate in their Approved State CWD HCP. Interstate movement of animals is dependent on a state's participation in the program, maintaining compliance with program requirements, and having achieved herd certification status. Wisconsin and Minnesota have approved CWD HCPs by the federal Animal and Plant Health Inspection Service (APHIS). Illinois, Iowa and Michigan have conditional approval. Therefore, all are implementing federal requirements and thus are similar.

To meet federal CWD HCP requirements for farm-raised deer to move interstate, a state program must meet approved forms of official identification. Minnesota, Illinois, Iowa and Michigan have applied for their programs to be accepted to meet the federal traceability identification requirements in order to move livestock interstate. Therefore, all are implementing federal requirements and should be similar to Wisconsin.

Summary of Factual Data and Analytical Methodologies

This proposed rule does not depend on any complex analysis of data. This proposed rule makes minor, technical changes as well as changes to comply with USDA regulations relating to traceability and the CWD herd certification program in order to facilitate Wisconsin livestock in interstate commerce.

Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of an Economic Impact Analysis

The majority of these proposed rule changes are to align Wisconsin Administrative Code with federal regulations, state statutory requirements and previous rule modifications.

The most significant rule changes (and fiscal impact) relate to farm-raised deer keepers enrolled in the Wisconsin CWD herd status program. Division of Animal Health staff met with a group of farm-raised deer keepers and their lobbyists in August 2012 to discuss the new federal requirements and how the rule would be updated to reflect the new federal regulations. Many of the small business fiscal effects were inferred from that meeting as well as discussions with individual FRDKs.

Next Steps

If the Board authorizes public hearings on this rule, DATCP will refer a copy of the rule to the Legislative Council Rules Clearinghouse and publish a hearing notice in the *Wisconsin Administrative Register*. DATCP will hold public hearings on the dates and at the locations specified in the hearing notice. The hearing dates and locations have not yet been determined.

Following the public hearings, DATCP will prepare a final draft rule for the Board's consideration. If the Board approves a final draft rule, DATCP will transmit that final draft rule to the Governor for his written approval and then to the Legislature for review by appropriate legislative committees. If the Legislature takes no action to stop the rule, the Secretary will sign the final rulemaking order and transmit it for publication.

DATCP Docket No. 13-R-01
Clearinghouse Rule No. _____

Proposed Hearing Draft
June 27, 2013

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

The Wisconsin department of agriculture, trade and consumer protection proposes the following permanent rule ***to repeal*** ATCP 10.01 (27) and (70) (Note), 10.06 (1) (c) 12., 10.18 (4) (c), 10.21 (1) (c), 10.36 (2) (b), 10.40 (6) (a) and (b), 10.46 (2) (d), 10.56 (3) (e), 12.01 (2m), 12.01 (19) (Note); ***to renumber*** ATCP 10.01 (105) (c) and (Note) and (d), 10.61 (7) (c), 12.01 (8x); ***to amend*** ATCP 10.01 (37) (b), (42), (46) (intro.), (56) and (70), 10.04 (1) (a) (intro.), (b), (c), (d) and (e), 10.06 (6) (a), 10.07 (2) (a), 10.19 (1) (intro.), 10.20 (3), 10.21 (1) (a) (intro.) and (2) (b) 5., 10.22 (1) (a) 1. and (10) (a) and (d) 9., 10.30 (1) (a) 3., 10.35 (1) (a) and (b) 3., 10.36 (3) and (4) (b), 10.40 (1) (intro.), 10.46 (5) (b) 2. and (10) (a) 7. and (c) 4., 10.47 (4), (4m) and (7) (b) 6., 10.49 (1m), 10.51 (2m), 10.52 (1), (1m) (b) 1. to 3., (3) (c), (4) (a) and (b) and (7), 10.53 (2) (d) 4., (4) (a) and (b), (5) (a) (intro.) and 4., (b) 2. and 6., (6) (a) 1. and 3. and (11) (c) 1. and (d), 10.54 (1) (a), (c) (intro.), (d) and (e), 10.55 (2) (b) 2. and (3) (e), 10.56 (1) (a) 2., (b), (2) (intro.) and (4) (intro.), 10.61 (5m) (b), (8) and (10) (d) and (e), 10.62 (1) (a) 4., (2) (d) and (4), 10.81 (1), 10.82 (3) (b) and (4) (b), 10.84 (4) (b) 1., 10.85 and (title), 10.87 (1) (c) (Note) and (6) (a), Appendices A and B of ch. ATCP 10, 12.01 (8w), (19) and (25), 12.02 (2) (b) and (c), 12.03 (1) (intro.), 12.05 (1) (b), (3) and (5) (a) 2., 12.06 (1s) (e); ***to repeal and recreate*** ATCP 10.01 (71), 10.21 (1) (b), 12.01 (20); ***to create*** ATCP 10.01 (55m), (88m) and (Note), (105) (c), 10.07 (2m), 10.46 (5) (e) and (7) (am), 10.52 (3) (d) and (4) (a) (Note), (ag) and (ar), 10.53 (2) (f) and (4) (h), 10.54 (1) (am), 10.55 (3) (d), 10.56 (2) (c) and (Note), 10.61 (7) (c) 2., 10.62 (2) (f), 12.01 (8x) and (11m), 12.05 (1) (b) (second Note) and (2) (b) (second Note), 12.06 (1s) (g), relating to animal disease control and animal movement, and animal markets, dealers and truckers, and affecting small business.

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

This proposed rule will modify current animal health rules to align with federal regulations, state statutory requirements, and previous rule modifications. The proposed rule will also make various modifications to provide for flexibility, clarity and consistency.

Statutes Interpreted

Statutes interpreted: ss. 93.07, 95.197, 95.20, 95.22, 95.31, 95.45, 95.55, 95.57, 95.60 95.65, 95.68, 95.69, and 95.71, Stats.

Statutory Authority

Statutory authority: ss. 93.07 (1) and (10), 95.197, 95.20, 95.22, 95.45 (4) (c), 95.55 (6), 95.60 (3) and (4s), 95.68 (8), 95.69 (8) and 95.71 (8), Stats.

Explanation of Statutory Authority

The Department of Agriculture, Trade and Consumer Protection ("DATCP") has broad authority to promulgate rules for the proper enforcement of its programs under s. 93.07 (1) and (10), Stats.

DATCP has broad authority under s. 95.20, Stats., to prohibit or regulate the importing of animals into this state or the movement of animals if there are reasonable grounds to believe it is necessary to prevent the introduction or spread of disease in this state

DATCP has specific rulemaking authority on certificates of veterinary inspection under s. 95.45 (4) (c), Stats., regulation of the farm-raised deer industry under s. 95.55 (6), Stats., and regulation of fish farms under s. 95.60 (3) and (4s), Stats.

Related Statutes and Rules

The Department of Natural Resources has statutes and rules that are closely related to some of the program areas in DATCP. Section NR 16.45, Wisconsin Administrative Code, establishes fencing requirements and harvest plan requirements for keepers of farm-raised deer that are white-tailed deer. Section 29.87, Stats., establishes guidelines by which the Department of Natural Resources may dispose of escaped farm-raised deer. Section 29.735, Stats., establishes requirements for importation of fish other than health requirements and section 29.736, Stats. establishes requirements for the stocking of fish into waters of the state, other than health requirements.

Plain Language Analysis

Federal Regulations

Many of the programs regulated by state administrative rules are also regulated by federal rules. As federal rules change over time, state rules must also be modified so Wisconsin producers have consistent, non-conflicting requirements to comply with when moving livestock interstate. This rule modifies provisions relating to documentation required for horses and to official individual identification of certain animals to align with federal traceability rules. The rule also modifies provisions relating to the chronic wasting disease (CWD) herd status program to align with United States Department of Agriculture (USDA) rules that establish a Herd Certification Program (HCP) for CWD in farm-raised or captive cervids in the United States.

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Current rule allows farm-raised deer enrolled in the CWD herd status program to be officially identified with a CWD status program registration tag or a premises tattoo provided the farm-raised deer also has a unique individual identification number. Federal rules now only allow official eartags to be used as official identification of these deer. The official eartags must adhere to the National Uniform Eartagging System, the Animal Identification Number System, or other identification system approved by the federal bureau and the department. The proposed rule modifies the definition of "official individual identification" and "official eartag" as applied to farm-raised deer to align with federal traceability requirements.

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Farm-raised deer enrolled in the CWD herd status program

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Flexibility, Clarity, and Consistency

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   Changing the definition of "feeder cattle" in ch. ATCP 10 to be consistent with the definition of feeder cattle in ch. ATCP 12.

   Modifying the definition of "individual" for clarity.

   Creating the definition of "immediate family member" to clarify what individuals are eligible to collect a CWD test sample once properly trained.

Creating a definition of "salvage value" to clarify that payment received from any source, other than state or federal indemnifications, are considered part of the salvage value of an animal.

Defining the new term "new world camelids" to allow vicunas to be classified as, and have the same import requirements as, llamas, alpacas and guanacos, rather than classified as an exotic ruminant with additional import requirements.

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   Clarifying that reimbursements under the Johne's program are made only when funds are available. Funds for the Johne's program are eliminated in the 2013-15 biennial budget.

4. Bovine.

   Eliminating the requirement that official individual identification of bovine animals be inserted in the *right* ear of the animal.

5. Swine.

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Clarifying that for animal trucker records, the individual backtags do not need to be recorded for animals being moved from a licensed dealer or market direct to slaughter. Also, clarifying that the owner of each animal must be included in animal trucker records.

Summary of, and comparison with, existing or proposed federal statutes and regulations

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Comparison with Rules in Adjacent states

Surrounding state animal health programs are comparable to those in Wisconsin. Programs for historically important diseases, such as tuberculosis, brucellosis and CWD, in other Midwest states are similar to Wisconsin as all are based on well-established federal standards.

States may apply to become an Approved State HCP if they meet (or exceed) national program requirements. Cervid owners can enroll and participate in their Approved State CWD HCP. Interstate movement of animals is dependent on a state's participation in the program, maintaining compliance with program requirements, and having achieved herd certification status. Wisconsin and Minnesota have approved CWD HCPs by the federal USDA, Animal and

Plant Health Inspection Service ("APHIS"). Illinois, Iowa and Michigan have conditional approval. Therefore, all are implementing the federal requirements and thus are similar to Wisconsin rules.

To meet federal CWD HCP requirements for farm-raised deer to move interstate, a state program must meet approved forms of official identification. Minnesota, Illinois, Iowa and Michigan have applied for their programs to be accepted as meeting the federal traceability identification requirements in order to move livestock interstate. Therefore, all are implementing the federal requirements and those state rules should be similar to Wisconsin's.

Summary of Factual Data and Analytical Methodologies

This proposed rule does not depend on any complex analysis of data. This proposed rule makes minor, technical changes, as well as changes to comply with USDA regulations relating to traceability, and the CWD herd certification program, in order to facilitate Wisconsin livestock in interstate commerce.

Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of an Economic Impact Analysis

The majority of these proposed rule changes are to align Wisconsin Administrative Code with federal regulations, state statutory requirements and previous rule modifications.

The most significant rule changes (and fiscal impact) relate to farm-raised deer keepers enrolled in the Wisconsin CWD herd status program. Division of Animal Health staff met with a group of farm-raised deer keepers and their lobbyists in August 2012 to discuss the new federal requirements and how the rule would be updated to reflect the new federal regulations. Many of the small business fiscal effects were inferred from that meeting as well as discussions with individual FRDKs.

Effect on Small Business

The majority of these rule modifications are technical and have no fiscal effect or have already been implemented by the division due to prior changes in state law. Many of the rule modifications will ease program requirements and may reduce costs to small business. The rule modifications that may have a greater economic impact on small business are changes required to align with federal USDA regulations relating to farm-raised deer enrolled in the CWD herd status program.

The entities that may be affected by this rule modification include the following:

1. Wisconsin importers.

   Vicunas. The import requirements for vicunas will be less costly and those reduced costs may be realized by the recipient of the vicuna. However, the number of vicunas imported into the state of Wisconsin is negligible and cost savings indeterminate.

Swine. The import costs for swine will most likely remain the same as the CVI content requirement for swine imports has replaced the pseudorabies vaccine statement with a statement regarding PRRS status of the herd of origin.

2. Poultry farmers.

   Small poultry farmers have benefited from the elimination of the turkey commingling prohibitions in the proposed rule. The department has already issued a waiver from this rule prohibition so any cost savings from this rule modification have already been realized.

3. Farm-raised deer keepers (FRDKs) with herds enrolled in the CWD herd status program.

   CWD test samples (State changes). Farm-raised deer keepers may realize a significant cost savings if they, their employees or their immediate family members choose to complete department-approved training and become qualified by the department to collect CWD test samples.

   The qualification will allow the FRDK (or his/her employee or immediate family member) to collect CWD test samples rather than hiring a veterinarian to do so at an estimated $75 per deer (depending on the number of deer tested at one time, this cost could be lower). This change is significant as 100 percent of all farm-raised deer aged 12 months or older enrolled in a CWD herd status program must be tested for CWD upon death, including those sent to slaughter. In addition, for non-enrolled herds for deer 16 months of age or older, 100 percent that are killed intentionally or die by accidental death or natural causes must be tested, 25 percent sent to slaughter must be tested and 50 percent that are intentionally killed while on a hunting preserve must be tested. Cost savings for non-enrolled herds could also be significant.

   The training for this qualification will first be provided in the summer of 2013 (before promulgation of this rule) and will be free of charge. The proposed rule will require a nonrefundable application fee of $50 every five years per applicant so the department can recover some of the costs in the future of providing the CWD test training and qualification program.

   Beginning June 30, 2018, veterinarians will also be required to take CWD test sample training to refresh their sampling techniques and to become qualified collectors. This will be a new cost to veterinarians who choose to collect CWD test samples.

   Two forms of identification (Federal changes). Keepers of farm-raised deer enrolled in the CWD herd status program will have to apply two forms of identification to each deer that is 12 months of age or older and provide a complete herd inventory every three years by a veterinarian or department-authorized agent.

   Participation in the CWD herd status program is voluntary. There are approximately 330 farm-raised deer keepers with 14,225 deer (elk, red deer, white-tailed deer, fallow, sika, reindeer, muntjac, moose, and mule deer) enrolled in the CWD herd status program in Wisconsin.

Approximately 50 of those FRDKs currently move their deer interstate and likely already have two identifications attached to each deer. These individuals also have their herds certified as tuberculosis-free since it is a requirement to move deer. A tuberculosis-free herd must be re-certified every three years by testing deer 12 months of age or older by a veterinarian. The newly required complete herd inventory can coincide with the tuberculosis testing every three years but must be done for *all* deer in the herd (including deer *under* 12 months of age). Because the herd inventory includes all deer (including deer *under* 12 months of age) and the tuberculosis testing includes only deer *over* 12 months of age, there will be an increase in cost to FRDKs having young deer under 12 months of age. The cost for a veterinarian to provide tuberculosis testing is approximately $100 to $200 per hour. The number of additional hours needed and costs will vary depending on the number of deer under 12 months of age that will need to be inventoried in each herd. It is unknown how many herds will have deer under 12 months of age.

Of the remaining 280 FRDKs, approximately 190 are enrolled in the CWD herd status program and many move their deer intra-state. Approximately 150 of these FRDKs have their herds certified as tuberculosis-free. These FRDKs will have the same fiscal costs as those described in the previous paragraph. The FRDKs that do not have herds certified as tuberculosis-free may incur the fiscal costs described in the following paragraphs.

Approximately 90 of the 280 FRDKs who don't move interstate are enrolled in the CWD herd status program but do not move live deer, do not have their herds certified as tuberculosis-free, and likely do not have two identifications attached to their adult deer. These FRDKs may choose to stop participation in the CWD herd status program. However, they will then need to comply with fencing requirements specified by the Department of Natural Resources under NR 16.45 (2), Wis. Admin. Code. The DNR rule requires white-tailed deer farms with perimeter fences less than 80 acres to be either enclosed by a double or solid fence (unless the deer farm is enrolled in the CWD herd status program).

The rules will have a greater fiscal impact on these FRDKs as they probably do not currently have facilities to catch deer in order to apply the required identification or to complete a physical herd inventory every three years. Depending on the animal, each deer may need to be chemically immobilized (tranquilized) in order to conduct the inventory, causing a greater risk of death, injury, and cost to the owner.

It is important to note that if these rule modifications are not promulgated to comply with federal regulations, Wisconsin may jeopardize its approval from USDA on implementing its herd certification program which allows keepers of farm-raised deer enrolled in the CWD herd status program to move deer interstate. No USDA approval means there is no interstate movement of deer.

4. Fish farmers.

Type 1 and 2 fish farmers may realize a cost savings as they will no longer have to have a veterinarian prepare a valid health certificate for fish or fish eggs moving from any of the registered fish farms at the same location. It is unknown how many type 1 and 2 fish farms

move fish or fish eggs among the registered fish farms at the same location. Therefore, any savings are indeterminate.

5. Owners of rodeo and exhibition cattle.

   Owners of rodeo and exhibition cattle will have to apply eartags to their cattle to improve traceability. However, because these eartags are free, any fiscal impact should be minimal.

6. Animal markets.

   Owners of Wisconsin animal markets selling equine may experience a slight decrease in costs as federal rules now require that horses imported to markets have a certificate of veterinary inspection (CVI) before entering the market. Current state rules allow horses to be imported to markets without a CVI if shipped directly to slaughter within 10 days of arrival but if the horse then leaves the market other than for slaughter or is commingled with other equine, the market owner must then have a Wisconsin certified veterinarian issue a CVI for that horse. Under the proposed rule, the equines would come to market *with* a CVI. It is unknown how many markets this provision may affect and any cost savings are indeterminate.

Environmental Impact

This rule does not have an environmental impact.

Standards Incorporated by Reference

Pursuant to s. 227.21, Stats., DATCP will request permission from the attorney general and reviser of statutes to incorporate the following standards by reference in this rule, without reproducing the standards in full in this rule:

- The "National Uniform Eartagging System" developed by the federal bureau in veterinary services memorandum no. 578.12, revised March 15, 2011.

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Place where Comments are to be Submitted and Deadline for Submission

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SECTION 1. ATCP 10.01 (27) is repealed.

SECTION 2. ATCP 10.01 (37) (b), (42), (46) (intro.) and (56) are amended to read:

ATCP 10.01 (37) (b) An exhibition operated by an institution accredited by the ~~American~~ association of ~~zoological parks~~ zoos and aquariums.

(42) "Farm-raised deer" means a captive cervid, but includes a non-captive cervid that has an ear tag or other mark identifying it as being raised on a farm. "Farm-raised deer" does not include a cervid kept by an institution accredited by the ~~American~~ association of ~~zoological parks~~ zoos and aquariums.

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

(56) "Individual" means one of the following, as applicable: (a) When used as a noun, a ~~human being~~ natural person.

(b) When used as an adjective, separate and distinct from all others.

SECTION 3. ATCP 10.01 (55m) is created to read:

ATCP 10.01 (55m) "Immediate family member", as used in ch. 95, Stats., and this chapter, means a spouse, grandparent, parent, sibling, child, stepchild, grandchild or the spouse of a grandparent, parent, sibling, child, stepchild or grandchild.

SECTION 4. ATCP 10.01 (70) is amended to read:

ATCP 10.01 (70) "Official eartag" means an identification eartag ~~issued or~~ approved by the federal bureau that bears an official individual identification number meeting the requirements of one of the following:

(a) The national uniform eartagging system developed by the federal bureau in veterinary services memorandum no. 578.12, revised March 15, 2011.

(b) The animal identification number developed by the federal bureau in 9 CFR 86.1 consisting of 15 digits with the first 3 digits of 840.

(c) An identification system also approved by ~~or~~ the department.

SECTION 5. ATCP 10.01 (70) (Note) is repealed.

SECTION 6. ATCP 10.01 (71) is repealed and recreated to read:

ATCP 10.01 (71) "Official individual identification" means a set of identifying characters that is uniquely associated with an individual animal. A specific "official individual identification" and its placement on an animal is differentiated, in part, by animal species, and consists of one of the following:

(a) For bovine, an official eartag attached to the animal.

(b) For farm-raised deer, an official eartag attached to the animal.

(c) For equine, a written or graphic description by a licensed and accredited veterinarian sufficient to identify the individual equine including all of the following:

1. Name.
2. Age.
3. Breed.
4. Color.
5. Sexual status.

1 6. Distinctive markings.

2 7. Unique and permanent forms of identification, when present, including brands,

3 tattoos, scars, cowlicks, blemishes or biometric measurements.

4 (d) For poultry, a leg or wing band bearing a number that uniquely identifies the bird.

5 (e) For ratites, a leg band bearing a number that uniquely identifies the ratite.

6 (f) For swine weighing 80 pounds or less, a tattoo or eartag applied to the animal

7 including a premises identification code issued by the department, or an official eartag attached

8 to the animal.

9 (g) For breeding swine, one of the following:

10 1. An official eartag attached to the animal.

11 2. Ear notches for registered swine.

12 3. A unique tattoo or eartag applied to the animal including a unique premises

13 identification code issued by the department provided that the animal also bears an individual

14 identification number unique to that premises, or an official eartag attached to the animal.

15 (h) For goats and sheep, one of the following:

16 1. An official eartag attached to the animal.

17 2. A federal bureau approved microchip if implanted in the animal and if accompanied

18 by the animal's registration documents in the animal owner's name or by a certificate of

19 veterinary inspection with the implant number.

20 3. The animal's breed association or registration tattoo with the management number

21 accompanied by registration documents in the animal owner's name.

4. A tattoo or eartag with a unique individual identification number for the animal's premises along with a tattoo or eartag of a unique flock identification number issued by the federal bureau.

(i) For all other animals, one of the following:

1. The animal's official eartag attached to the animal.

2. The animal's breed association tattoo.

3. The animal's breed association registration number as documented on the animal's registration certificate.

4. A registration freeze brand number that uniquely identifies the animal.

5. A microchip if the microchip number uniquely identifies the animal and the microchip is implanted in the animal.

6. A tattoo number issued by the department.

7. A unique premises identification code issued by the department, provided the animal also bears an individual identification number unique to that premises.

8. Other identification approved by the department.

SECTION 7. ATCP 10.01 (88m) and (Note) are created to read:

ATCP 10.01 (88m) "Salvage value", as used in ch. 95, Stats., means any monies received from any source for a condemned animal or animal parts by the owner of the condemned animal, other than federal government indemnities or state indemnities.

Note: The salvage value may include payments from livestock insurance or warranty programs. The salvage value plus any federal indemnities received by the owner equals the "net salvage value". The net salvage value is used to calculate any state indemnities permissible under ss. 95.23 (1m), 95.25 (5), 95.26 (7), 95.27 (4), 95.31 and 95.37, Stats.

SECTION 8. ATCP 10.01 (105) (c) and (Note) and (d) are renumbered ATCP 10.01 (105) (d) and (Note) and (e).

SECTION 9. ATCP 10.01 (105) (c) is created to read:

ATCP 10.01 (105) (c) A TB stat-pak screening test when used with a confirmatory secondary dual path platform test for farm-raised deer that are white-tailed deer, red deer, elk, fallow deer or reindeer.

SECTION 10. ATCP 10.04 (1) (a) (intro.), (b), (c), (d) and (e) are amended to read:

ATCP 10.04 (1) DUTY TO REPORT TEST RESULTS. (a) A veterinarian, qualified fish health inspector, certified veterinary technician, qualified chronic wasting disease test sampler or DHIA technician who test an animal in this state for any of the following diseases shall report the test results to the department, regardless of whether the test result is positive or negative:

(b) A ~~veterinarian~~ person under par. (a) shall report a positive test result for any disease under par. (a) within the time period and by the method specified for that disease in s. ATCP 10.03.

(c) A ~~veterinarian~~ person under par. (a) shall report a negative test result for any disease under par. (a) within 10 days after receiving that test result. The ~~veterinarian~~ person shall report the negative test result in writing, by e-mail, or fax.

(d) A ~~veterinarian~~ person under par. (a) is not required to report diseases under par. (a) if the laboratory analyzing the test sample reports the test result to the department according to this subsection.

(e) A test result report under this subsection shall include the official individual identification of the animal to which the test result pertains. If the animal has no official

individual identification, the ~~veterinarian~~ person under par. (a) who collected the test sample shall identify the animal with an official individual identification.

SECTION 11. ATCP 10.06 (1) (c) 12. is repealed.

SECTION 12. ATCP 10.06 (6) (a) is amended to read:

ATCP 10.06 (6) FILING COPIES OF CERTIFICATE. (a) If this chapter requires a certificate of veterinary inspection to accompany animals imported to this state, the veterinarian who signs the certificate shall also file copies with the department and the chief livestock health official in the state of origin. The veterinarian shall file the copies within 7 days after ~~the import shipment date~~ issuance.

SECTION 13. ATCP 10.07 (2) (a) is amended to read:

ATCP 10.07 (2) (a) Except as authorized under sub. (2m), ~~No~~ no person may import an animal shipment to this state without an import permit from the department, if a permit is required by this chapter or ch. ATCP 12. The department may issue a permit in paper, verbal or electronic form. Each permit shall be evidenced by a unique permit number that shall be recorded on the official certificate of veterinary inspection by the importer or accredited veterinarian.

SECTION 14. ATCP 10.07 (2m) is created to read:

ATCP 10.07 (2m) BLANKET IMPORT PERMIT. (a) In this subsection, "seller" means the owner of the animal being sold or the market location at which the animal is being sold, as applicable.

(b) Notwithstanding sub. (2), a blanket import permit may be issued to an accredited veterinarian or a Wisconsin importer if an import permit cannot be properly obtained under sub. (2) for any of the following reasons:

1. A Wisconsin resident anticipates a possible purchase of one or more animals at an out-of-state farm or sale at a time the department is not open for business.

2. An accredited veterinarian at an out-of-state animal sale anticipates possible purchases of one or more animals by Wisconsin buyers at the sale at a time the department is not open for business.

3. Other circumstances approved by the department.

(c) A permit under par. (b) shall comply with this subsection, import requirements in this chapter and ch. ATCP 12, and any conditions specified when the permit is issued. Noncompliance may invalidate a permit. A permit is not evidence of compliance.

(d) A blanket import permit application under this subsection shall include all of the following:

1. For applicants who are veterinarians:

a. The date of the sale.

b. The veterinarian's name, trade name, if applicable, address including city, state and zip code, and telephone number.

c. The seller's name, trade name, if applicable, address including city, state and zip code, telephone number, and livestock premises code, if known.

2. For applicants who are Wisconsin importers:

a. The approximate date of the possible purchase or import.

b. The importer's name, trade name, if applicable, address including city, state and zip code, and telephone number.

c. The state from which a purchase may be made.

d. If known, the seller's name, trade name, if applicable, address including city, state and zip code, telephone number and livestock premises code.

3. For all applicants under this subsection, any other information required by the department.

(e) An applicant shall receive a general import permit under sub. (2) or a blanket import permit under this subsection prior to bringing an animal into Wisconsin.

(f) The department shall grant or deny a permit under par. (b) within 30 days after the department received a complete application. The department shall send notice of its action, provide an import permit number and forward a copy of the permit if required by this chapter. The department may notify the applicant of its action by telephone, mail or electronic transmission.

(g) A blanket import permit under this subsection expires 30 days after it is issued, unless the department specifies a different expiration date on the import permit.

(h) On the first business day after the sale, the applicant shall submit all certificates of veterinary inspection of Wisconsin-bound animals to the department or shall notify the department that no animals from the sale will be entering Wisconsin under the blanket permit issued for that sale date.

Note: An applicant for a blanket import permit may apply for a permit or submit any information required for a permit in any of the following ways that best meet the established deadlines:

1. By telephone to the following number: (608) 224-4872. The department may require the applicant to confirm a telephone application in writing, by mail or electronic transmission.
2. By fax to the following number: (608) 224-4871.
3. By email to: datcpanimalimports@wisconsin.gov .
4. By mail to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911

Madison, WI 53708-8911

(i) The department shall keep, for at least 5 years, a record of every blanket permit issued under this subsection.

SECTION 15. ATCP 10.18 (4) (c) is repealed.

SECTION 16. ATCP 10.19 (1) (intro.) is amended to read:

ATCP 10.19 (1) (intro.) DEPARTMENT MAY REIMBURSE COSTS. ~~The~~ If funding is available, the department may reimburse a cattle herd owner for any of the following costs incurred by the herd owner:

SECTION 17. ATCP 10.20 (3) is amended to read:

ATCP 10.20 (3) DISQUALIFICATION. The department may withdraw a certification under sub. (1) or (2) for cause, including a failure to adhere to relevant standards under ss. ATCP 10.15 to ~~10.19~~ 10.18 or this section. The department shall issue a withdrawal notice in writing. The notice shall specify the reasons for the withdrawal.

SECTION 18. ATCP 10.21 (1) (a) (intro.) is amended to read:

ATCP 10.21 (1) (a) (intro.) ~~Except as provided in par. (b), a~~ A veterinarian who does any of the following to any bovine animal shall insert, in the ~~right~~ ear of the animal, an official eartag unless the animal is already identified with an official eartag:

SECTION 19. ATCP 10.21 (1) (b) is repealed and recreated to read:

ATCP 10.21 (1) (b) Except as specified under 9 CFR 86.4 (c), no more than one official eartag may be applied to a bovine.

SECTION 20. ATCP 10.21 (1) (c) is repealed.

SECTION 21. ATCP 10.21 (2) (b) 5. is amended to read:

ATCP 10.21 (2) (b) 5. The animal's official individual identification if the animal leaves the premises of an animal dealer or animal market operator, other than for direct shipment to slaughter. If the animal has no official individual identification, the animal dealer or animal market operator shall insert an official eartag in the animal's ~~right~~ ear before the animal leaves the premises.

SECTION 22. ATCP 10.22 (1) (a) 1. is amended to read:

ATCP 10.22 (1) (a) 1. a. The official individual identification of ~~the bovine animal. Official individual identification is not required for veal calves or~~ all bovine animals except steers imported from a brucellosis free state or nation, or from a brucellosis class A state, if that state or nation is also an accredited tuberculosis free state or nation and the certificate of veterinary inspection clearly identifies the shipment destination and the number of animals included in the shipment.

Note: Under federal regulations on interstate shipment of steers, beef steers are not required to have official individual identification, but dairy class steers are required to have official individual identification. See 9 CFR 86.1. Federal regulations also require that any certificate of veterinary inspection accompanying a steer in interstate movement contain the following statements, if applicable:

- "All dairy class steers in this shipment are officially identified."
- "All beef steers in this shipment are exempt from official identification requirements."

b. Notwithstanding the exception in subdivision paragraph a., a certificate of veterinary inspection under this section shall include the official individual identification of steers imported for rodeos, recreational events, shows or exhibitions.

SECTION 23. ATCP 10.22 (10) (a) and (d) 9. b. are amended to read:

ATCP 10.22 (10) (a) *Definition.* In this subsection, "shipment" means one or more truckloads of cattle from the same source premises which are transported on the same day for delivery to the same intermediate handling facility prior to slaughter ~~establishment~~.

(d) 9. b. A record of each ~~cattle shipment~~ bovine animal leaving the facility, including the date ~~of shipment~~ the animal left, the number of cattle included in the ~~shipment~~truckload, the name and address of the shipper, the name and address of the person receiving the ~~shipment~~ cattle, any official individual identification of any bovine animal in the ~~shipment~~truckload, and the movement permit number issued under par. (f).

SECTION 24. ATCP 10.30 (1) (a) 3. is amended to read:

ATCP 10.30 (1) (a) 3. ~~If sub. (5)(a) applies, a statement certifying that no pseudorabies vaccine has been used on the swine~~ A statement disclosing the porcine reproductive and respiratory syndrome status of the herd of origin, if known.

SECTION 25. ATCP 10.35 (1) (a) and (b) 3. are amended to read:

ATCP 10.35 (1) (a) Except as provided in par. (b), no person may purchase, sell, or transfer ownership of any equine animal in this state unless ~~one of the following:~~

~~1. The~~ the animal has tested negative for equine infectious anemia ~~during the current calendar year~~ within 12 months and the official test report accompanies the animal.

~~2. The sale or transfer of ownership occurs on or before January 31, the animal has tested negative for equine infectious anemia during the preceding calendar year, and the official test report accompanies the animal.~~

(b) 3. An equine animal consigned to an animal dealer or market for sale directly to slaughter. If the animal is not shipped directly to a slaughter establishment within 10 days after it is received at the dealer or market, it shall be tested immediately.

SECTION 26. ATCP 10.36 (2) (b) is repealed.

SECTION 27. ATCP 10.36 (3) and (4) (b) are amended to read:

ATCP 10.36 (3) EQUINE INFECTIOUS ANEMIA TEST; REQUIREMENT. Except as provided in sub. (4), no person may import any equine animal into this state unless ~~one of the following applies:~~

~~(a) The~~ the animal has tested negative on an equine infectious anemia test conducted ~~during the calendar year in which~~ no more than 12 months before the date the animal is imported into this state.

~~(b) The animal is imported on or before January 31 of any calendar year and the animal tested negative for equine infectious anemia during the preceding calendar year.~~

(4) (b) An animal imported directly to an animal market licensed under s. ATCP 12.02 or to the premises of an animal dealer licensed under s. ATCP 12.03, provided that one of the following applies:

1. The animal is shipped directly to a slaughtering establishment, for slaughter, within 10 days after it arrives at the animal market or animal dealer premises and before it is commingled with any other animal that is not shipped to slaughter.

2. The animal market operator or animal dealer has the animal tested for equine infectious anemia within 10 days after it arrives at the market or dealer premises, and obtains the negative test results before the animal leaves the animal market or dealer premises and before it is commingled with any other equine animal at the animal market or dealer premises.

SECTION 28. ATCP 10.40 (1) (intro.) is amended to read:

ATCP 10.40 (1) (intro.) BIRDS AND EGGS USED FOR BREEDING OR HATCHING. No person may use~~, sell or distribute~~ poultry or farm-raised game birds or their eggs for breeding or hatching, or for exhibition at a fair or livestock exhibition, unless one of the following applies:

SECTION 29. ATCP 10.40 (6) (a) and (b) are repealed.

1 **SECTION 30.** ATCP 10.46 (2) (d) is repealed.

2 **SECTION 31.** ATCP 10.46 (4) (a) and (b) 1. are amended to read:

3 ATCP 10.46 (4) (a) The entire herd, including all herd locations, shall be actively
4 enrolled in the chronic wasting disease herd status program under s. ATCP 10.53.

5 (b) 1. Those farm-raised deer are identified with ~~official~~ 2 individual ~~identification~~
6 identifications. One identification shall be official individual identification and the second
7 identification shall be either official individual identification or individual identification unique
8 to the herd.

9 **SECTION 32.** ATCP 10.46 (5) (b) 2. is amended to read:

10 ATCP 10.46 (5) (b) 2. Farm-raised deer moved between any of the herd locations
11 identified in any of the herd registration certificates shall be identified with ~~official~~ 2 individual
12 ~~identification~~ identifications. One identification shall be official individual identification and the
13 second identification shall be either an official individual identification or an individual
14 identification unique to the combined herds.

15 **SECTION 33.** ATCP 10.46 (5) (e) is created to read:

16 ATCP 10.46 (5) (e) If any of the herds are enrolled in the chronic wasting disease herd
17 status program, all the farm-raised deer in those enrolled herds are identified with 2 individual
18 identifications. One identification shall be official individual identification and the second
19 identification shall be either official individual identification or individual identification unique
20 to that herd.

21 **SECTION 34.** ATCP 10.46 (7) (am) is created to read:

22 ATCP 10.46 (7) (am) An individual who is eligible for the veteran's fee waiver program
23 under s. 45.44, Stats., is exempt from the registration fee under par. (a).

SECTION 35. ATCP 10.46 (10) (a) 7. and (c) 4. are amended to read:

ATCP 10.46 (10) (a) 7. If the farm-raised deer escaped from the herd, the date and circumstances of the escape, and, if the deer returned, the date of the return.

(c) 4. The disposition of the carcass, regardless of whether the carcass leaves the premises. If the carcass leaves the premises, the disposition record shall include the disposition date, the name and address of the carcass recipient, and the carcass identification required under sub. (13). If the carcass is buried or otherwise disposed of on the premises of the farm-raised deer keeper, the record shall identify the disposal method and location.

SECTION 36. ATCP 10.47 (4), (4m) and (7) (b) 6. are amended to read:

ATCP 10.47 (4) CHRONIC WASTING DISEASE TESTING. A person required to hold a hunting preserve certificate under this section shall comply with chronic wasting disease testing requirements under s. ATCP 10.52. The person shall give a hunter the results of each chronic wasting disease test conducted on a farm-raised deer killed by that hunter on the person's hunting preserve if testing is required under s. ATCP 10.52 (1m) (b) 4.

(4m) OFFICIAL INDIVIDUAL IDENTIFICATION. All non-natural additions to a hunting preserve premises shall have ~~2 forms of official~~ one visible official individual identification, ~~one visible~~ and one microchip implanted at the base of the ear or the base of the tail of the deer.

(7) (b) 6. All ~~official~~ individual ~~identification~~ identifications attached to or implanted in the carcass, and the number of any dead tag attached to the carcass under s. ATCP 10.46 (13).

SECTION 37. ATCP 10.49 (1m) is amended to read:

ATCP 10.49 (1m) CERTIFICATION FEE. Every application for certification under sub. (1) or (4) shall include a nonrefundable application fee of $150 for a 3-year certification. This fee may be prorated for certifications of less than 3 years.

SECTION 38. ATCP 10.51 (2m) is amended to read:

ATCP 10.51 (2m) Every application for certification under sub. (1), ~~or~~ (2), or (4) shall include a nonrefundable application fee of $150 for a 3-year certification. The department may prorate the fee for certification of less than 3 year.

SECTION 39. ATCP 10.52 (1), (1m) (b) 1. to 3. and (3) (c) are amended to read:

ATCP 10.52 (1) TEST-ELIGIBLE FARM-RAISED DEER. A farm-raised deer is a test-eligible deer if it is either of the following:

(a) ~~at~~ At least 16 months old.

(b) At least 12 months old if enrolled in the chronic wasting disease herd status program under s. ATCP 10.53, unless a different age is required under USDA rules.

(1m) (b) 1. All farm-raised deer that are killed intentionally, including escaped deer.

2. ~~or~~ All farm-raised deer that die by accidental death or natural causes on the premises while kept by that person.

~~2~~3. Twenty-five percent of all farm-raised deer that are sent to slaughter.

~~3~~4. ~~Fifty~~ Notwithstanding subd. 1., fifty percent of all farm-raised deer that are intentionally killed while being kept on a hunting preserve certified under s. ATCP 10.47.

(3) (c) A person who collects a test sample under ~~sub. (1m)~~ this section shall do all of the following: 1. Comply with standard ~~veterinary~~ procedures established by the department or the federal bureau when collecting the test sample.

2. Submit the test sample as follows: a. If the collector of a test sample is a veterinarian, to a laboratory approved under sub. (5) within 10 calendar days.

b. If the collector is not a veterinarian, to a veterinarian within 2 business days for submission to a laboratory under par. (d).

SECTION 40. ATCP 10.52 (3) (d) is created to read:

ATCP 10.52 (3) (d) A certified veterinarian who accepts a test sample from a test sample collector under this section shall submit the test sample to a laboratory approved under sub. (5) within 10 calendar days.

SECTION 41. ATCP 10.52 (4) (a) is amended to read:

(4) (a) A person may not collect a test sample under sub. (1m) unless the department verifies that the person has successfully completed, within 5 years prior to the sample collection date, sample collection training approved by the department and the person is one of the following:

1. A Wisconsin certified veterinarian.

2. An employee of the department or the federal bureau.

3. A person approved by the department or the federal bureau.

4. A registered farm-raised deer keeper, an employee of a farm-raised deer keeper's deer farm, or a registered farm-raised deer keeper's immediate family member.

SECTION 42. ATCP 10.52 (4) (a) (Note), (ag) and (ar) are created to read:

ATCP 10.52 (4) (a)

Note: Only farm-raised deer keepers registered as individuals or married couples would have immediate family members eligible to be qualified CWD test sample collectors. Other types of legal entities do not have immediate family members.

(ag) For persons eligible under par. (a) 1. and 4. for qualification as a test sample collector under this subsection, an application shall include a nonrefundable application fee of $50. The application fee is waived for persons eligible under par. (a) 2. and 3. All qualifications under this subsection expire on June 30, 2018, and every 5th year thereafter. Except as authorized under par. (ar), a person eligible as an employee of a farm-raised deer keeper may

only be qualified by the department to perform sample collection for the employing farm-raised deer keeper, and may not collect test samples for any other farm-raised deer keeper. A person may reapply to be a qualified test sample collector after expiration by successfully completing a chronic wasting disease test sample collection training approved by the department, and submitting a nonrefundable application fee of $50.

(ar) An employee of a registered farm-raised deer keeper who qualifies as a test sample collector may transfer that employee's qualification to perform sample collections to qualification on another farm-raised deer keeper's deer farm, if the new employing farm-raised deer keeper requests the transfer from the department.

SECTION 43. ATCP 10.52 (4) (b) and (7) are amended to read:

ATCP 10.52 (4) (b) The department may by written notice, without prior notice of hearing, disqualify a person from collecting samples under sub. (1m). The notice shall specify the reason for the disqualification. The department may disqualify a person if the person lacks required qualifications, fails to collect samples that are consistently testable, leaves the employment of a farm-raised deer keeper or fails to meet other responsibilities under this chapter. A disqualified person may not collect test samples under sub. (1m). A disqualified person may later apply to be a qualified chronic wasting disease test sample collector only after successfully completing training offered or approved by the department.

(7) HERD QUARANTINE. The department shall quarantine a farm-raised deer herd under s. ATCP ~~10.91~~ 10.89, whenever any farm-raised deer from that herd tests positive for chronic wasting disease. The department shall conduct an epidemiological evaluation of the quarantined herd to determine the appropriate disposition of the herd.

SECTION 44. ATCP 10.53 (2) (d) 4. is amended to read:

ATCP 10.53 (2) (d) 4. The ~~official~~ 2 individual ~~identification~~ identifications of each farm-raised deer. Each farm-raised deer shall have 2 individual identifications, one an official individual identification and the second identification shall be either an official individual identification or an individual identification unique to the herd.

SECTION 45. ATCP 10.53 (2) (f) is created to read:

ATCP 10.53 (2) (f) A physical herd inventory verifying the herd census and completed by the herd veterinarian or an authorized agent of the department listing each farm-raised deer's 2 individual identifications, required under par. (d) 4.

SECTION 46. ATCP 10.53 (4) (a) and (b) are amended to read:

ATCP 10.53 (4) (a) Identify every farm-raised deer in the herd with ~~official~~ 2 individual ~~identification~~ identifications before the farm-raised deer is one year old. One identification shall be official individual identification and the second identification shall be either an official individual identification or an individual identification unique to the herd.

(b) Have a chronic wasting disease test performed, according to s. ATCP 10.52, on each of the following farm-raised deer that is at least ~~16~~ 12 months old:

SECTION 47. ATCP 10.53 (4) (h) is created to read:

ATCP 10.53 (4) (h) Submit a physical herd inventory completed by the herd veterinarian or an authorized agent of the department at least once every 3 years. Each farm-raised deer in the herd shall have 2 forms of individual identification which meet the requirements of sub. (2) (d) 4. Each farm-raised deer keeper with a herd enrolled in the herd status program under this section shall submit the first complete herd inventory by December 31, 2015.

SECTION 48. ATCP 10.53 (5) (a) (intro.) and 4., (b) 2. and 6., (6) (a) 1. and 3., and (11) (c) 1. and (d) are amended to read:

ATCP 10.53 (5) (a) (intro.) A whole herd ~~inventory~~ census that shall include all of the following:

4. The ~~official~~ 2 individual ~~identification~~ identifications ~~and any auxiliary identification~~ which meet the requirements of sub. (2) (d) 4. ~~of~~ for each farm-raised deer that is at least one year old.

(b) 2. The ~~official~~ 2 individual ~~identification~~ identifications ~~and any auxiliary identification~~ which meet the requirements of sub. (2) (d) 4.~~of~~ for each farm-raised deer that has left the herd.

6. If the farm-raised deer died on the premises, was slaughtered, or killed and the farm-raised deer was at least ~~16~~ 12 months old, copies of the laboratory report showing the chronic wasting disease test results required under sub. (4) (b) if the test was not performed at the Wisconsin veterinary diagnostic laboratory.

(6) (a) 1. The species, age, sex and ~~official~~ 2 individual ~~identification of~~ identifications which meet the requirements of sub. (2) (d) 4. for the farm-raised deer.

3. The address ~~and livestock premises code, of any,~~ of the herd from which the farm-raised deer was obtained.

(11) (c) 1. ~~The official~~ Two individual ~~identification of~~ identifications which meet the requirements of sub. (2) (d) 4. for every farm-raised deer in the new herd, including those less than one year old.

(d) The herd keeper conducts a chronic wasting disease test, according to s. ATCP 10.52, on any farm-raised deer in the new herd that dies or is killed or slaughtered before the herd is enrolled under this section. This paragraph does not apply to a farm-raised deer that is less than ~~16~~ 12 months old.

SECTION 49. ATCP 10.54 (1) (a) is amended to read:

ATCP 10.54 (1) (a) Whenever a veterinarian does any of the following to a farm-raised deer, the veterinarian shall identify the farm-raised deer with an official individual identification unless the farm-raised deer already bears ~~an official~~ all required individual identification:

SECTION 50. ATCP 10.54 (1) (am) is created to read;

ATCP 10.54 (1) (am) Whenever a person qualified under s. ATCP 10.52 (4) collects test samples from a farm-raised deer for chronic wasting disease testing, the person shall identify the farm-raised deer with an official individual identification or a dead tag. This paragraph does not apply if the farm-raised deer already bears all the required individual identification.

SECTION 51. ATCP 10.54 (1) (c) (intro.), (d) and (e) are amended to read:

ATCP 10.54 (1) (c) (intro.) A keeper of farm-raised deer shall identify each of the following farm-raised deer with ~~an official~~ 2 individual ~~identification~~ identifications meeting the requirements of s. ATCP 10.53 (2) (d) 4., unless that farm-raised deer already bears ~~an official~~ all the required individual identification:

(d) Whenever an animal dealer or animal market operator receives any farm-raised deer, the animal dealer or animal market operator shall immediately identify that farm-raised deer with ~~an official~~ 2 individual ~~identification~~ identifications meeting the requirements of s. ATCP 10.53 (2) (d) 4., unless the farm-raised deer already bears ~~an official~~ all the required individual identification or is backtagged for slaughter under sub. (2).

(e) No animal dealer or animal market operator may deliver a farm-raised deer to the custody of any other person unless that farm-raised deer bears ~~an official~~ 2 individual ~~identification~~ identifications meeting the requirements of s. ATCP 10.53 (2) (d) 4., or is backtagged for slaughter under sub. (2).

SECTION 52. ATCP 10.55 (2) (b) 2. is amended to read:

ATCP 10.55 (2) (b) 2. The farm-raised deer, if at least 16 months old, or 12 months old if enrolled in the chronic wasting disease herd status program under s. ATCP 10.53, is tested for chronic wasting disease after being slaughtered. Testing shall comply with test standards in s. ATCP 10.52.

SECTION 53. ATCP 10.55 (3) (d) is created to read:

ATCP 10.55 (3) (d) Official individual identification on the farm-raised deer.

Note: See ss. ATCP 10.47 (hunting preserves), 10.53 (chronic wasting disease herd status program enrollment) and 10.54 (deer identification) for requirements for 2 forms of individual identification on farm-raised deer.

SECTION 54. ATCP 10.55 (3) (e) is amended to read:

ATCP 10.55 (3) (e) The following statement or a substantially similar statement: "All cervids identified on this certificate originate from a herd enrolled for the past 5 years ~~under a state-recognized chronic wasting disease program that is at least equal to the program under s. ATCP 10.53, Wis. Adm. Code~~ in a state chronic wasting disease program meeting the federal bureau standards."

SECTION 55. ATCP 10.56 (1) (a) 2., (b) and (2) (intro.) are amended to read:

ATCP 10.56 (1) (a) 2. The farm-raised deer, if at least 12 months old and enrolled in the chronic wasting disease herd status program under s. ATCP 10.53, or, if at least 16 months old and the herd is meeting the testing requirements under s. ATCP 10.52 (1m) (b) 3., is tested for chronic wasting disease after being slaughtered. Testing shall comply with test standards in s. ATCP 10.52.

(b) A farm-raised deer moved, pursuant to a permit under s. ATCP 10.08 (3), between institutions that are accredited by the ~~American~~ association of ~~zoological parks~~ zoos and aquariums.

(2) CERTIFICATE OF VETERINARY INSPECTION; CONTENTS. (intro.) A certificate of veterinary inspection under sub. (1) ~~(a)~~ shall be signed by a Wisconsin certified veterinarian who is the herd veterinarian for the herd of origin. The certificate shall include all of the following:

SECTION 56. ATCP 10.56 (2) (c) and (Note) are created to read:

ATCP 10.56 (2) (c) Official individual identification of the farm-raised deer.

Note: The certificate of veterinary inspection may also include any auxiliary identification on the farm-raised deer.

SECTION 57. ATCP 10.56 (3) (e) is repealed.

SECTION 58. ATCP 10.56 (4) (intro.) is amended to read:

ATCP 10.56 (4) CHRONIC WASTING DISEASE CERTIFICATION. (intro.) A certificate of veterinary inspection under sub. (1) ~~(a)~~ shall certify that the farm-raised deer originates from a herd that meets all of the following requirements:

SECTION 59. ATCP 10.61 (5m) (b) is amended to read:

ATCP 10.61 (5m) (b) Each registered fish farm under par. (a) is considered a separate fish farm for purposes of disease control and movement. Fish and fish eggs ~~moved between any of the registered fish farms~~, from species found to be susceptible to viral hemorrhagic septicemia (VHS), that are moved from a type 3 fish farm to any location in the state shall be accompanied by a valid health certificate under s. ATCP 10.65 (4) (c). The fish farm operator shall keep a record, under sub. (10) (a), related to each movement of fish or fish eggs between any of the registered fish farms.

SECTION 60. ATCP 10.61 (7) (c) is renumbered (7) (c) 1.

SECTION 61. ATCP 10.61 (7) (c) 2. is created to read:

ATCP 10.61 (7) (c) 2. An individual who is eligible for the veteran's fee waiver program under s. 45.44, Stats., is exempt from the registration fee under par. (a).

SECTION 62. ATCP 10.61 (8), (10) (d) and (e) are amended to read:

ATCP 10.61 (8) ACTION ON REGISTRATION APPLICATION. The department shall grant or deny a registration application within 30 business days after the department receives a complete application under sub. (6), except that the department shall grant or deny the application within 60 calendar days if the department is required to perform an inspection under sub. (5m) (c).

(10) (d) *Records on sales to consumers for food.* ~~In addition to the records required under par. (a), a~~ A fish farm operator who sells live fish or fish eggs directly to consumers for food ~~shall keep all of the following records regarding those sales to consumers:~~

~~1. The address of the location at which the fish or fish eggs were sold to consumers.~~

~~2. The species and quantity of fish or fish eggs taken to the location.~~

~~3. The species and quantity of fish or fish eggs sold at the specific location.~~

~~4. The species and quantity of fish or fish eggs sent directly to slaughter from the specific location.~~

~~5. The species and quantity of fish or fish eggs returned to the fish farm.~~

is not required to keep records on those sales of fish or fish eggs directly to consumers for food.

Note: A fish farm operator who sells live fish or fish eggs directly to consumers for food is, however, still required to keep records of all other sales and deliveries of fish and fish eggs as specified in this subsection.

(e) *Records on sales of bait.* ~~In addition to the records required under par. (a), a~~ A fish farm operator who sells farm-raised fish or fish eggs from the fish farm in a retail sale directly to a consumer for bait ~~shall keep all of the following records regarding those sales to consumers:~~

~~1. The species and quantity of fish or fish eggs sold.~~

~~2. The date on which the fish or fish eggs were sold.~~

~~3. The location at which the fish or fish eggs were sold~~

is not required to keep records on those sales of fish or fish eggs directly to consumers for bait.

Note: A fish farm operator who sells live fish or fish eggs directly to consumers for bait is, however, still required to keep records of all other sales and deliveries of fish and fish eggs as specified in this subsection.

SECTION 63. ATCP 10.62 (1) (a) 4. is amended to read:

ATCP 10.62 (1) (a) 4. Selling or distributing the fish or fish eggs for any of the purposes listed under subds. 1. ~~to 3~~ or 2.

SECTION 64. ATCP 10.62 (2) (d) is amended to read:

ATCP 10.62 (2) (d) Live fish or fish eggs that are directly imported by the Wisconsin department of natural resources from a fish farm in another state to a fish farm in Wisconsin.

SECTION 65. ATCP 10.62 (2) (f) is created to read:

ATCP 10.62 (2) (f) Live fish or fish eggs imported to a Wisconsin fish farm from an out of state fish farm if the shipment is accompanied by one or more valid fish health certificates under s. ATCP 10.65 covering all of the listed species of fish or fish eggs in the shipment. A fish health certificate does not cover an import shipment that occurs after the fish health certificate expires.

SECTION 66. ATCP 10.62 (4) is amended to read:

ATCP 10.62 (4) APPLYING FOR A PERMIT. ~~A~~ (a) Except as specified under par. (b), a person shall apply for an import permit under sub. (1) on a form provided by the department. The application shall include all of the following:

1 ~~(a)~~ 1. Permit information required under sub. (3), other than permit information added by
2 the department.
3 ~~(c)~~ 2. A nonrefundable fee of $90.
4 (b) An individual who is eligible for the veteran's fee waiver program under s. 45.44,
5 Stats., is exempt from the fee under par. (a) 2.
6 **SECTION 67.** ATCP 10.81 (1) is amended to read:
7 ATCP 10.81 (1) PERMIT REQUIRED. ~~(a)~~ No person may import any circus, rodeo, or
8 menagerie animal into this state without a written permit from the department under s. ATCP
9 10.07 (2).
10 **SECTION 68.** ATCP 10.82 (3) (b) and (4) (b) are amended to read:
11 ATCP 10.82 (3) (b) Paragraph (a) does not apply to an exotic ruminant imported directly
12 to an institution accredited by the ~~American~~ association of ~~zoological parks~~ zoos and aquariums.
13 An animal imported to an accredited institution under this paragraph may not be moved to any
14 place that is not an accredited institution unless the animal tests negative on a tuberculosis test
15 approved for that species by the department. The test shall be conducted not more than 60 days
16 before the animal is moved.
17 (4) (b) Paragraph (a) does not apply to an exotic ruminant imported directly to an
18 institution accredited by the ~~American~~ association of ~~zoological parks~~ zoos and aquariums. An
19 exotic ruminant imported to an accredited institution under this paragraph may not be moved to
20 any place which is not an accredited institution under this paragraph unless the exotic ruminant
21 tests negative on a brucellosis test conducted not more than 30 days before the exotic ruminant is
22 moved.
23 **SECTION 69.** ATCP 10.84 (4) (b) 1. is amended to read:

ATCP 10.84 (4) (b) 1. The animal is imported directly to an institution accredited by the ~~American~~ association of ~~zoological parks~~ zoos and aquariums, or to a wildlife exhibition licensed by USDA.

SECTION 70. ATCP 10.85 and (title) are amended to read:

ATCP 10.85 ~~Llama, alpaca, and guanaco imports~~ **New world camelids.** (1) In this section, "new world camelids" means llamas, alpacas, guanacos and vicunas.

(2) No person may import a llama, alpaca, ~~or~~ guanaco or vicuna into this state unless the llama, alpaca, ~~or~~ guanaco or vicuna is accompanied by a valid certificate of veterinary inspection. The certificate shall include the official individual identification of the llama, alpaca, ~~or~~ guanaco or vicuna.

SECTION 71. ATCP 10.87 (1) (c) (Note) is amended to read:

Note: A "fair," as defined in s. ATCP 10.01 (41), means a state, county or district fair. An "exhibition," as defined in s. ATCP 10.01 (37), means an organized fair, swap meet, rodeo, trail ride, show or other organized event at which animals owned by different persons are brought together and exhibited on the same premises. An "exhibition" does not include any of the following:

- An animal market.
- An exhibition operated by an institution accredited by the ~~American~~ association of ~~zoological parks~~ zoos and aquariums.
- A wild animal exhibition operated pursuant to a permit from the Wisconsin department of natural resources.

SECTION 72. ATCP 10.87 (6) (a) is amended to read:

ATCP 10.87 (6) (a) Except as provided in par. (b), no person may exhibit any equine animal at a fair or exhibition unless the exhibitor documents ~~one of the following: 1. The~~ the animal has tested negative on an equine infectious anemia test conducted ~~during the calendar year in~~ within 12 months of the date on which the animal is first exhibited.

~~2. The animal, if exhibited on or before January 31, has tested negative for equine infectious anemia during the preceding calendar.~~

1 **SECTION 73.** Ch. ATCP 10, Appendix A and B, are amended to read:

2

1 Chapter ATCP 10

2 **APPENDIX A**

3

Diseases Reported Within One Day

Foot and mouth disease	Bluetongue
Vesicular conditions including vesicular stomatitis	Equine encephalomyelitis (Eastern and Western)
Swine vesicular disease	African horse sickness
Rinderpest	African swine fever
Peste des petits ruminants	Classical swine fever
Contagious bovine pleuropneumonia	Avian influenza
Lumpy skin disease	Viscerotropic velogenic Newcastle disease
Rift Valley fever	Sheep pox and goat pox
Pseudorabies (Aujesky's disease)	Brucellosis
Rabies	Tuberculosis
Pullorum disease	~~Mycoplasma meleagridis~~
Chronic wasting disease	Any disease that is a foreign or exotic disease to Wisconsin

4

1 Chapter ATCP 10
2 **APPENDIX B**
3 Diseases Reported Within 10 Days

Multiple species diseases
Anthrax
Echinococcosis/hydatidosis
Heartwater
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

Swine diseases
Enterovirus encephalomyelitis
Porcine cysticercosis
Trichinellosis

Bee diseases
Acariosis of bees
American foulbrood
European foulbrood
Nosemosis of bees
Varroosis

Lagomorph diseases
Myxomatosis
Rabbit haemorrhagic disease

Cattle diseases
Bovine anaplasmosis
Bovine babesiosis
Bovine spongiform encephalopathy
Bovine cysticercosis
Bovine genital campylobacteriosis
Dermatophilosis
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

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

Mollusc diseases
Haplosporidiosis (H. nelsoni or H. costale)
Bonamiosis
Marteiliosis
Mikrocytosis (Mikrocytos mackini)
Marek's disease
Perkinsosis

Diseases of other animal species
Leishmaniosis

1

SECTION 74. ATCP 12.01 (2m) is repealed.

SECTION 75. ATCP 12.01(8w) is amended to read:

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

SECTION 76. ATCP 12.01 (8x) is renumbered ATCP 12.01 (8y).

SECTION 77. ATCP 12.01 (8x) is created to read:

ATCP 12.01 (8x) "Federal bureau" means the animal and plant health inspection service of USDA, or any other unit of USDA, that is vested with authority to administer federal laws and regulations relating to animal disease control.

SECTION 78. ATCP 12.01 (11m) is created to read:

ATCP 12.01 (11m) "Individual" means separate and distinct from all others.

SECTION 79. ATCP 12.01 (19) is amended to read:

ATCP 12.01 (19) "Official eartag" means an identification eartag ~~issued or~~ approved by the federal bureau that bears an official individual identification number meeting the requirements of one of the following:

(a) The national uniform eartagging system developed by the federal bureau in veterinary services memorandum no. 578.12, revised March 15, 2011.

(b) The animal identification number developed by the federal bureau in consisting of 15 digits with the first 3 digits of 840.

(c) An identification system also approved by the department.

SECTION 80. ATCP 12.01 (19) (Note) is repealed.

SECTION 81. ATCP 12.01 (20) is repealed and recreated to read:

1 ATCP 12.01 (20) "Official individual identification" means a set of identifying
2 characters that is uniquely associated with an individual animal. A specific "official individual
3 identification" and its placement on an animal is differentiated, in part, by animal species, and
4 consists of one of the following:
5 (a) For bovine, an official eartag attached to the animal.
6 (b) For farm-raised deer, an official eartag attached to the animal.
7 (c) For equine, a written or graphic description by a licensed and accredited veterinarian
8 sufficient to identify the individual equine including all of the following:
9 1. Name.
10 2. Age.
11 3. Breed.
12 4. Color.
13 5. Sexual status.
14 6. Distinctive markings.
15 7. Unique and permanent forms of identification, when present, including brands,
16 tattoos, scars, cowlicks, blemishes or biometric measurements.
17 (d) For poultry, a leg or wing band bearing a number that uniquely identifies the bird.
18 (e) For ratites, a leg band bearing a number that uniquely identifies the ratite.
19 (f) For swine weighing 80 pounds or less, a tattoo or eartag applied to the animal
20 including a premises identification code issued by the department, or an official eartag attached
21 to the animal.
22 (g) For breeding swine, one of the following:
23 1. An official eartag attached to the animal.

1 2. Ear notches for registered swine.

2 3. A unique tattoo or eartag applied to the animal including a unique premises

3 identification code issued by the department provided that the animal also bears an individual

4 identification number unique to that premises, or an official eartag attached to the animal.

5 (h) For goats and sheep, one of the following:

6 1. An official eartag attached to the animal.

7 2. A federal bureau approved microchip if implanted in the animal and if accompanied

8 by the animal's registration documents in the animal owner's name or by a certificate of

9 veterinary inspection with the implant number.

10 3. The animal's breed association or registration tattoo with the management number

11 accompanied by registration documents in the animal owner's name.

12 4. A tattoo or eartag with a unique individual identification number for the animal's

13 premises along with a tattoo or eartag of a unique flock identification number issued by the

14 federal bureau.

15 (i) For all other animals, one of the following:

16 1. The animal's official eartag attached to the animal.

17 2. The animal's breed association tattoo.

18 3. The animal's breed association registration number as documented on the animal's

19 registration certificate.

20 4. A registration freeze brand number that uniquely identifies the animal.

21 5. A microchip if the microchip number uniquely identifies the animal and the microchip

22 is implanted in the animal.

23 6. A tattoo number issued by the department.

7. A unique premises identification code issued by the department, provided the animal also bears an individual identification number unique to that premises.

8. Other identification approved by the department.

SECTION 82. ATCP 12.01 (25) is amended to read:

ATCP 12.01 (25) "Slaughtering establishment" means a ~~slaughtering establishment~~ facility to slaughter animals which is subject to licensing by the department, or subject to inspection by the United States department of agriculture. "Slaughtering establishment" includes all premises used in connection with a slaughter operation, including an intermediate livestock handling facility approved under s. ATCP 10.22 (10).

SECTION 83. ATCP 12.02 (2) (b) and (c) are amended to read:

ATCP 12.02 (2) (b) At a class A animal market, an operator may conduct livestock and wild animal sales and auctions on any number of days during the license year.

(c) At a class B animal market, an operator may conduct livestock sales on any number of days during the license year but may hold livestock auctions on no more than 4 days during the license year. An operator may not conduct any wild animal sales at a class B animal market.

SECTION 84. ATCP 12.03 (1) (intro.) is amended to read:

ATCP 12.03 (1) (intro.) LICENSE REQUIRED. Except as provided in sub. (2), no person may do any of the following as principal or agent without an animal dealer license from the department:

SECTION 85. ATCP 12.05 (1) (b) is amended to read:

ATCP 12.05 (1) (b) *Slaughter identification.* Whenever an animal dealer, animal market operator or animal trucker receives ~~a~~ any bovine animal for sale or shipment to slaughter, that person shall immediately identify the animal with an official backtag and record the backtag

number, if the bovine animal is not already identified according to par. (a). If a bovine animal is already identified according to par. (a) or backtagged at the time of receipt, the person receiving the animal shall record its official identification or backtag number. ~~Backtagging is not required for steers, official spayed heifers, or animals under 2 years old.~~

SECTION 86. ATCP 12.05 (1) (b) (second Note) and (2) (b) (second Note) are created to read:

ATCP 12.05 (1) (b) (second Note)

Note: If an animal dealer or trucker hauls bovine animals direct to slaughter or to a slaughter sale held at a licensed market, an official backtag is adequate identification for the animal.

(2) (b) (second Note)

Note: If an animal dealer or trucker hauls swine direct to slaughter or to a slaughter sale held at a licensed market, an official backtag is adequate identification for the animal.

SECTION 87. ATCP 12.05 (3) and (5) (a) 2. are amended to read:

ATCP 12.05 (3) IDENTIFICATION OF EQUINE ANIMALS. Whenever an animal dealer or animal market operator receives any equine animal, the animal dealer or market operator shall immediately record the official individual identification of that equine animal. If an equine animal has no official individual identification when received by an animal dealer or market operator, the animal dealer or market operator shall have a licensed and certified veterinarian prepare a description of that equine animal according to s. ATCP 12.01 (20) ~~(f)~~ (c).

(5) (a) 2. No animal dealer or animal market operator may deliver a farm-raised deer to the custody of any other person unless that deer bears ~~an official~~ 2 individual ~~identification~~ identifications meeting the requirements of s. ATCP 10.53 (2) (d) 4., or unless that deer is backtagged under par. (b) and shipped directly to slaughter.

SECTION 88. ATCP 12.06 (1s) (e) is amended to read:

ATCP 12.06 (1s) (e) The slaughter backtag number, except if ~~any~~ the animal is moved from a licensed animal dealer or animal market operation direct to slaughter, the animal trucker is not required to record the individual backtag number.

SECTION 89. ATCP 12.06 (1s) (g) is created to read:

ATCP 12.06 (1s) (g) The owner of each animal.

SECTION 90. INITIAL APPLICABILITY. The treatment of s. ATCP 10.52 (4) first applies to Wisconsin certified veterinarians after June 30, 2018.

SECTION 91. EFFECTIVE DATE. This rule takes effective on the first day of the third month after publication.

Dated this _____ day of _____, 2013.

WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
Ben Brancel
Secretary

Wisconsin Department of Agriculture, Trade and Consumer Protection

Initial Regulatory Flexibility Analysis

Rule Subject:	**Animal Disease and Movement and Animal Markets, Truckers and Dealers**
Adm. Code Reference:	**ATCP 10 and 12**
Rules Clearinghouse #:	**Not yet assigned**
DATCP Docket #:	**13-R-01**

Rule Summary

This proposed rule will modify current animal health rules to align with federal regulations, state statutory requirements, and previous rule modifications. The proposed rule will also make various modifications to provide for flexibility, clarity and consistency.

Federal Regulations

Many of the programs regulated by state administrative rules are also regulated by federal rules. As federal rules change over time, state rules must also be modified so Wisconsin producers have consistent, non-conflicting requirements to comply with when moving livestock interstate. This rule modifies provisions relating to documentation required for horses and to official individual identification of certain animals to align with federal traceability rules. The rule also modifies provisions relating to the chronic wasting disease (CWD) herd status program to align with United States Department of Agriculture (USDA) rules that establish a Herd Certification Program (HCP) for CWD in farm-raised or captive cervids in the United States.

Documentation required for horses moving interstate

Current rule allows horses to be imported without a certificate of veterinary inspection (CVI) if the horse is not commingled with other horses and goes to slaughter within 10 days after arrival at an animal market. Federal regulations no longer allow for this CVI exemption. Therefore, this rule will eliminate this CVI exemption for horses to be consistent with federal regulations.

Official individual identification of animals

Current rule allows bovine animals to be officially identified with eartags approved by the federal bureau or the department, registration numbers, or tattoos. Federal rules now only allow official eartags to be used as official identification. The official eartags must adhere to the National Uniform Eartagging System, the Animal Identification Number System, or other identification system approved by the federal bureau and the department. In addition, federal rules now require the following bovine animals to have

official identification: all sexually intact cattle/bison over 18 months of age, all female dairy cattle of any age, all male dairy cattle born after March 11, 2013, and cattle/bison used for shows and exhibitions. The proposed rule modifies the definition of "official individual identification" and "official eartag" when applied to bovine animals to align with federal traceability requirements.

Current rule allows farm-raised deer enrolled in the CWD herd status program to be officially identified with a CWD status program registration tag or a premises tattoo provided the farm-raised deer also has a unique individual identification number. Federal rules now only allow official eartags to be used as official identification of these deer. The official eartags must adhere to the National Uniform Eartagging System, the Animal Identification Number System, or other identification system approved by the federal bureau and the department. The proposed rule modifies the definition of "official individual identification" and "official eartag" as applied to farm-raised deer to align with federal traceability requirements.

The current rule definition of "official individual identification," as it pertains to other animals, is unclear. The proposed rule modifies the definition of official individual identification for clarity when the term is applied to other animals.

Farm-raised deer enrolled in the CWD herd status program

Current rule requires a farm-raised deer keeper (FRDK) whose herd is enrolled in the CWD herd status program to conduct an annual herd census and file a report of that herd census with the department. To comply with new federal requirements under 9 CFR 55.23 (b) (4), the proposed rule requires that a physical herd inventory be completed by a herd veterinarian or department-authorized agent before a FRDK may enroll in the CWD herd status program. Similar physical herd inventories must be completed every three years thereafter to maintain enrollment. For FRDKs currently enrolled in the CWD herd status program, the proposed rule requires the first complete herd inventory to be submitted to the department by December 31, 2015, providing reasonable time to comply.

Current rule requires deer enrolled in the CWD herd status program to have one official identification. To comply with new federal requirements under 9 CFR 55.25 that became effective December 10, 2012, the proposed rule requires that two identifications (one official and the second either official or unique to the herd) be attached to farm-raised deer that are enrolled in the CWD herd status program. The proposed rule also requires the two identifications be recorded in the annual census report, as well as the physical herd inventory conducted every three years.

Current rule specifies that a farm-raised deer is CWD test-eligible if it is at least 16 months old, unless a different age is required under USDA rules. USDA rules, under 9 CFR 55.23 (b) (4), now requires herd owners enrolled in a CWD herd certification program to test deer aged 12 months or older for CWD upon death, including by slaughter or hunt (effective 12/10/12). The proposed rule clarifies that the age of test-

eligible deer enrolled in the CWD herd status program is 12 months of age or older in accordance with USDA regulations.

State Statutory Modifications

All of the programs regulated by state administrative rules are authorized by Wisconsin Statutes. As statutory modifications are made, state rules must also be modified to be in compliance with Wisconsin Statutes. To be in compliance with state statutes, the proposed rule modifies provisions relating to:

1. Establishing veteran fee waivers for farm-raised deer and fish farm registration (pursuant to 2011 Wisconsin Act 209).

2. Eliminating certain record keeping requirements for persons who operate a fish farm but sell fish to an individual for the individual's personal use as food or bait (pursuant to 2011 Wisconsin Act 207).

3. Eliminating the requirement that a person have an import permit when bringing fish or fish eggs from a fish farm in another state to a fish farm in this state if he or she has a valid fish health certificate that covers the fish or fish eggs (pursuant to Wisconsin Act 207).

4. Eliminating the DNR exemption from the requirement to obtain a permit from the department to bring fish into this state (pursuant to 2011 Wisconsin Act 207).

Flexibility, Clarity, and Consistency

The proposed rule makes the following modifications to provide for flexibility, clarity and consistency:

1. Definitions and terms.

   Replacing the term "American association of zoological parks and aquariums" with "association of zoos and aquariums," the current title of the entity.

   Changing the definition of "feeder cattle" in ch. ATCP 10 to be consistent with the definition of feeder cattle in ch. ATCP 12.

   Modifying the definition of "individual" for clarity.

   Creating the definition of "immediate family member" to clarify what individuals are eligible to collect a CWD test sample once properly trained.

   Creating a definition of "salvage value" to clarify that payment received from any source, other than state or federal indemnifications, are considered part of the salvage value of an animal.

Defining the new term "new world camelids" to allow vicunas to be classified as, and have the same import requirements as, llamas, alpacas and guanacos, rather than classified as an exotic ruminant with additional import requirements.

2. Blanket import permit.

   Creating a blanket import permit system to be used when the department is not open for business. An accredited veterinarian or a Wisconsin importer who anticipates a possible purchase of an animal from an out-of-state farm or sale at a time the department is not open for business may apply for a blanket import permit, by providing some specifics, and following up with the details on the first business day.

3. Johne's program.

   Clarifying that reimbursements under the Johne's program are made only when funds are available. Funds for the Johne's program are eliminated in the 2013-15 biennial budget.

4. Bovine.

   Eliminating the requirement that official individual identification of bovine animals be inserted in the *right* ear of the animal.

5. Swine.

   Eliminating the requirement that a certificate of veterinary inspection (CVI) include a statement that no pseudorabies vaccine has been used on a swine imported into Wisconsin. In the alternative, the proposed rule requires that a statement disclosing the porcine reproductive and respiratory syndrome status (PRRS) of the herd of origin, if known, be included on the CVI of an imported swine. This change was made in consultation with the swine industry which felt the genetics of the hogs bred in Wisconsin were in need of protection from the disease of PRRS.

6. Equine.

   Changing the timing of the required negative equine infectious anemia (EIA) test result from "during the current calendar year" to "within 12 months" of the purchase, sale transfer or import of the equine into this state. This will make Wisconsin's EIA testing intervals consistent with other states, facilitating interstate movement.

7. Poultry.

   Eliminating the turkey commingling prohibitions to benefit small poultry farmers.

8. Farm-raised deer.

   Eliminating a provision on deer moving to a tuberculosis isolation and testing facility as such facilities no longer exist.

Requiring that FRDKs include in their records the circumstances which resulted in an escape consistent with the information reported to the department whenever a farm-raised deer escapes a registered herd. Whatever is *reported* to the department must be *recorded* in herd records.

Requiring that FRDKs keep a record of where a carcass is buried or otherwise disposed of, consistent with record keeping requirements for deer killed on a hunting preserve.

Clarifying that all farm-raised deer that are killed intentionally, including escaped deer, must be tested for CWD if they are test-eligible.

Eliminating the requirement that the livestock premises code be included in the herd records of farm-raised deer added to a herd under the CWD herd status program.

Establishing training requirements for FRDKs, their immediate family members, and their employees to be qualified to collect CWD test samples. The proposed rule also establishes a fee for becoming a qualified CWD test sample collector.

Clarifying that official individual identification numbers be included on a certificate of veterinary inspection for farm-raised deer imported or moving in Wisconsin.

9. Fish.

Clarifying when a valid fish health certificate must accompany any fish and fish eggs moved from a fish farm that has registered two or more fish farms at a single location. Current rules require a valid health certificate accompany *any* fish or fish eggs moved between *any* of the registered fish farms. The proposed rule will require a valid health certificate accompany *only* fish or fish eggs of a species found to be susceptible to VHS, moving from a type 3 fish farm.

Eliminating the record keeping requirements for sales of farm-raised fish or fish eggs sold directly to a consumer for bait or food.

10. Appendices to ch. ATCP 10.

The current rule requires a person who diagnoses, or obtains, credible diagnostic evidence of a disease listed in Appendix A report that finding to the department within one day. The proposed rule removes Mycoplasma meleagridis from Appendix A and adds it to Appendix B which requires the listed diseases to be reported to the department within 10 days.

11. Animal markets, dealers and truckers.

Clarifying that Class A animal markets may conduct livestock and wild animal sales and auctions on any number of days during the license year.

Clarifying that Class B animal markets may conduct livestock sales on any number of days during the license year but may hold auctions on no more than 4 days during the license year.

Clarifying that any person, *as principal or agent*, engaged in the business of animal dealing must hold an animal dealer license. This language aligns the rule with Wisconsin Statutes.

Clarifying the language regarding the identification of bovine animals for sale or shipment to slaughter.

Clarifying, in a note, that if an animal dealer or trucker hauls bovine animals or swine direct to slaughter or to a slaughter sale held at a licensed market, an official backtag is adequate identification for the animal.

Clarifying that for animal trucker records, the individual backtags do not need to be recorded for animals being moved from a licensed dealer or market direct to slaughter. Also, clarifying that the owner of each animal must be included in animal trucker records.

Small Businesses Affected

The majority of these rule modifications are technical and have no fiscal effect or have already been implemented by the division due to prior changes in state law. Many of the rule modifications will ease program requirements and may reduce costs to small business. The rule modifications that may have a greater economic impact on small business are changes required to align with federal USDA regulations relating to farm-raised deer enrolled in the CWD herd status program.

The entities that may be affected by this rule modification include the following:

1. Wisconsin importers.

   Vicunas. The import requirements for vicunas will be less costly and those reduced costs may be realized by the recipient of the vicuna. However, the number of vicunas imported into the state of Wisconsin is negligible and cost savings indeterminate.

   Swine. The import costs for swine will most likely remain the same as the CVI content requirement for swine imports has replaced the pseudorabies vaccine statement with a statement regarding PRRS status of the herd of origin.

2. Poultry farmers.

   Small poultry farmers have benefited from the elimination of turkey commingling prohibitions in the proposed rule. The department has already issued a waiver from this rule prohibition so any cost savings from this rule modification have already been realized.

3. Farm-raised deer keepers (FRDKs) with herds enrolled in the CWD herd status program.

   CWD test samples (State changes). Farm-raised deer keepers may realize a significant cost savings if they, their employees or their immediate family members choose to complete department-approved training and become qualified by the department to collect CWD test samples.

   The qualification will allow the FRDK (or his/her employee or immediate family member) to collect CWD test samples rather than hiring a veterinarian to do so at an estimated $75 per deer (depending on the number of deer tested at one time, this cost could be lower). This change is significant as 100 percent of all farm-raised deer aged 12 months or older enrolled in a CWD herd status program must be tested for CWD upon death, including those sent to slaughter. In addition, for non-enrolled herds for deer 16 months of age or older, 100 percent that are killed intentionally or die by accidental death or natural causes must be tested, 25 percent sent to slaughter must be tested and 50 percent that are intentionally killed while on a hunting preserve must be tested. Cost savings for non-enrolled herds could also be significant.

   The training for this qualification will first be provided in the summer of 2013 (before promulgation of this rule) and will be free of charge. The proposed rule will require a nonrefundable application fee of $50 every five years per applicant so the department can recover some of the cost in the future of providing the CWD test training and qualification program.

   Beginning June 30, 2018, veterinarians will also be required to take CWD test sample training to refresh their sampling techniques and to become qualified collectors. This will be a new cost to veterinarians who choose to collect CWD test samples.

   Two forms of identification (Federal changes). Keepers of farm-raised deer enrolled in the CWD herd status program will have to apply two forms of identification to each deer that is 12 months of age or older and provide a complete herd inventory every three years by a veterinarian or department-authorized agent.

   Participation in the CWD herd status program is voluntary. There are approximately 330 farm-raised deer keepers with 14,225 deer (elk, red deer, white-tailed deer, fallow, sika, reindeer, muntjac, moose, and mule deer) enrolled in the CWD herd status program in Wisconsin.

   Approximately 50 of those FRDKs currently move their deer interstate and likely already have two identifications attached to each deer. These individuals also have their herds certified as tuberculosis-free since it is a requirement to move deer. A tuberculosis-free herd must be re-certified every three years by testing deer 12 months of age or older by a veterinarian. The newly required complete herd inventory can coincide with the tuberculosis testing every three years but must be done for *all* deer in the herd (including deer *under* 12 months of age). Because the herd inventory includes all deer (including deer *under* 12 months of age) and the tuberculosis testing

includes only deer *over* 12 months of age, there will be an increase in cost to FRDKs having young deer under 12 months of age. The cost for a veterinarian to provide tuberculosis testing is approximately $100 to $200 per hour. The number of additional hours needed and costs will vary depending on the number of deer under 12 months of age that will need to be inventoried in each herd. It is unknown how many herds will have deer under 12 months of age.

Of the remaining 280 FRDKs, approximately 190 are enrolled in the CWD herd status program and many move their deer intra-state. Approximately 150 of these FRDKs have their herds certified as tuberculosis-free. These FRDKs will have the same fiscal costs as those described in the previous paragraph. The FRDKs that do not have herds certified as tuberculosis-free may incur the fiscal costs described in the following paragraphs.

Approximately 90 of the 280 FRDKs who don't move interstate are enrolled in the CWD herd status program but do not move live deer, do not have their herds certified as tuberculosis-free, and likely do not have two identifications attached to their adult deer. These FRDKs may choose to stop participation in the CWD herd status program. However, they will then need to comply with fencing requirements specified by the Department of Natural Resources under NR 16.45 (2), Wis. Admin. Code. The DNR rule requires white-tailed deer farms with perimeter fences less than 80 acres to be either enclosed by a double or solid fence (unless the deer farm is enrolled in the CWD herd status program).

The rules will have a greater fiscal impact on these FRDKs as they probably do not currently have facilities to catch deer in order to apply the required identification or to complete a physical herd inventory every three years. Depending on the animal, each deer may need to be chemically immobilized (tranquilized) in order to conduct the inventory, causing a greater risk of death, injury, and cost to the owner.

It is important to note that if these rule modifications are not promulgated to comply with federal regulations, Wisconsin may jeopardize its approval from USDA on implementing its herd certification program which allows keepers of farm-raised deer enrolled in the CWD herd status program to move deer interstate. No USDA approval means there is no interstate movement of deer.

4. Fish farmers.

   Type 1 and 2 fish farmers may realize a cost savings as they will no longer have to have a veterinarian prepare a valid health certificate for fish or fish eggs moving from any of the registered fish farms at the same location. It is unknown how many type 1 and 2 fish farms move fish or fish eggs among the registered fish farms at the same location. Therefore, any savings are indeterminate.

5. Owners of rodeo and exhibition cattle.

Owners of rodeo and exhibition cattle will have to apply eartags to their cattle to improve traceability. However, because these eartags are free, any fiscal impact should be minimal.

6. Animal markets.

   Owners of animal markets in Wisconsin selling equine may experience a slight decrease in costs as federal rules now require that horses imported to markets have a certificate of veterinary inspection (CVI) before entering the market. Current state rule allows horses to be imported to markets without a CVI if shipped directly to slaughter within 10 days of arrival but if the horse then leaves the market other than for slaughter or is commingled with other equine, the market owner must then have a Wisconsin certified veterinarian issue a CVI for that horse. Under the proposed rule, the equines would come to market *with* a CVI. It is unknown how many markets this provision may affect and any cost savings are indeterminate.

Reporting, Bookkeeping and other Procedures

This rule modifies bookkeeping requirements of farm-raised deer keepers and fish farmers, as follows:

1. Farm-raised deer keepers (FRDKs).

   Currently, FRDKs must maintain records relating to any farm-raised deer that escape from the herd. The records must include the date of the escape and the date of return of the farm-raised deer, if applicable. To be consistent with other reporting requirements, the proposed rule will also require that any circumstances which may have resulted in the escape of a farm-raised deer be included in the record. This requirement is minimal as basic escape information must already be provided in the herd's record and this simply requires more details. Any costs related to this requirement should be minimal.

   Currently, FRDKs must maintain records of any farm-raised deer that dies, or is killed or slaughtered, on the herd premises. Those records must include the disposition of the carcass. To be consistent with record keeping requirements for FRDKs on hunting preserves, the proposed rule will require that if the carcass is buried or otherwise disposed of, the record will identify the disposal method and location. This additional requirement is minimal as death information must already be provided in the herd's record. Any costs related to this requirement should be minimal.

   Farm-raised deer keepers are no longer required to include the livestock premises code in the herd records of farm-raised deer added to a herd under the CWD herd status program. Any cost savings related to this requirement should be minimal.

2. Fish farmers.

Fish farmers who sell fish or fish eggs in a retail sale directly to a consumer for bait or food are no longer required to keep records relating to the species and quantity of fish or fish eggs sold, the date on which the fish or fish eggs were sold, the location at which the fish or fish eggs were sold, etc. The cost savings relating to fewer record keeping requirements is indeterminate. All other sale records are still required.

Professional Skills Required

To the extent that this rule requires changes in professional skills, the department's analysis is included in the prior sections covering impacts on owners or keepers of farm-raised deer.

Accommodation for Small Business

Many of the businesses affected by this rule are "small businesses." For the most part, this rule does not make special exceptions for small business, because disease does not differentiate or respect business size.

The rule provisions that may have a more significant fiscal effect are those required by federal USDA regulations that, again, do not differentiate by business size.

Finally as the "business impact" section describes above, there are several provisions that will benefit small businesses.

Conclusion

This rule will generally benefit affected businesses, including "small businesses." Negative effects, if any, will be few and limited. This rule will not have a significant adverse effect on "small business," and is not subject to the delayed "small business" effective date provided in s. 227.22(2)(e), Stats.

Dated this 27 day of June, 2013.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Darlene M. Konkel for Dr. McGraw
Paul J. McGraw, DVM, Administrator
Division of Animal Health

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA 2049 (R 07/2011)

ADMINISTRATIVE RULES
FISCAL ESTIMATE AND ECONOMIC IMPACT ANALYSIS

Type of Estimate and Analysis

☒ Original ☐ Updated ☐ Corrected

Administrative Rule Chapter, Title and Number

Ch. ATCP 10, animal diseases and movement and ch. ATCP 12, animal markets, dealers and truckers

Subject

Animal Disease and Movement and Animal Markets, Truckers and Dealers

Fund Sources Affected	Chapter 20 , Stats. Appropriations Affected
☐ GPR ☐ FED ☐ PRO ☒ PRS ☐ SEG SEG-S	s. 20.115 (2) (ha), Stats.

Fiscal Effect of Implementing the Rule

☐ No Fiscal Effect ☒ Indeterminate	☒ Increase Existing Revenues ☐ Decrease Existing Revenues	☐ Increase Costs ☒ Could Absorb Within Agency's Budget ☐ Decrease Costs

The Rule Will Impact the Following (Check All That Apply)

☐ State's Economy ☐ Local Government Units	☒ Specific Businesses/Sectors ☐ Public Utility Rate Payers

Would Implementation and Compliance Costs Be Greater Than $20 million?

☐ Yes ☒ No

Policy Problem Addressed by the Rule

The majority of the proposed rule changes are technical or provide for flexibility, clarity and consistency. Significant proposed rule changes are being made because:

- The current rule is inconsistent with federal regulations relating to animal traceability and the CWD Herd Certification Program (HCP). Therefore, state rules must be modified to allow Wisconsin livestock to move interstate.
- The current rule is inconsistent with Wisconsin Statutes that were modified in the last biennium. Therefore, the rules must be modified to align and not conflict with state law.

Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The majority of these rule modifications are technical and have no fiscal effect or have already been implemented by the division due to prior changes in state law.

Many of the rule modifications will ease program requirements and may reduce costs to small business. The entities that will be affected by these changes include:

1. Farm-raised deer keepers.
2. Individuals that become qualified (as registered farm-raised deer keepers, or family members or employees of registered farm-raised deer keepers) by the department to collect CWD test samples.
3. Wisconsin importers of vicunas and swine.
4. Poultry farmers.
5. Fish farmers.
6. Owners of rodeo and exhibition cattle.

7. Animal markets.

The rule modifications that may have a greater economic impact on small business are changes required to align state rules with federal USDA regulations relating to farm-raised deer enrolled in the CWD herd status program.

This rule will not have any significant negative economic or fiscal impact on business sectors, public utility rate payers, local governmental units, or the state's economy as a whole and does not create additional requirements that local governments must follow.

Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The majority of these rule modifications are technical or ease program requirements. There are no alternatives suggested for these changes.

The changes made as a result of changes in federal regulations will allow animals from Wisconsin to move interstate. Preventing and controlling animal disease is the cornerstone of protecting American animal agriculture. While ranchers and farmers work hard to protect their animals and their livelihoods, there is never a guarantee that their animals will be spared from disease. Traceability does not prevent disease, but knowing where diseased and at-risk animals are, where they have been, and when, is indispensable in emergency response and in ongoing disease control and eradication programs.

If the rule is not modified to align with federal regulations, state rules will conflict with federal regulations causing confusion for individuals wanting to move livestock interstate, and preventing that movement. Further, Wisconsin may jeopardize its approval from USDA to implement its Herd Certification Program (HCP) for cervids, which allows keepers of farm-raised deer enrolled in the CWD herd status program to move deer interstate.

Long Range Implications of Implementing the Rule

Overall, this rule continues to provide for disease control and prevention for the benefit of the entire livestock and aquaculture industry. In many cases, this rule will improve flexibility and reduce costs for individual businesses, including small businesses.

Compare With Approaches Being Used by Federal Government

The United States Department of Agriculture (USDA) administers federal regulations related to the interstate movement of animals, particularly with respect to certain major diseases. States regulate intrastate movement and imports into the state.

Federal CWD HCP requirements include individual animal IDs, regular inventories, and testing of all cervids over 12 months of age that die for any reason. Interstate movement of cervids will be dependent on the home state's participation in the program, maintaining compliance with program requirements, and achieving herd certification status.

Federal traceability requirements establish minimum national official identification and documentation for the traceability of livestock moving interstate. These new federal regulations specify approved forms of official identification and documentation for each species.

The proposed rule modifications will align state rules relating to CWD and identification requirements for traceability with approaches used by the federal government. These changes will allow for the continued interstate movement of farm-raised deer and other livestock.

Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Surrounding state animal health programs are broadly comparable to those in Wisconsin. Programs for

historically important diseases, such as tuberculosis, brucellosis and CWD, tend to be fairly similar between states and are based on well-established federal standards.

States may apply to become an approved State HCP if they meet (or exceed) national program requirements. Cervid owners can enroll and participate in their state's approved CWD HCP. Interstate movement of animals will be dependent on a deer owner's home state's participation in the program, maintaining compliance with program requirements, and achieving herd certification status. Wisconsin and Minnesota have CWD HCPs approved by the federal Animal and Plant Health Inspection Service (APHIS). Illinois, Iowa and Michigan have conditional approval. Therefore, all neighboring states are moving to implement federal requirements and should ultimately have similar rules.

In addition to meeting federal CWD HCP requirements for farm-raised deer to move interstate, livestock, including farm-raised deer, are also required to have federally approved forms of official identification to move interstate. Minnesota, Illinois, Iowa and Michigan must meet the federal traceability identification requirements in order to move livestock interstate. All these neighboring states are in the process of implementing the federal identification requirements and should ultimately have similar rules.

Comments Received in Response to Web Posting and DATCP Response

No comments were received in response either to the posting on the DATCP external website or the statewide administrative rules website.