DATCP Docket No. 09-R-14
Rules Clearinghouse No.11-048

ORDER
OF THE WISCONSIN DEPARTMENT OF AGRICLUTURE,
TRADE AND CONSUMER PROTECTION
ADOPTING RULE

The Wisconsin department of agriculture, trade and consumer protection adopts the following order ***to repeal*** ATCP 10.22(5)(b)2., 10.35(6)(c), 10.48(1)(b), 10.49(2) and (note), 10.51(1m), 10.61(3)(e) and (f), 10.62(3)(d) to (f) and (4)(b), 10.81(1)(b), 12.01(20)(g)3., 12.02(9)(a)9. and (9)(b)4. and 12.07(1); ***to renumber*** ATCP 10.46(7)(a)2. and 3., 10.62(6)(e), 10.80(3), 12.06(1)(a), (b) and (d) to (i); ***to renumber and amend*** ATCP 10.46(7)(a)1., 10.49(1), 10.52(1), 10.62(1)(c)(note), 10.63(1), 12.06(1)(a) to (i), and 12.07(2); ***to amend***, ATCP 10.01(17)(c)(note), (43)(note), (57m), (59), (65),(67) and (note), (81)(note), (90), (105)(b), (106)(b)(note), 10.04(4), 10.05(2)(b), 10.06(1)(b) and (note), (3)(a) and (note), (4)(intro) and (c), (4)(h)(note) and (5), 10.07(2)(a), (b) and (c) and (2)(d)(note), 10.09, 10.10(3)(note), 10.11(2)(note) and (5)(b)(note), 10.12(1) and (note), 10.13(1)(b), (2)(note), (6)(a)2.(note) and (7)(note), 10.14(1) and (note), 10.15(2)(note), 10.18(7)(note), 10.19(6)(b)(note), 10.20(1)(b) and (2)(b), 10.22(1)(b)1. and 3., (3)(a), (5)(b)4.b., (6)(title) and (a)(intro.) and (9)(c)4., 10.26(2)(note) and (8)(a)(note), 10.27(1)(note), (2)(note) and (3)(note), 10.28(2)(note) and (4)(c)(note), 10.29(1)(note), 10.30(1)(b)2., 3., and 4., (2)(b)2., 3., and 4., (3)(b)2., 3., 4. and 6., (4)(b)2., 3., 4., and 6., (5)(b)2., (6)(b)2., 3., 4. and 5., (8)(title) and (a)(intro.) and (9)(intro.), 10.32(title) and (1)(intro), 10.35(1)(a), 10.36(4)(b)2.(note) and (4)(e)2.(note), 10.40(3)(b)4. and (4)(a)1., 10.41(1)(note), 10.42(1)(a), 10.46(7)(d) and (11)(d), 10.46(1)(a), 10.48(1)(a) and (7)(b)(note), 10.49(1m) and (3)(a)2., 10.50(4)(d)(note), 10.51(1)(title), 10.52(3)(a)(intro), (b) and (c), (4)(a)(intro), (b), and

(c), (5), and (6)(note), 10.53(1), (2)(d)4., (4)(note), (7)(a)2., (9)(c) and (10)(a)1., 10.54(1)(a)2., 10.55(3)(b)(note) and (3)(e), 10.56(3)(b), and (4)(b), 10.60(1m), (10), and (11), 10.61(1)(a), (2)(b), (2)(d), (3)(c), (5m)(a)(intro.), (6)(d)(note), (7)(b) and (e), (10)(a) and (b), and (11)(b), 10.62(1)(a)3., (b)(intro) and 2., (c), (2)(b)(intro) and 3., (c)3., (3)(b)2. and (c), (4)(c)(note), and (7)(intro), (c)2., (d), and (e)2., 10.64(1) and (note), (3)(a), and (b)(intro) and 2. , 10.645(2)(note), 10.65(1), (2) and (note), (3)(a), (4)(a)(intro) and 4., (b)(intro) and 3.(note), and (c)(intro) and 2., and (4)(d) and (f), 10.655(1)(title) and (intro.), 10.67(2)(a)3.(note), 10.73(3)(note), 10.74(1)(note), 10.76(2)(title) and (a)(intro.), 10.80(1)(b) and (c), 10.81(title), (1) and (2)(a), 10.82(2), 10.85, 10.87(3)(a), Ch. ATCP 10, *Appendix B* , 12.01(9), (10) and (20)(f), 12.02(1), (8)(b), (9)(a)5. and 6., and (11)(b), 12.03(2)(c), 12.045(1)(b) and (1)(c)(note), 12.05(2)(b) and (6), 12.06(1)(intro), (2), and (3), 12.08(7) and (8), 15.02(1) and (3)(d), 15.04(2)(c), 15.06(4)(a)1. to 3., and (5)(a) to (f), 15.08(1), (2)(b), and (6)(b); ***to repeal and recreate*** ATCP 10.46(14), 10.53(5)(a) to (i), (10)(b) and (c), 10.65(4)(c)2.(note), 10.80(1)(a) and (2), 12.045(6), and 12.08(16); ***to create*** ATCP 10.01(27m) and (105)(d), 10.06(6)(c)(note) and (7)(c)(note), 10.07(3)(e), 10.22(5)(c)5.,(6)(c)3., (6)(g), (9)(e)(title) and (10), 10.32(2)(e)(note), 10.46 (1m), (2)(e), (7)(a)1. and (note), (10)(a)7., and (11)(d)(note), 10.47(3m), 10.49(1)(b) and (note) and (c), 10.51(1)(c) and (2m), 10.52(1), 10.53(1m), (2)(d)5., (5m), and (10)(b)(note), 10.56(3)(f) and (note), 10.60(2m) and (note), and (10m) and (note), 10.61(2)(b)3., (2)(d)3. , (2)(g), (h) and (note), (i) and (note), (3)(d)3. and (note), (5m)(c), (6m), (10)(c), (d) and (e), (11)(c), and (13), 10.62(1)(e), (2)(e) and (note), (6)(e) and (7)(g), 10.63(1)(b) and (note), 10.64(3)(c), 10.69(2)(d), 10.76(1)(b)4., 10.80(1)(title), 10.81(2)(c)(note), 10.93, 12.01(24m) and (note), 12.02(1m), 12.02(9m), 12.03(9m), 12.04(2)(d) and (8m), 12.06(1s), 12.07(note), 15.04(2)(e), (3)(c) and (note), (4)(a) and (note),(b),(c) and (note) and (5), 15.08(6)(c) and (note), relating to Wisconsin

animal health and disease control.

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

This rule modifies current Wisconsin animal health and disease control rules administered by the Department of Agriculture, Trade and Consumer Protection ("DATCP"). Among other things, this rule:

- Modifies current rules related to cattle, including rules related to voluntary Johne's disease testing and classification, tuberculosis import testing, movement of cattle into an intermediate livestock handling facility prior to slaughter and imports of cattle from states with tuberculosis positive herds.
- Modifies current rules related to equine and equine infectious anemia testing and branding.
- Modifies current rules related to imported poultry.
- Modifies current rules related to farm-raised deer, including rules related to herd registration, hunting preserves, tuberculosis and brucellosis herd certification, chronic wasting disease testing and the chronic wasting disease herd status program.
- Modifies current rules related to fish farms and fish health, including rules related to fish farm registration, record keeping requirements, import permits and fish health certificate requirements.
- Modifies enforcement of current rules by allowing a department waiver to rule requirements if reasonable and necessary. Statutory provisions cannot be waived.
- Modifies current rules related to animal markets, dealers and truckers, including rules related to animal identification, record keeping requirements, and facility and vehicle requirements.
- Modifies current rules related to humane officer training, including rules related to fees, training, and humane officer certification.
- Makes minor drafting changes to update, clarify and correct current rules.

Statutes Interpreted

Statutes Interpreted: s. 93.07, 93.08, 93.21, 95.18, 95.19, 95.195, 95.197, 95.20, 95.21, 95.22, 95.23, 95.25, 95.26, 95.27, 95.30, 95.31, 95.41, 95.42, 95.43, 95.45, 95.46, 95.49, 95.50, 95.51, 95.55, 95.57, 95.60, 95.65, 95.68, 95.69, 95.71, 95.715, 95.72, 173.05, and 173.27, Stats.

Statutory Authority

Statutory Authority: ss. 93.07(1) and (10m), 95.26(6), 95.19(3), 95.195(4), 95.197(2), 95.20, 95.22(2), 95.27(8), 95.38(3), 95.45(4)(c) and (5), 95.49(1), 95.50(4), 95.51(7), 95.55(1)(b), (3), (5) and (6), 95.57(1), 95.60(2), (3), (4), (4s), (5) and (5m), 95.65(2), 95.68(2m), (4) and (8), 95.69(2m), (4) and (8), 95.71(5) and (8), 95.715(2) and (3), 95.72(5) and 173.27(1) and (3), Stats.

Explanation of Statutory Authority

DATCP has broad general authority to adopt rules interpreting statutes under its jurisdiction (*see* s. 93.07(1), Stats.). DATCP is specifically authorized to adopt rules to protect the health of animals in this state, and to prevent, control and eradicate communicable diseases among animals.

Related Statutes or Rules

Related Statutes and Rules: ss. 93.07(1) and (11), 93.08, 93.21, 95.18, 95.20, 95.23, 95.25, 95.26, 95.27, 95.30, 95.32, 95.38, 95.41, 95.42, 95.43, 95.46, 95.51, 95.67, 95.80 and 95.99, Stats.; ch. ATCP 10, 12 and 15, Wis. Adm. Code.

Rule Contents

Definitions and General Provisions

This rule makes the following additions and updates to the definitions used in ATCP 10:

- Creates a definition for commercial swine clarifying that requirements of ATCP 10 apply to commercial swine and not to feral swine.
- Creates a definition for intermediate livestock handling facility for the temporary holding of livestock moving to slaughter without an import permit.
- Updates the version of the Johne's Disease National Program Standards referenced by rule to the most recent publication date.
- Clarifies that menagerie animals for purposes of this rule are animals kept as part of a collection of multiple different species.
- Updates the National Poultry Improvement Plan (NPIP) and auxiliary provisions referenced by rule to the Code of Federal Regulations.

- Removes the prohibition on the use of a blood tuberculosis (BTB) test and allows other tuberculosis tests to be approved by the department. This rule does not authorize the use of a BTB test, but does open the door for rapid approval by the department if a viable BTB test is approved by the USDA.

The current rule allows the department to test an animal at the owner's expense if the animal is not imported or moved in accordance with law. This rule clarifies that the department may conduct testing or order testing be done, at the owner's expense. This rule also authorizes the department to order testing if the animal may have been exposed to a reportable disease listed in ATCP 10, Appendix A and Appendix B.

The current rule requires a certificate of veterinarian inspection (CVI) be issued on a form provided by the department. This rule allows the department to accept CVIs on forms that are approved, but not issued, by the department, facilitating the use of electronic CVIs that meet the department's informational needs but are not on forms issued by the department.

This rule also makes technical changes to the contents of a CVI and incorporates references to ATCP 16 as necessary to make the rule requirements clear and consistent.

This rule clarifies that an import permit issued by the department may be issued verbally and that the import permit number issued must be recorded on the official CVI.

This rule makes technical changes to the import application process and content to make the rule consistent with current practice.

Bovine

Current rules require that a Johne's disease-certified veterinarian renew certification every 3 years. This rule extends the certification period to 5 years, consistent with federal requirements.

This rule clarifies that animals being imported to a veterinary clinic for treatment is allowed only if the animals are not required to have a negative TB or brucellosis test prior to import. Current rules allow for bovine animals to be imported into this state without pre-import tuberculosis testing as long as they are imported directly to a federally approved livestock import market. This rule removes this exemption because there are no federally-approved livestock markets allowing import without tuberculosis testing.

Current rules require that bovine animals from an accredited tuberculosis-free state or nation, not normally required to be tested, test negative on a pre-import tuberculosis test if the state or nation has a confirmed tuberculosis positive herd. In the current rule, the pre-import test is required until the herd is depopulated. This rule modifies that requirement so that bovine animals, imported from an accredited tuberculosis-free state or nation where there has been a confirmed tuberculosis-positive herd, must have a pre-import test until the positive herd is in compliance with state or federal herd plans and all quarantines on the herd have been released. This modification recognizes that herd owners may choose to remain under quarantine and test the

animals, as determined necessary by the state and federal officials in compliance with the federal uniform methods and rules, rather than depopulate the herd.

Current rules exempt veal calves from a pre-import tuberculosis test if they comply with established criteria post import. This rule requires that imported veal calves obtain an import permit to qualify for the test exemption in order to ensure the importer understands the post-import requirements for veal calves that do not have a pre-import tuberculosis test. This rule eliminates the option of identifying heifers after they enter an approved import feedlot.

Current rule only recognizes the most restrictive status of a zone within a state for purposes of diseases like tuberculosis. Currently, Michigan has a zone in its state that is modified accredited, but most of the state is classified as tuberculosis accredited free by the United States Department of Agriculture. This proposed rule reduces tuberculosis testing requirements for cattle that are imported into Wisconsin from the zones in Michigan that are classified as TB free. This rule also eliminates the option to identify heifers after they enter an approved import feedlot.

This rule authorizes department approval of an intermediate livestock handling facility prior to slaughter. This allows a slaughtering establishment a method for handling "overflow" to the slaughter facility without violating state import requirements.

Equine

The current rule states that no person may sell or transfer ownership of any equine animal without a negative equine infectious anemia (EIA) test. This rule clarifies that a purchaser of an equine animal shares responsibility for ensuring equine animals are tested negative for EIA prior to transfer of ownership.

The current rule allows for an equine animal that tested positive for EIA to be released from a quarantine once branded. This rule corrects the current rule by removing that provision. Branding does nothing to prevent disease spread.

Poultry

The current rule requires imported poultry or poultry eggs be accompanied by a certificate of veterinary inspection (CVI). This rule allows National Poultry Improvement Plan (NPIP) enrolled birds to move into Wisconsin without a CVI if they are accompanied by a federal bureau form VS 9-3. This modification makes our rules consistent with federal rules that allow for interstate movement of NPIP-enrolled poultry and poultry eggs with a valid VS 9-3 that documents the poultry and poultry eggs origination from a NPIP flock.

Farm−Raised Deer

Current rule defines the "keeping" of farm-raised deer to mean own, lease or serve as the custodian of said deer, and requires a "keeper" to register with the department. This rule exempts a person who owns less than 50% of a deer or group of deer from registration.

Current rules do not require a registered farm-raised deer keeper to notify the department when going out of business. The lack of notification requires the department to waste resources at renewal time, making contacts to verify that the farm-raised deer keeper is out of business and that all farm-raised deer were disposed of in accordance with the rules. This rule requires registered farm-raised deer keepers to notify the department if they go out of business. This notification must include information regarding the disposition of the farm-raised deer.

Current rules have two registration categories for farm-raised deer based solely on number of farm-raised deer kept. This rule adds an additional category of registration for non-commercial farm-raised deer keepers that have fewer than 15 farm-raised deer, that are not enrolled in the chronic wasting disease herd status program, and that do not move live deer from their farms other than directly to slaughter. This rule establishes a lower registration fee of $85.00 for these deer keepers.

Current rules require a farm-raised deer keeper to report to the department whenever a farm-raised deer in their herd escapes and when the deer is returned to the herd. This rule requires that the farm-raised deer keeper maintain a record of the escape and return dates in addition to filing a report with the department.

Current rules prohibit the commingling of farm-raised deer and bovine animals under any circumstance. This rule allows them to be commingled as long as no live farm-raised deer or live bovine animals are moved off the premises, except to go directly to slaughter under a department-approved form. In practice this commingling is occurring and it would have a significant financial impact on these facilities to separate these animals.

The current rule does not clearly indicate the reasons a hunting preserve certificate could be revoked. This rule clarifies that a hunting preserve certificate could be suspended or revoked for violations of laws governing hunting preserves.

The current rule does not clearly state that a veterinarian conducting a tuberculosis test on farm-raised deer must have initial training. It requires a veterinarian conducting single cervical tuberculosis tests be recertified every three years. Federal standards do not require veterinarians conducting single cervical tuberculosis tests to be recertified every three years. This rule clarifies that initial training is required for certification. The requirement to be recertified is removed in this rule.

This rule makes the following clarifications to the farm-raised deer rule:

- For initial tuberculosis herd certification and maintenance of herd certification, the federal uniform methods and rules must be followed. For tuberculosis and brucellosis herd certification, the fee is $150 for three years of certification and may be prorated.
- A farm-raised deer keeper must have an active farm-raised deer keeper registration with the department in order to be enrolled in the chronic wasting disease herd status program.
- TB, brucellosis and CWD disease statuses may be shared between multiple herds or multiple owners if the deer are commingled and managed as one herd for disease control purposes.

Current rules require farm-raised deer keepers to have a chronic wasting disease test performed on all farm-raised deer that die or are killed and are at least 16 months of age. Under this rule, only if the herd is enrolled in the chronic wasting disease herd status program, must all deer that die, are killed, or shipped to slaughter be tested. This rule reduces the requirement for testing of farm-raised deer that die or are killed when the herd is not enrolled in the chronic wasting disease herd status program. Testing in those herds is as follows:

- All farm-raised deer that die by accidental death or natural causes.
- Twenty-five percent of all farm-raised deer that are intentionally killed other than at a certified hunting preserve.
- Fifty percent of all farm-raised deer that are killed on the premises of a certified hunting preserve.

Under current rules all farm-raised deer over 12 months of age must bear official identification and be individually reported on the herd census for both initial and continued enrollment in the chronic wasting disease herd status program. Farm-raised deer under 12 months do not need to bear official identification or be individually reported on the herd census. This rule requires all farm-raised deer, regardless of age, to bear official identification and be individually reported on the <u>initial</u> herd census for enrollment.

Current rules require that all herds that are enrolled in the chronic wasting disease herd status program complete an initial herd census upon enrollment, and annually submit a complete herd census for continued enrollment. This rule attempts to make the requirements for the herd census clearer and less redundant. This rule makes the following substantive changes to the herd census report:

- Current rule requires records of farm-raised deer escapes and returns but neglects to require documentation of escapees that were killed and not returned to the herd. This rule requires that farm-raised deer keepers' report, on their annual census, the date an escaped farm-raised deer was killed and the date the chronic wasting disease sample was submitted.

- Current rule requires that the age of a farm-raised deer be recorded on the annual herd census for both initial and continued enrollment in the chronic wasting disease herd status program. This rule modifies that requirement to the farm-raised deer's month and year of birth.

Under the current rule a herd owner does not need to notify the department of the decision to discontinue enrollment in the CWD herd status program, causing staff to do unnecessary follow-up when an annual census is not received. This rule requires a farm-raised deer keeper that discontinues participation in the CWD herd status program to submit a final census to document the final disposition and number of farm-raised deer in the herd.

Current rules require participants to report to the department if they add to their herds any deer that originate from a herd with a lesser CWD herd status program status. This rule reduces some

of this paperwork requirement. Under this rule no change in herd status would result as long as all farm-raised deer added to the herd originate from herds with at least five years status in a recognized CWD herd status program. After attaining five years in the CWD herd status program, or an equivalent out-of-state program, animals can move legally. It is inefficient and unnecessary to track specific status of a herd after five years. Any animals added to a herd with less than five years CWD herd monitoring status will continue to result in the lowering of the receiving herd's status to the lowest status of the added animals.

Under current rules a veterinarian is required to apply official identification, if not already present, to any farm-raised deer tested for specified diseases, including CWD. This rule clarifies that veterinarians are required to officially identify a farm-raised deer when they test farm-raised deer, as well as when they are collecting test samples.

This rule provides a reduced TB testing requirement for moving farm-raised deer in Wisconsin to a hunting preserve. The farm-raised deer may be moved to a hunting preserve with one negative whole herd test and one negative individual test within 90 days of the movement.

Fish Farms

Current rules require fish farmers to record the livestock premises registration, if any, of the source premises and destination premises of any fish or fish eggs shipped from, or to, the fish farm. This rule removes the requirement. This requirement is considered unnecessary because all registered fish farms in the state have a premises registration number which the department has in its records.

The definition of a fish farm under current rules has proven to be cumbersome and difficult to interpret. This rule seeks to clarify the definition by specifying the purpose for which the fish are held. Additionally, the rule more clearly defines what is considered a wild source, both in this state and in other states.

Under current rules, fish farm records, health certificates and import permits must identify all fish and fish eggs on the farm or in the shipment of fish, as applicable, without exception. This standard has proven unworkable. Individual shipments of fish, and fish farms themselves may have trace amounts of live fish or fish eggs that are not intended to be on the fish farm, or in the shipment, and are nearly impossible to detect or remove. This rule recognizes that difficulty and requires that fish farm records, health certificates and import permits list all the species that are intended to be in the shipment or kept at the fish farm. A species of fish in the shipment or on the fish farm that is not a listed species is considered to be incidentally included in the shipment or located on the fish farm.

Current rules require that any means used to render water pathogen-free be approved by the department. This rule removes the requirement for department approval. Water treatment methods to disinfect for pathogens are currently not standardized.

Under current rules some activities are exempt from the requirement to have a fish farm registration. This rule creates the following additional exemptions from the fish farm registration requirement:

- Educational facilities that hold or rear live fish or fish eggs as long they are in fully enclosed buildings for the remainder of their lives, and all of the following apply:

    - Live fish or fish eggs are not commingled with fish intended for other purposes.
    - Water used to hold the fish is not discharged to waters of the state, unless it is treated.
    - All of the dead fish and offal from the building are disposed of by rendering, composting, municipal solid waste disposal, or other approved methods.

- Temporary public fishing events if they meet the following criteria:

    - No fish leave the event live, unless returning to the farm of origin or going directly to slaughter.
    - Fish are held in a self-contained enclosure.
    - Fish are not commingled with fish from another source.
    - Water used to hold the fish is not discharged to waters of the state, unless it is treated.
    - The event lasts no more than 15 days.

- Holding or rearing live fish solely for the purpose of sale as pet fish for personal home aquaria, provided that they are not commingled with fish or fish eggs that will be used for other purposes, and the facility does not discharge to waters of the state any untreated water used to hold or process those fish or fish eggs.

This rule clarifies that a fish farm must be registered as a type 3 fish farm only if the farm accepts fish or fish eggs obtained from a wild source of a species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia.

This rule authorizes a holder of a type 1, 2, or 3 fish farm to sell fish from a location other than the registered fish farm directly to consumers, provided that the registered fish farm operator does the following:

- No fish leave the event live, except to return to the farm of origin or directly to slaughter.
- Fish are held in a self-contained enclosure.
- Fish are not commingled with fish from any other source.
- Water used to hold the fish is not discharged to waters of the state, unless it is treated.
- The fish farm operator keeps records for 5 years on the direct sale of the live fish or fish eggs including address of sale location, species and quantity delivered to the location, sold at the location, taken to slaughter and returned to the fish farm of origin.

This rule creates a process to amend a registration during the registration year, without requiring a new application for a fish farm registration. The amendment can add or remove ponds, change registration type or combine previously separated fish farms operated by the same legal entity on the same or contiguous parcels. This process:

- Does not exempt the fish farmer from paying any applicable fees when changing fish farm type.
- Does not exempt the fish farmer from meeting current requirements to change from a type 3 to a type 2 fish farm.

This rule clarifies record keeping requirements and provides for reduced record keeping if a fish farm is selling farm-raised fish from a fish farm directly to consumers as bait.

Current rules require medical separation if two fish farms are registered separately on the same premises, regardless of type. Currently, a fish health certificate is required for any movement of fish or fish eggs between those fish farms. This rule requires a fish health certificate only for species the federal bureau has found to be susceptible to viral hemorrhagic septicemia and only if the fish or fish eggs are leaving a type 3 fish farm. Under this rule, medical separation is required only when one of the farms is a type 3 fish farm.

Current rules require a fish health certificate on fish or fish eggs moved between fish farms in this state or from a fish farm to any other location in this state including waters of this state. This rule removes the requirements for a fish health certificate for fish or fish eggs moved between fish farms in this state or to other locations in this state (except into waters of the state), unless the species of fish or fish eggs has been found to be susceptible to viral hemorrhagic septicemia (VHS) and the fish or fish eggs are coming from a type 3 fish farm. Fish health certificate requirements for fish or fish eggs moved into waters of the state remain unchanged, except that fish reintroduced into their original wild source no longer require a health certificate for the move.

This rule makes the following changes to fish import permit requirements:

- Changes the fish import permit expiration to the next October 31, rather than a year from issuance.
- Allows a single import permit to be valid for imports from multiple sources. Additional sources cannot be added after issuance of the import permit. If sources of fish are being added, an additional import permit must be obtained. Current rules require an annual import permit for each source.
- Clarifies that every import shipment must be covered by a valid fish health certificate and an import permit.
- Expands exemptions to the requirement for a fish import permit to include educational facilities that meet established criteria.
- Creates an exemption to the requirement for a fish import permit for bait imported for personal use. The exemption is limited to 600 fish or fish eggs in the shipment, and limited to species not susceptible to VHS.

- Removes the requirement that an import permit application list fish or fish egg recipients. Requires this information be kept by the person required to hold the import permit.
- Clarifies that records kept by the importer on the destination of the imported fish must be made available to the department upon request.
- Removes the requirement that fish health certificates be submitted with the import permit application. All fish health certificates must be kept in the import permit holder records, a copy must accompany the import shipment, and a copy of the fish health certificate is required to be supplied to the department when it is issued by a fish health inspector.
- Requires fish health certificates cover all listed species of fish or fish eggs imported under the permit.

This rule makes the following changes to fish health certificate forms and contents:

- Allows for forms, other than DATCP's, to be used, as long as the forms are approved by the department. The current rule requires the form be *provided by* the department.

- Reduces VHS testing required on imported fish. VHS testing, under this rule, is required only on susceptible species (as defined by the federal bureau) from states or provinces where the disease is known to exist. The current rule requires testing of all live fish or fish eggs imported from known VHS-infected states and regions. This change will make Wisconsin consistent with federal requirements.

- Allows for egg disinfection processes, as approved by the federal bureau, as an acceptable method of ensuring the disease-free status of fish eggs. Under current rules, fish health certificates are based on testing of the brood stock.

Sheep and Goats

This rule exempts imported sheep and goats from the requirement of a certificate of veterinary inspection if the sheep and goats are going to a federally-approved import market.

Current rule only recognizes the most restrictive status of a zone within a state for purposes of diseases like tuberculosis. This rule reduces tuberculosis import requirements for goats from states with tuberculosis modified accredited zones by recognizing the "split" state status.

Other Animals

The current rule allows dogs and domestic cats to be imported into this state if they do not have a current rabies vaccination, but requires that the animal be vaccinated within 30 days after the dog or domestic cat enters the state. This is extremely difficult to monitor and enforce. Under this rule, all dogs and domestic cats must have a current rabies vaccination in order to be imported, unless the dog or domestic cat is under 5 months of age. This rule requires that an imported dog or cat under 5 months of age must be vaccinated for rabies by a licensed veterinarian, by the date on which the dog or cat reaches 5 months of age.

The current rule requires animals imported for racing events to get an import permit as well as a CVI, with testing appropriate for the species being imported. This rule removes the specific requirement for racing animals to get an import permit. All animals used for racing will still need to comply with the CVI and import requirements appropriate for the species.

This rule includes guanacos in the llama and alpaca section to clarify import requirements.

This rule also clarifies the swine health inspection required in order to exhibit swine at a fair.

Enforcement

This rule creates a waiver process that will allow the department to grant an individual a waiver from any requirements under ATCP 10, if the department finds that the waiver is reasonable and necessary under the circumstances and will not compromise the purpose served by the rule. This waiver is a written department order and may not waive any statutory requirements.

Appendix B

The current rule requires a person who diagnoses, or obtains, credible diagnostic evidence of a disease listed in appendix B report that finding to the department within 10 days. This rule removes equine rhino pneumonitis from appendix B and adds equine herpes virus. Rhino pneumonitis is a form of equine herpes virus and the use of equine herpes virus will catch all equine herpes viruses, of which there are nine forms.

This rule also updates the spelling of some listed diseases to the American spelling corrects some spelling errors and removes duplicates in the list.

Animal Markets, Animal Dealers and Animal Truckers

The current rule requires a licensed and accredited veterinarian to write a graphic description as official identification for an equine animal. This rule allows for department or USDA-approved staff to write a graphic description of an equine animal.

The current rule requires that the person having custody of the animal have a reader in order for a microchip to be a valid form of official identification. This rule deletes the provision. Current readers can read a multitude of different brands of microchips.

Current rules do not require official identification for animals that are received by a person licensed under ATCP 12 for shipment to slaughter. It has not been clear what qualifies as shipment to slaughter. This rule defines “shipment to slaughter” in order to allow licensed markets and dealers to congregate enough animals, at a single premises, to go to slaughter in a cost effective manner, as long as there is no change of ownership, without having to apply official identification to the animals. The process of “shipment to slaughter” cannot exceed 10 consecutive days. Downer animals may not be held for more than 24 hours before being sent for rendering or euthanized in a humane manner.

This rule includes the statutory exemption from animal market licensure for occasional auctions by breed and youth groups, and specifies the entities that must maintain the records of those sales.

The current rule requires that licensed animal markets clean and disinfect between public sales. This rule removes that requirement. Markets are still required to maintain their premises in a clean and sanitary condition. Cleaning and disinfection will only be required if the department orders it after a suspect or reactor animal is known to have been present in a market.

The current rule does not permit earthen floors except for certain species. This rule allows earthen floors in markets for certain species or individual animals that require earthen floors to prevent injury. The current rule requires equine markets to have equine stocks. This rule allows more flexibility for equine market operators, but requires that the equine be restrained in a safe and humane manner. Equine stocks are not required.

This rule clarifies that all animals at licensed animal markets must be confined in a safe and humane manner.

Current rules require dead animal holding areas and manure holding areas to be enclosed, or the entire market fenced, to keep out dogs and wild animals. This rule removes that requirement. In practice, it is not practical to keep gates closed at all times, or to build a fence that could keep out all wild animals.

Current rules exempt a licensed animal market operator from the requirement to have an animal dealer license. This rule clarifies that the exemption also applies to an employee of a licensed animal market operator who acts solely on behalf of the licensed animal market.

Current rules prohibit a licensed animal market from accepting delivery of livestock or wild animals from an unlicensed animal trucker, if the operator knows, or has reason to know, that the animal trucker is unlicensed. This rule expands this requirement to prohibit accepting livestock or wild animals from an unlicensed animal dealer, as well, if the market operator has reason to know that the animal dealer is unlicensed.

Current rules require the operator of an animal transport vehicle to display the operator's name, license number and business address on both sides of the vehicle. This rule allows that information to be displayed either on both sides of the transport vehicle or on both sides of the power unit. Additionally, this rule requires only the city and state, rather than the full address, be displayed. The requirement that vehicle stickers, indicating current licensure, be displayed on both sides of the transport vehicle remains unchanged.

Current rules require vehicles used to transport diseased or downer animals to be cleaned and disinfected before being used to transport other animals. The disinfectant used must be approved by the department. This rule removes the requirement that a disinfectant must be approved by the department. Disinfectants must be used according to label instructions but need not be approved by the department.

The current rule requires an animal dealer, animal market operator or animal trucker to identify any sow, boar or stag with an official swine backtag if they receive the animal and it is for sale or shipment to slaughter. This rule clarifies that an official swine backtag would only need to be applied if the animal does not already possess a different form of official individual identification.

The current rule requires that persons licensed under ATCP 12 record any official identification present on an animal whether or not the official identification is required. This rule modifies this provision, requiring the official identification to be listed in the records only if the animal is required to bear official identification.

Current rules require a licensed animal trucker to keep the same records as a licensed animal market or animal dealer. This is duplicative since the animal market or animal dealer will record the official identification of all animals, thus insuring traceability. This rule reduces the record keeping requirements for animal truckers by removing the requirement to record the official identification of all animals. This rule retains the licensed animal trucker's obligation to keep other records of the source, destination, number and general description of the animals and applicable premises codes. Slaughter identification is also required if shipping to slaughter. Additional information is required when an animal dies in the animal trucker's custody.

Current rules require licensed facilities that handle downer animals to register with the department and be equipped in a specified manner to handle them humanely. Federal law now prohibits these downer animals from being sent to slaughter, eliminating the market for downer animals. Therefore, there will not be animal markets or animal dealers that intentionally handle downer animals. This rule removes the requirement of registering with the department. Licensed entities will still be required to handle animals that become downer animals while they are in a licensee's possession in a humane manner that is prescribed in the current rule.

The current rule restricts the commingling of different animal species during transit. This rule clarifies that different animal species cannot be commingled if they are not of a comparable size, or if one species poses a known disease threat to the other species being hauled.

This rule prohibits an animal market, animal dealer, or animal trucker from selling, moving or disposing of any live animal, that has been tested for a disease identified in ATCP 10 *Appendix A or B*, before the result of that test is known.

This rule makes minor technical changes to the rule, removes outdated references and corrects errors.

Humane Officer Training and Certification

The current fee to be certified as a humane officer is $25. This rule increases the application fee to $35 and clarifies that this fee is nonrefundable.

Current rules require certified humane officers to complete 32 hours of continuing education (CE) in order to renew the biennial certification. (This requirement does not apply at initial certification because humane officers have already just completed an initial 40-hour training program.) This rule clarifies individuals who allow their certification to expire, will still need to demonstrate compliance with the requirement for 32 hours of CE before the certification will be renewed. If more than 2 years expired, other rules apply (see below). If the CE courses taken to comply with the 32 hours of CE are taken in the current certification biennium, this rule clarifies that those continuing education hours will count towards the renewal certification only. To renew the following biennium, the individual will need to complete an additional 32 hours of CE.

Current rules do not specify whether after humane officer certification expires, the person may renew the certification, or must apply as a new applicant. This rule clarifies humane officers that allow their certification to expire, and remain expired for over two years, must apply as a new applicant, retake the initial training required and pass the test. Certifications which have been expired more than 2 years may not, therefore, be renewed.

This rule also clarifies that late fees will apply if the certification has expired.

This rule requires certified humane officers to notify the department of changes in name, address and phone numbers that occur during the certification period.

Current rules set minimum education hours requirements for each topic of the humane officer training program. This rule keeps the requirement that the humane officer training program provide at least 40 hours of training, but removes the specific hours required for each topic. Under current rules, a person who takes the initial exam to be certified, and fails it twice, may not retake it. This rule allows for the exam to be retaken but only if the person retakes the training program.

Re-inspection Fees

The department has statutory authority to assess a re-inspection fee on a licensed or registered entity, if during a previous inspection, violations are noted that require the department's staff to come back and verify that compliance has been achieved. This rule codifies the authority for re-inspection fees, and sets the re-inspection fee at $150. Our focus is on education and progressive enforcement and these fees are not expected to generate significant future routine revenue.

Federal and Surrounding State Programs

Federal Programs

Most animal health regulations are adopted and administered at the state level. However, 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. States certify the disease status of certain herds, at the request of herd owners, to facilitate interstate movement of animals from those herds. States also license and regulate entities such as animal markets, animal dealers and animal truckers (regulations vary by state).

State regulation of interstate animal movement is generally consistent with federal standards, where applicable. However, states may impose additional import requirements if those requirements are reasonably designed to prevent the spread of disease, and do not impose an unreasonable burden on interstate commerce.

Wisconsin's current rules related to farm-raised deer are consistent with applicable federal rules. However, USDA is proposing changes to federal rules related to CWD in farm-raised deer. The proposed federal rules may modify current testing and monitoring requirements for interstate movement, and may modify current identification requirements for interstate movement. DATCP may modify current state rules in the future, as necessary, to be consistent with the new federal rules.

USDA has less well-developed programs for new or localized diseases, or emerging animal-based industries. States often take a lead role in developing programs to address new animal health issues and disease threats (farm-raised deer and fish diseases, for example), particularly if those issues or threats have a more local or regional focus. Wisconsin's programs related to fish and farm-raised deer are perhaps the leading programs in the nation, and have provided models for proposed federal programs.

Surrounding State Programs

General

Surrounding state animal health programs are broadly comparable to those in Wisconsin, but vary in a variety of ways. Differences in disease regulations and control programs may reflect differences in animal populations, animal-based industries, and disease threats in the different states. Programs for historically important diseases, such as tuberculosis and brucellosis, tend to be fairly similar between states and are based on well-established federal standards. Programs for newer forms of agriculture, such as farm-raised deer and aquaculture, tend to be more variable.

Aquaculture

All of the surrounding states regulate aquaculture, to some degree:

- Minnesota requires fish import permits, and licenses fish farms and fish dealers. Health certification is required for fish imports, but not for fish farms. Bait imports are prohibited.

- Iowa requires fish import permits, and licenses fish farms. Health certification is required for fish imports, but not for fish farms.

- Illinois licenses fish farms and fish dealers. An import permit and health certification is required for certain fish imports (salmonids). There is limited regulation of fish transport vehicles.

- Michigan licenses fish farms. Health certification is required for fish imports.

Farm-raised Deer

All of the surrounding states require CWD testing of farm- raised deer:

- Illinois requires any farm-raised deer dying from an unknown cause that has exhibited neurological disorder be tested for CWD, and any farm-raised deer exhibiting symptoms of CWD to be destroyed and tested, or quarantined until it can be determined that the animal does not have CWD.

  Additionally, two 'voluntary' CWD herd monitoring programs have been established ("Certified Monitored" and "Contained Monitored") - intrastate movement or sales of farm-raised deer are contingent upon participation in one of the programs.

- Iowa requires that farm-raised deer purchased or moved be enrolled in a CWD surveillance program. The voluntary surveillance program requires collecting and submitting appropriate samples from all cases of mortality, including slaughter, in animals 16 months of age and older and requires copies of the laboratory reports to be maintained.

- Michigan requires mandatory CWD surveillance; all death losses due to illness in farm-raised deer herds for deer that are over 12 months of age, and 25% of hunted/culled deer must be reported to Department of Agriculture and samples submitted for CWD testing.

- Minnesota requires mandatory CWD testing for all farm-raised deer.

Animal Markets, Animal Truckers, and Animal Dealers

All surrounding states license Animal Markets and Dealers. These licensed entities are required to meet minimum standards regarding facilities and animal handling, and record keeping.

Humane Officers

- Iowa has no related program.

- The Minnesota Federated Humane Societies (MFHS) is authorized to provide a one-day training class on the Minnesota animal laws and related topics. The MFHS administers a test at the end of the one-day training, and certifies those that pass. There is no requirement for additional training or continuing education.

- Michigan requires individuals to complete 100 hours of training classes, or other experience on their own. Documentation of the training is submitted to the Michigan Department of Agriculture for approval. If the training is approved, the department issues a letter of approval. The individual is then able to seek employment with a jurisdiction. No additional continuing education is required.

- Illinois requires volunteers that are sponsored by a humane society, to attend a ½ day training course conducted by the Department of Agriculture reviewing the animal laws of the state. An exam is then administered after the review. The individual must pass the test once every 2 years to maintain certification. The individual is then authorized to conduct investigations of animal welfare complaints. No additional continuing education is required.

Data and Analytical Methodologies

USDA specifies standard animal disease test methods and procedures that are incorporated by reference in current DATCP rules.

Business Impact

This rule will have a generally positive impact on business. This rule will have few, if any, negative impacts on business. Negative impacts, if any, will be limited. (See attached Business Impact Analysis.)

Economic Impact

This rule will have no impact on local units of government or public utility rate payers. This rule will have limited impact on specific businesses and business sectors a majority of which are small businesses as summarized above. In general this rule will have a generally positive impact on the effected industries.

This rule's overall economic impact is limited in scope and will not have an impact on the overall economy of the state. (See attached Fiscal Estimate and Economic Impact Analysis.)

Comments and Opinion of the Board of Veterans Affairs

These rules are not proposed by the Department of Veterans Affairs. This section is not applicable to these rules.

Fiscal Impact

This rule will not have a significant state or local fiscal impact. (See attached Fiscal Estimate and Economic Impact Analysis.) This rule reduces overall revenue to the state by an estimated $3,200 in the following manner:

- This rule creates an additional category of farm-raised deer keeper that has a lower fee. The department estimates that this provision will affect 44 currently registered deer farmers, allowing them to register at the lower fee, reducing state revenues by $3,400.

- This rule increase the fee for humane officer certification by $10 (from $25 to $35) generating $240 in additional revenue annually.

Standards Incorporated by Reference

Pursuant to s. 227.21, Stats., DATCP received permission from the attorney general to incorporate the following standards by reference in this rule, without reproducing the standards in full in this rule:

- *Program standards for the national voluntary Johne's disease control program*, United States department of agriculture, animal and plant health inspection service, publication number 91-45-016 (September, 2010).

- *National Poultry Improvement Plan and Auxiliary Provisions,* United States department of agriculture, animal and plant health inspection service, publication number *91-55-088, (January, 2011).*

DATCP Contact

Questions and comments related to this rule may be directed to:

Melissa Mace
Department of Agriculture, Trade and Consumer Protection
Animal Health Division
P.O. Box 8911
Madison, WI 53708-8911
Telephone (608) 224-4883
E-Mail: melissa.mace@wi.gov

Section 1. ATCP 10.01(17)(c)(note) is amended to read:

Note: The brucellosis uniform methods and rules are on file with the department, the secretary of state, and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
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Madison, WI 53708-8911

SECTION 2. ATCP 10.01(27m) is created to read:

ATCP 10.01(27m) "Commercial swine" means a domestic hog but does not include members of the family suidae included under s. NR 16.11(3).

SECTION 3. ATCP 10.01(43)(note), (57m), (59), (65), (67) and (note), (81)(note), (90) and (105)(b) are amended to read:

ATCP 10.01(43)(note)
Note: The Wisconsin department of natural resources issues licenses under ~~s.~~ ss. 169.15 (captive wild animal farm licenses), 169.19 (bird hunting preserve licenses), 169.20 (dog training licenses) and 169.21 (dog trial licenses), Stats.

(57m) "Intermediate livestock handling facility" means an off-premises facility owned or leased by a slaughtering establishment that is licensed by the department or that is subject to inspection by USDA. The "intermediate livestock handling facility" is used to unload and temporarily hold animals before the animals are delivered to the slaughtering establishment.

(59) **"**Johne's disease national program standards" means the program standards for the national voluntary Johne's disease control program, as published in federal bureau publication 91−45−016 (~~June 2006~~ September, 2010).

(65) "Menagerie animal" means a domestic or non-domestic animal kept ~~individually or~~ as part of a collection of multiple species primarily for purposes of exhibition ~~or competition~~.

(67) "National poultry improvement plan" means the national poultry improvement plan and auxiliary provisions dated ~~February, 2004~~ January, 2011, 9 CFR 56, 145, 146 and 147, printed in USDA-APHIS publication ~~91-55-063~~ 91-55-088.

Note: The national poultry improvement plan is on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. The department will provide free copies to Wisconsin flock owners upon request. A flock owner may request a copy by calling (608) 224-4877, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
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P.O. Box 8911
Madison, WI 53708-8911

(81)(note)
Note: The pseudorabies national eradication standards are on file with the department, the secretary of state, and the legislative reference bureau. Copies may be obtained from the USDA website: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may be obtained from:

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(90) "Slaughtering establishment" means a slaughtering establishment that is licensed by the department, or that is subject to inspection by USDA. "Slaughtering establishment" includes all premises used in connection with the slaughter operation including an approved intermediate livestock handling facility.

(105)(b) A single cervical tuberculin test or a comparative cervical tuberculin test for farm-raised deer. ~~A blood tuberculosis test (BTB test) is not a tuberculosis test for purposes of ch. 95, Stats., this chapter or ch. ATCP 12.~~

SECTION 4. ATCP 10.01(105)(d) is created to read:

ATCP 10.01(105)(d) A test approved by the department.

SECTION 5. ATCP 10.01(106)(b)(note) is amended to read:

Note: The tuberculosis uniform methods and rules are on file with the department, the secretary of state, and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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SECTION 6. ATCP 10.04(4) is amended to read:

ATCP 10.04(4) ~~FAILURE TO PERFORM REQUIRED TEST; DEPARTMENT MAY TEST.~~ DEPARTMENT ORDERED TESTING. If an animal is moved or imported without being tested according to this chapter~~,~~ or may be exposed to a disease identified in *Appendix A* or *Appendix B*, the department may ~~perform the required test~~ order the testing performed, or may order that an authorized employee or agent of the department or the federal bureau perform the testing, at the owner's expense. ~~Department testing~~ Testing completed under a department order does not relieve any person from other penalties or remedies that may apply because of the illegal import or movement.

SECTION 7. ATCP 10.05(2)(b) is amended to read:

ATCP 10.05(2)(b) The state veterinarian may, on behalf of the department, summarily suspend or revoke the certification of a veterinarian who violates applicable requirements under ch. 95, Stats., this chapter or ch. ATCP 12 or 16. The state veterinarian shall specify, in the order, the period of suspension or the requirements for reinstatement after revocation. A veterinarian may request a hearing before the department, pursuant to ch. 227, Stats. A request for hearing does not stay the summary suspension or revocation.

SECTION 8. ATCP 10.06(1)(b) and (note), (3)(a) and (note), (4)(intro), (c) and (h)(note) and (5) are amended to read:

ATCP 10.06(1)(b) A certificate of veterinary inspection is not required for movement of animals within this state, except as specifically provided in this chapter~~,~~ or ch. ATCP 12 or 16.

Note: A certificate of veterinary inspection may be required under this chapter~~,~~ or ch. ATCP 12 or ch. ATCP 16 for the sale or movement of certain animals within this state. See, for example, s. ATCP 10.56 (1) related to intrastate movement of farm-raised deer, s. ATCP 10.87 (3) related to intrastate movement of swine to fairs or exhibitions, and s. ATCP 16.16 related to sales of dogs by licensed dog sellers or dog facility operators.

(3)(a) A certificate of veterinary inspection shall be issued on a form provided by, or approved by, the department, the federal bureau or the state in which the certificate is issued. ~~A~~ Except as required under this chapter or ch. ATCP 12 or 16, a certificate issued in this state shall be issued on a form provided by, or approved by, the department.

Note: A certificate of veterinary inspection issued in another state for fish imported to this state must ~~also~~ be issued on a form provided by, or approved by, the department. See s. ATCP 10.65 (1). A certificate of veterinary inspection issued for intrastate movement from a licensed dog seller or dog facility operator must be on a form issued by the department. *See* s. ATCP 16.16.

(4) CONTENTS. ~~A~~ Except as required by other applicable provisions of law, a certificate of veterinary inspection related to a shipment of animals shall include all of the following:

(c) The name, telephone number, if available, and address of the person shipping the animals.

(h)(note)
Note: This chapter requires additional information for the import or movement of certain animals. Required information may include diagnostic test results, vaccination status, the disease status of the herd or flock of origin, or the disease status of the state of origin. The department may also require additional information, for particular import shipments, under s. ATCP 10.07. Also see s. ATCP 16.16 which requires different information for a certificate of veterinary inspection for dogs moved intrastate.

(5) CERTIFICATE VALID FOR 30 DAYS. A certificate of veterinary inspection is valid for 30 days from the date of inspection unless the department specifies a different expiration date under s. ATCP 10.07(1)(b) or (2).

SECTION 9. ATCP 10.06(6)(c)(note) and (7)(note) are created to read:

ATCP 10.06(6)(c)(note)
Note: Intrastate certificates of veterinary inspection issued under s. ATCP 16.16 (dog sales; certificate of veterinary inspection) are not required to be filed with the department.

(7)(note)
Note: Certificates of veterinary inspection issued for dogs imported into this state and dogs sold by licensed dog sellers or dog facility operators need to comply with ss. ATCP 10.80 and 16.16. Copies of intrastate certificates of veterinary inspection on dogs are not required to be filed with the department.

SECTION 10. ATCP 10.07(2)(a), (b), (c) and (d)(note) are amended to read:

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

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

(c) The department shall grant or deny a permit under par. (a) within 30 days after the department receives a complete application. The department shall send notice of its action, provide a permit number and forward a copy of the permit if ~~any, to the applicant by mail or electronic transmission~~ required by this chapter. The department may ~~also~~ notify the applicant of its action by telephone ~~of its action~~ , mail or electronic transmission.

(d)(note)

Note: An importer, or an accredited veterinarian acting on behalf of an importer, may apply for a permit in any of the following ways:

1. By telephone to the following number: (608) ~~224-4879~~ 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 i~~nternet communication to the following website address: www.datcp.state.us/ah/agriculture/animals/movement/index.jsp~~ e-mail 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

SECTION 11. ATCP 10.07(3)(e) is created to read:

ATCP 10.07(3)(e) A copy of the permit waiving any import requirements shall be attached to the certificate of veterinary inspection.

SECTION 12. ATCP 10.09 is amended to read:

ATCP 10.09 If the owner of an animal destroyed under s. 95.21 (4) (b), 95.23 (1m), 95.25, 95.26, 95.27 or 95.31 (3) or (4), Stats., is eligible for a state indemnity for that animal under ch. 95, Stats. ~~If~~ , and if the animal is of a type not frequently sold at public auction, the department shall appoint a knowledgeable independent appraiser to determine the appraised value of the animal. The appraiser shall determine the appraised value based on the animal's size, species, sex, and grade or quality, and by relevant information related to prevailing market prices for animals of that size, species, sex, and grade or quality. The appraiser may, as appropriate, conduct market surveys to obtain relevant price information.

SECTION 13. ATCP 10.10(3)(note) is amended to read:

Note: The brucellosis uniform methods and rules are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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SECTION 14. ATCP 10.11(2)(note)and (5)(b)(note) are amended to read:

ATCP 10.11(2)(note)
Note: The brucellosis uniform methods and rules are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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(5)(b)(note)

Note: The brucellosis uniform methods and rules are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may be also be obtained by writing to the following address:

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SECTION 15. ATCP 10.12(1) and (note) are amended to read:

ATCP 10.12(1) CERTIFICATION. The department may certify a herd of cattle as a brucellosis-free herd if the herd qualifies for that certification under the brucellosis uniform methods and rules. Every certification application shall include a nonrefundable fee of $50 for ~~each year of~~ an annual certification. To maintain the herd certification, a herd owner shall comply with applicable requirements under the brucellosis uniform methods and rules.

Note: The brucellosis uniform methods and rules are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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SECTION 16. ATCP 10.13(1)(b), (2)(note) and (6)(a)2. (note) are amended to read:

ATCP 10.13(1)(b) A person may not perform a caudal fold tuberculin test on a bovine animal in this state, for purposes of this chapter or ch. ATCP 12, unless that person has completed department training on that test within ~~3~~ 5 years prior to the test date.

(2)(note)

Note: The tuberculosis uniform methods and rules are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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(6)(a)2.(note)

Note: The tuberculosis uniform methods and rules are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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SECTION 17. ATCP 10.13(7)(note) is amended to read:

Note: The tuberculosis uniform methods and rules are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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SECTION 18. ATCP 10.14(1) and (note) are amended to read:

ATCP 10.14(1) CERTIFICATION. The department may certify a herd of bovine animals as an accredited tuberculosis-free herd if the herd qualifies for that certification under the tuberculosis uniform methods and rules. Every ~~annual~~ certification application shall include a nonrefundable application fee of ~~$50~~ $100 for ~~each year of~~ a 2-year certification. The department may prorate the fee for certifications less than 2 years. To maintain the certification, a herd owner shall comply with applicable requirements under the tuberculosis uniform methods and rules.

Note: For example, the department may prorate the certification fee when a farmer purchases animals which have 1 year left on their current tuberculosis-free certification status before testing is due.

The tuberculosis uniform methods and rules are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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

SECTION 19. ATCP 10.15(2)(note) is amended to read:

Note: The Johne's disease national program standards are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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Madison, WI 53708-8911

SECTION 20. ATCP 10.18(7)(note) is amended to read:

Note: The Johne's disease national program standards are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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SECTION 21. ATCP 10.19(6)(b)(note) is amended to read:

Note: The Johne's disease national program standards are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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SECTION 22. ATCP 10.20(1)(b) and (2)(b) are amended to read:

ATCP 10.20(1)(b) An application for certification under par. (a) shall include a nonrefundable fee of $50. A certification under par. (a) expires ~~3~~ 5 years after it is granted. A veterinarian may renew the certification by completing a renewal training program provided or approved by the department and paying a nonrefundable renewal fee of $50.

(2)(b) A certification under par. (a) expires ~~3~~ 5 years after it is granted, or upon expiration of the veterinarian's certification under sub. (1), whichever occurs first. A veterinarian who is currently certified under sub. (1) may renew a certification under par. (a) by completing a renewal vaccination training program provided or approved by the department.

SECTION 23. ATCP 10.22(1)(b)1. and 3. and (3)(a) are amended to read:

ATCP 10.22(1)(b)1. An animal imported directly to a slaughtering establishment or an intermediate livestock handling facility, approved under sub. (10), for slaughter.

(1)(b)3. An animal imported directly to a veterinary facility for treatment, provided that all of the following apply:

a. ~~the~~ The animal is returned to its place of origin immediately following treatment. ~~And there~~

b. There is no change of ownership while the animal is in this state.

c. The animal is not required to be tested under s. ATCP 10.22(2) or 10.22(5).

(3)(a) ~~*Written authorization*~~ *Import permit required.* Except as provided in par. (b), no person may import a bovine animal originating from a brucellosis class B or C state unless the department issues a ~~written~~ permit under s. ATCP 10.07 (2) authorizing that import shipment.

SECTION 24. ATCP 10.22(5)(b)2. is repealed.

SECTION 25. ATCP 10.22(5)(b)4.b. is amended to read:

ATCP 10.22(5)(b)4.b. The state or nation of origin has a confirmed tuberculosis positive herd, in which case a tuberculosis test is required under par. (a) until that herd is ~~depopulated~~ in compliance with state or federal herd plans, all quarantines are released and all epidemiologically-linked herds have tested negative for tuberculosis.

SECTION 26. ATCP 10.22(5)(c)5. is created to read:

ATCP 10.22(5)(c)5. An import permit under s. ATCP 10.07(2) authorizes the import shipment.

SECTION 27. ATCP 10.22(6)(title) and (a)(intro.) are amended to read:

ATCP 10.22(6) IMPORTS FROM TUBERCULOSIS MODIFIED ACCREDITED STATES OR MODIFIED ACCREDITED ZONES. (a) *Import requirements.* ~~No~~ Except as provided in par. (g), no person may import a bovine animal originating from a tuberculosis modified accredited state or a modified accredited zone in a state which has split multiple tuberculosis statuses as determined by USDA, other than a bovine animal imported directly to a slaughtering establishment for slaughter, unless all of the following apply:

SECTION 28. ATCP 10.22(6)(c)3. and (6)(g) are created to read:

ATCP 10.22(6)(c)3. Bovine animals imported pursuant to the requirements in par. (g).

(6)(g) *Bovine animals from an accredited free zone.* No person may import bovine animals from an accredited free zone in a state which has split multiple tuberculosis statuses as determined by USDA unless all of the following apply:

1. The state which has split multiple zones as determined by USDA requires all bovine animals to be identified with a USDA approved electronic official individual identification number before the animals leave the farm of origin.

Note: Currently, USDA has approved a 15-digit eartag, starting with the US code "840", which is an electronic form of official individual identification.

2. The animals are accompanied by a valid certificate of veterinary inspection that includes all of the following:

a. The official individual identification number of each of the animals.

b. A statement that the animals have tested negative on a tuberculosis test within 60 days prior to the import date, or the animals originate from a tuberculosis accredited free herd or the animals are feeder cattle imported directly to an approved import feedlot.

SECTION 29. ATCP 10.22(9)(c)4. is amended to read:

ATCP 10.22(9)(c)4. All feeder cattle, except steers and official spayed heifers, shall have official individual identification. ~~If feeder cattle are received without official individual identification, the feedlot operator shall immediately identify the animals with official individual identification.~~

SECTION 30. ATCP 10.22(9)(e)(title) and (10) are created to read:

ATCP 10.22(9)(e)(title) *Records.*

(10) INTERMEDIATE LIVESTOCK HANDLING FACILITY; FACILITY APPROVAL; MOVEMENT PERMIT. (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 slaughter establishment.

(b) *Facility approval required.* The department may issue an approval designating a facility as an approved intermediate livestock handling facility for purposes of this section. No facility may be approved as an intermediate livestock handling facility unless the operator of the facility holds an agreement with the federal bureau for a livestock facility at that location for handling livestock in interstate commerce pursuant to 9 CFR 71, 75, 78, 79 and 85 (January, 2011).

(c) *Facility approval application.* To obtain approval for an intermediate livestock handling facility, a facility operator shall submit an application on a form provided by the department. The application shall identify the location of the facility to be approved by county, town and section or street address, and shall include other relevant information required by the department, including the facility's livestock premises code under ch. ATCP 17. The department shall grant or deny an application within 60 days after a complete application is filed with the department. The department may conduct any inspections it deems necessary.

(d) *Facility requirements.* An approved intermediate livestock handling facility shall meet all of the following requirements:

1. Cattle may not be held more than 7 days at the facility and ownership of the cattle may not be transferred by the operator during that 7 days.

2. Cattle transported in vehicles closed with official seals may not enter the facility.

3. Cattle may not enter the facility except pursuant to a movement permit issued under par.(f).

4. Cattle may not be released from the facility except pursuant to the movement permit issued under par. (f) and may only be released directly to slaughter at the original slaughter destination facility listed in the movement permit.

5. Each shipment of cattle shall be kept separated, in pens, from other shipments of cattle while in the intermediate livestock handling facility. No cattle may be added to a pen holding cattle from a separate shipment delivered to the facility under a separate movement permit.

6. The approved intermediate livestock handling facility premises shall be medically separated from any premises or pens holding breeding or feeder cattle.

7. Serviceable cleaning and disinfecting equipment shall be furnished, maintained and used as necessary in the facility.

8. A sign shall be posted at all facility entrances and exits stating: "All cattle entering this facility are only released directly to slaughter".

9. The operator of an intermediate livestock handling facility shall keep complete and accurate records of all cattle entering and leaving the facility organized by movement permit number. The operator shall retain the records for at least 5 years after the cattle leave the facility, and shall make the records available for inspection and copying by the department or the federal bureau upon request. Records shall include all of the following: a. A record of each cattle shipment received, including the date of receipt, the number of cattle in the shipment, the name and address of the shipper, the name and address from which the shipment originated, any official individual identification of any animal in the shipment, any documents related to any animal in the shipment, and the movement permit number issued under par. (f).

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

c. A record of any cattle that died in the facility, including the date of death, any official individual identification on the animal that died, any document related to the animal that died including necropsy or test result reports, the movement permit number under which the animal entered the facility and the final disposition of the carcass.

(e) *Movement permit.* No person may move animals into or out of an approved intermediate livestock handling facility except pursuant to a movement permit from the department under par. (f).

(f) *Movement permit application.* To obtain a movement permit, a facility operator shall submit an application on a form provided by the department. The application shall be submitted to the department before any animals listed in the permit application are delivered to the facility. The application shall include the name and street address of the approved intermediate livestock handling facility accepting delivery of the cattle shipment, the breed and quantity of animals in the shipment, the name and street address of the origin of the shipment, the name and street address of the slaughtering establishment destination for the shipment, and the name and address of the shipper. The operator of the facility may make the application by fax or email. The permit shall be evidenced by a unique movement permit number. The department may issue the movement permit number in paper, verbal or electronic form. The movement permit number shall be recorded on the movement permit by the department or the facility operator, as applicable.

SECTION 31. ATCP 10.26(2)(note) and (8)(note) are amended to read:

ATCP 10.26(2)(note)
Note: The pseudorabies national eradication standards are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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(8)(a)(note)
Note: The pseudorabies national eradication standards are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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SECTION 32. ATCP 10.27(1)(note), (2)(note) and (3)(note are amended to read:

ATCP 10.27(1)(note)
Note: The pseudorabies national eradication standards are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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Madison, WI 53708-8911

(2)(note)
Note: The pseudorabies national eradication standards are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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(3)(note)
Note: The pseudorabies national eradication standards are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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SECTION 33. ATCP 10.28(2)(note) and (4)(c)(note) are amended to read:

ATCP 10.28(2)(note)

Note: The brucellosis uniform methods and rules are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may be obtained by writing to the following address:

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(4)(c)(note)
Note: The brucellosis uniform methods and rules are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may be obtained by writing to the following address:

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Madison, WI 53708-8911

SECTION 34. ATCP 10.29(1)(note) is amended to read:

Note: The brucellosis uniform methods and rules are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may be obtained by writing to the following address:

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SECTION 35. ATCP 10.30(1)(b)2., 3., and 4., (2)(b)2., 3. and 4., (3)(b)2., 3., 4. and 6., (4)(b)2., 3., 4. and 6., (5)(b)2., (6)(b)2., 3., 4. and 5., (8)(title) and (a)(intro.) and (9)(intro.) are amended to read:

ATCP 10.30 (1)(b) 2. ~~Swine~~ Commercial swine imported directly to a federally approved livestock import market under s. ATCP 10.07 (4).

3. A commercial swine imported directly to a veterinary facility for treatment, provided that the swine is returned to its state of origin immediately following treatment and there is no change of ownership while the swine is in this state.

4. A commercial swine returning directly to its place of origin in this state following treatment in a veterinary facility outside this state, provided that the swine was shipped directly to the veterinary facility and there was no change of ownership while the swine was outside the state for veterinary treatment.

(2)(b)2. ~~Swine~~ Commercial swine imported directly to a federally approved livestock import market under s. ATCP 10.07(4).

3. ~~Swine~~ Commercial swine originating from a state designated as a pseudorabies stage IV or V state by the federal bureau.

4. Micro pigs imported directly to a laboratory pursuant to ~~a written~~ an import permit under sub. (9).

(3)(b)2. ~~Swine~~ Commercial swine imported directly to a federally approved livestock import market under s. ATCP 10.07(4).

3. ~~Swine~~ Commercial swine originating from a state designated as a pseudorabies stage IV or V state by the federal bureau.

4. ~~Swine~~ Commercial swine originating from a state designated as a pseudorabies stage III state by the federal bureau, if the swine are imported for feeding for slaughter.

6. Micro pigs imported directly to a laboratory pursuant to ~~a written~~ an import permit under sub. (9).

(4)(b)2. ~~Swine~~ Commercial swine imported directly to a federally approved livestock import market under s. ATCP 10.07(4).

3. ~~Swine~~ Commercial swine originating from a state designated as a brucellosis stage III state by the federal bureau, unless testing is required under s. ATCP 10.07 (1)(b).

4. ~~Swine~~ Commercial swine originating from a validated brucellosis-free herd.

6. Micro pigs imported directly to a laboratory pursuant to ~~a written~~ an import permit under sub. (9).

(5)(b)2. Micro pigs imported directly to a laboratory pursuant to ~~a written~~ an import permit under sub. (9).

(6)(b)2. ~~Swine~~ Commercial swine imported directly to a federally approved livestock import market under s. ATCP 10.07(4).

3. ~~Swine~~ Commercial swine originating from a state designated as a pseudorabies stage IV or V state by the federal bureau, unless testing is required under s. ATCP 10.07 (1)(b).

4. An import shipment of commercial swine that includes no breeder swine or show pigs, if the person receiving that shipment tests a representative statistical sample of these swine for pseudorabies. The person shall test the statistical sample not less than 30 days nor more than 45 days after the swine enter this state. The person shall isolate all of the imported swine until the sample swine test negative for pseudorabies.

5. Micro pigs imported directly to a laboratory pursuant to ~~a written~~ an import permit under sub. (9).

(8) ~~SWINE~~ COMMERCIAL SWINE IMPORTED FROM PSEUDORABIES STAGE I OR II STATE. (a) *Separation from breeding stock.* All of the following requirements apply to commercial swine imported for finish feeding prior to slaughter, from a state designated as a pseudorabies stage I or II state by the federal bureau, and to all swine commingled with those swine:

(9) LABORATORY IMPORT PERMIT. The department may issue ~~a written~~ an import permit under s. ATCP 10.07 (2) authorizing the import of micro pigs directly to a laboratory in this state, subject to all of the following conditions which shall be stated in the permit:

SECTION 36. ATCP 10.32(title) and (1)(intro) are amended to read:

ATCP 10.32 **Moving commercial swine in Wisconsin.** (1) PSEUDORABIES TEST REQUIRED. Except as provided in sub. (2), no person may move commercial swine within this state unless all the following apply:

SECTION 37. ATCP 10.32(2)(e)(note) is created to read**:**

Note: Any swine included under s. NR 16.11(3) may not be held or kept without specific authorization from the DNR. See s. 169.11(1)(b), Stats.

SECTION 38. ATCP 10.35 (1)(a) is 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 applies:

SECTION 39. ATCP 10.35(6)(c) is repealed.

SECTION 40. ATCP 10.36(4)(b)2.(note) and (4)(e)2.(note) are amended to read:

ATCP 10.36(4)(b)2.(note)
Note: If an animal tests positive for equine infectious anemia under par. (b)2., it must be treated according to sub. ~~(4)~~ (5)(b).

(4)(e)2.(note)
Note: If an animal tests positive for equine infectious anemia under par. (e), it must be treated according to sub. ~~(4)~~ (5)(b).

SECTION 41. ATCP 10.40(3)(b)4. and (4)(a)1. are amended to read:

ATCP 10.40(3)(b)4. An invoice or other documentation showing that all of the birds or bird eggs in the flock were acquired directly from a flock enrolled under sub. (2)~~, sub.~~ or (3) or s. ATCP 10.41.

(4)(a)1. An individual who has completed sample collection training, provided by the department, within ~~2~~ 5 years prior to collecting the blood samples. The department shall charge a $25 training fee.

SECTION 42. ATCP 10.41(1)(note) is amended to read:

Note: The national poultry improvement plan is on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. A flock owner may also request a copy by calling (608) 224-4877, by visiting the department website at www.datcp.state.wi.us, or by writing to the following address:

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Division of Animal Health
P.O. Box 8911
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SECTION 43. ATCP 10.42(1)(a) is amended to read:

ATCP 10.42(1)(a) No live poultry, poultry eggs for hatching, farm-raised game birds or farm-raised game bird eggs for hatching may be imported to this state unless the live birds or eggs are accompanied by a federal bureau form VS 9-3 or a valid certificate of veterinary inspection that certifies at least one of the following:

SECTION 44. ATCP 10.46(1)(a) is amended to read:

ATCP 10.46(1)(a) Except as provided in par. (e) or sub.(1m), no person may keep farm-raised deer at any location in this state unless the department has issued a current annual farm-raised deer herd registration certificate authorizing that person to keep farm-raised deer at that location. A herd registration certificate is not transferable between persons or locations, except as authorized under s. 95.55(3c)(b), Stats.

SECTION 45. ATCP 10.46(1m) and (2)(e) are created to read:

ATCP 10.46(1m) EXEMPTION. A person may own less than 50% of a farm-raised deer or may own less than 50 % of a group of farm-raised deer without holding a current annual farm-raised deer herd registration certificate authorizing that person to keep farm-raised deer at that location if all of the following apply:

1. All the farm-raised deer partially owned by the person are kept at a location in this state for which a current annual farm-raised deer herd registration certificate covering those deer is issued to another person who also has ownership in the farm-raised deer.

2. The partial owner of the farm-raised deer is listed as a partial owner on the farm-raised deer herd registration certificate application regardless of the percentage of ownership interest. The farm-raised deer herd registration application shall include the name, address and telephone number, if any, of all persons holding any ownership interest in any farm-raised deer included under the registration application. For each owner listed, the application shall include the specific official individual identification for each deer in which the owner has an ownership interest and the amount of that ownership interest, as a percentage or dollar value.

(2)(e) A person holding a registration certificate under sub. (1) shall notify the department when no longer operating as a farm-raised deer keeper. The person shall do one of the following:

1. If the herd is enrolled in the chronic wasting disease herd status program under s. ATCP 10.53, the person shall submit a final census as required under s. ATCP 10.53.

2. If the herd is not enrolled in the chronic wasting disease herd status program under s. ATCP 10.53, the person shall include the disposition of each of the deer in the notification to the department.

SECTION 46. ATCP 10.46(7)(a)2. and 3. are renumbered ATCP 10.46(7)(a)3. and 4.

SECTION 47. ATCP 10.46(7)(a)1. is renumbered ATCP 10.46(7)(a)2., and , as renumbered, is amended to read:

ATCP 10.46(7)(a)2. A nonrefundable annual fee of $162.50 if the herd includes no more than 15 farm-raised deer, and the herd does not meet all of the criteria under subd. 1.

SECTION 48. ATCP 10.46(7)(a)1. and (note) are created to read:

ATCP 10.46(7)(a)1. A nonrefundable annual fee of $85.00 if the herd includes no more than 15 farm-raised deer and the following criteria are met:

a. No live deer move from the premises except directly to slaughter.

b. No farm-raised deer are killed on the premises except for consumption by the farm-raised deer keeper.

c. The herd is not enrolled in the chronic wasting disease herd status program under s. ATCP 10.53.

Note: A herd of white-tailed deer that is not enrolled in the chronic wasting disease status program may have special fencing requirements under s. NR 16.45.

SECTION 49. ATCP 10.46(7)(d) is amended to read:

ATCP 10.46(7)(d) A person who applies for the renewal of a herd registration certificate after that certificate has expired shall pay, in addition to all other fees required under this subsection, a late fee equal to 20% of ~~those~~ the registration fees.

SECTION 50. ATCP 10.46(10)(a)7. is created to read:

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

SECTION 51. ATCP 10.46(11)(d) is amended to read:

ATCP 10.46(11)(d) Cause or allow farm-raised deer to commingle with bovine animals on the same premises or in the same building, enclosure or vehicle except farm-raised deer and

bovines may be commingled if no live farm-raised deer or live bovine animal is moved off the premises, except directly to slaughter and accompanied by a completed federal bureau form VS 1−27 or a department permit under s. ATCP 10.08 (3).

SECTION 52. ATCP 10.46(11)(d)(note) is created to read:

Note: Federal bureau form VS 1−27 may be completed by an accredited veterinarian, an authorized state animal health official or the federal bureau.

SECTION 53. ATCP 10.46(14) is repealed and recreated to read:

ATCP 10.46(14) REINSPECTIONS. (a) The department may charge, to the holder of a registration under sub. (1), a reinspection fee of $150 for a reinspection that the department makes to determine whether that person has corrected a previous violation of this chapter noted on a previous inspection report. The department may not charge a reinspection fee under this subsection for a routine or regularly scheduled inspection, or for an inspection that is required under this chapter.

(b) A reinspection fee under par. (a) is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a registration renewal application form to the farm-raised deer keeper.

SECTION 54. ATCP 10.47(3m) is created to read:

ATCP 10.47(3m) DENYING, SUSPENDING OR REVOKING A HUNTING PRESERVE CERTIFICATE. The department may deny, suspend or revoke a hunting preserve certificate under sub. (3) for cause, including any of the following:

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

(b) Violating ch. 95, Stats., this chapter, or department of natural resources fencing rules under s. 90.20 or 90.21, Stats., or s. NR 16.45.

(c) Violating the terms of the hunting preserve certificate.

SECTION 55. ATCP 10.48(1)(a) is amended to read:

ATCP 10.48(1)(a) A person ~~who performs~~ may not perform a tuberculosis test on a farm-raised deer, or ~~collects~~ collect a sample for a tuberculosis test on a farm-raised deer, ~~shall be~~ unless the person has completed tuberculosis testing or tuberculosis sample collection training approved by the department and is one of the following:

SECTION 56. ATCP 10.48(1)(b) is repealed.

SECTION 57. ATCP 10.48 (7)(b)(note) is amended to read:

Note: The tuberculosis uniform methods and rules are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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SECTION 58. ATCP 10.49(1) is renumbered ATCP 10.49(1)(a) and, as renumbered, is amended to read:

ATCP 10.49(1) ~~INITIAL~~ HERD CERTIFICATION. (a) The department may certify a herd of farm-raised deer as one of the following if the herd qualifies for that certification under 9 CFR 77:

~~(a)~~ 1. An accredited tuberculosis-free herd.

~~(b)~~ 2. A tuberculosis monitored herd.

~~(c)~~ 3. A tuberculosis qualified herd.

SECTION 59. ATCP 10.49(1)(b) and (note)and (c) are created to read:

ATCP 10.49(1)(b) To acquire and maintain certification, a keeper of farm−raised deer shall comply with applicable requirements in the tuberculosis uniform methods and rules.

Note: The tuberculosis uniform methods and rules are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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(c) A tuberculosis herd certification may cover multiple herds of farm-raised deer of one deer keeper or farm-raised deer of multiple deer keepers if all of the farm-raised deer included in the certification are commingled and managed as one herd for disease control purposes. This paragraph does not apply to herds considered by the department to be medically separated herds.

SECTION 60. ATCP 10.49(2) and (note) are repealed.

SECTION 61. ATCP 10.49(1m) and (3)(a)2. are amended to read:

ATCP 10.49(1m) CERTIFICATION FEE. Every application for certification under sub. (1) shall include a nonrefundable application fee of ~~$50~~ $150 for ~~each year of certification~~ a 3-year certification. This fee may be prorated for certifications of less than 3 years.

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

SECTION 62. ATCP 10.50 (4)(d)(note) is amended to read:

Note: The brucellosis uniform methods and rules are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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

SECTION 63. ATCP 10.51(1)(title) is amended to read:

ATCP 10.51(1)(title) ~~INITIAL CERTIFICATION~~ CERTIFICATION.

SECTION 64. ATCP 10.51(1)(c) is created to read:

ATCP 10.51(1)(c) A brucellosis herd certification may cover multiple herds of farm-raised deer of one deer keeper or farm-raised deer of multiple deer keepers if all of the farm-raised deer included in the certification are commingled and managed as one herd for disease control purposes. This paragraph does not apply to herds considered by the department to be medically separated herds.

SECTION 65. ATCP 10.51(1m) is repealed.

SECTION 66. ATCP 10.51(2m) is created to read:

ATCP 10.51(2m) Every application for certification under sub. (1) or (2) 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 years.

SECTION 67. ATCP 10.52(1) is renumbered ATCP 10.52(1m) and, as renumbered, is amended to read:

ATCP 10.52(1m) TESTING REQUIRED. A person who keeps farm-raised deer in this state shall have a chronic wasting disease test performed on test-eligible farm-raised deer according to this section ~~on each of the following farm-raised deer that is at least 16 months old, unless a different age is required under USDA rules~~: (a) A farm-raised deer keeper whose herd is enrolled in the chronic wasting disease herd status program under s. ATCP 10.53 shall have a chronic wasting disease test performed on each of the following test-eligible farm-raised deer:

1. A farm-raised deer that dies or is killed while kept by that person.

~~(b)~~2. A farm-raised deer that the person ships directly to a slaughtering establishment.

Note: A hunting preserve certified under s. ATCP 10.47 that is enrolled in the chronic wasting disease herd status program under s. ATCP 10.53 must comply with par. (a).

(b) A farm-raised deer keeper whose herd is not enrolled in the chronic wasting disease herd status program under s. ATCP 10.53 shall have a chronic wasting disease test performed on all of the following test-eligible farm-raised deer:

1. All farm-raised deer that are killed intentionally or die by accidental death or natural causes on the premises while kept by that person.

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

3. Fifty percent of all farm-raised deer that are intentionally killed while being kept on a hunting preserve certified under s. ATCP 10.47.

SECTION 68. ATCP 10.52(1) is created to read:

ATCP 10.52(1) TEST-ELIGIBLE FARM-RAISED DEER. A farm-raised deer is a test-eligible deer if it is at least 16 months old, unless a different age is required under USDA rules.

SECTION 69. ATCP 10.52(3)(a)(intro), (b) and (c), (4)(a)(intro), (b) and (c), (5) and (6)(note) are amended to read:

ATCP 10.52(3)(a) A chronic wasting disease test under sub. ~~(1)~~ (1m) shall be performed on a tissue sample that complies with all of the following requirements:

(b) A keeper of farm-raised deer who holds a valid herd registration certificate under s. ATCP 10.46 (1) may separate the head of a farm-raised deer carcass from the rest of the carcass, and may ship the head to the person who collects the test sample under sub. ~~(1)~~ (1m), if the keeper identifies both the head and the rest of the carcass according to s. ATCP 10.46 (13) before either the head or the rest of the carcass leaves the herd premises.

(c) A person who collects a test sample under sub. ~~(1)~~ (1m) shall do all of the following:

(4)(a) A person may not collect a test sample under sub. ~~(1)~~ (1m) unless the person has completed sample collection training approved by the department and is one of the following:

(b) The department may by written notice, without prior notice or hearing, disqualify a person from collecting samples under sub. ~~(1)~~ (1m). The notice shall specify the reason for disqualification. The department may disqualify a person if the person lacks required qualifications, fails to collect samples that are consistently testable, or fails to meet other responsibilities under this chapter. A disqualified person may not collect test samples under sub. ~~(1)~~ (1m).

(c) No person may misrepresent, directly or by implication, that any person is qualified to collect test samples under sub. ~~(1)~~ (1m).

(5) APPROVED LABORATORIES. Tests under sub. ~~(1)~~ (1m) shall be performed at a laboratory that the department and the federal bureau have approved to conduct chronic wasting disease tests.

(6)(note)

Note: The reporting requirement under sub. ~~(5)~~(6) applies to any laboratory test result that is positive for chronic wasting disease, not just the result of a test required under sub. ~~(1)~~ (1m). Telephone and FAX reports should be made to the following numbers:

Phone: (608) 224-4872
FAX: (608) 224-4871

Written reports should be made to the following address:

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

SECTION 70. ATCP 10.53(1) is amended to read:

ATCP 10.53(1) GENERAL. A person who keeps farm-raised deer in this state and holds a valid farm-raised deer keeper registration under s. ATCP 10.46 may enroll the herd in the chronic wasting disease herd status program under this section.

SECTION 71. ATCP 10.53(1m) is created to read:

ATCP 10.53(1m) A chronic wasting disease herd status may cover multiple herds of farm-raised deer of one deer keeper or farm-raised deer of multiple deer keepers if all of the farm-raised deer included in the herd status are commingled and managed as one herd for disease control purposes. This subsection does not apply to herds considered by the department to be medically separated herds.

SECTION 72. ATCP 10.53(2)(d)4. is amended to read:

ATCP 10.53(2)(d)4. The official individual identification of each farm-raised deer ~~that is at least one year old~~.

SECTION 73. ATCP 10.53(2)(d)5. is created to read:

ATCP 10.53(2)(d)5. The month and year of birth of each farm-raised deer.

SECTION 74. ATCP 10.53(4)(note) is amended to read:

Note: Under s. ATCP 10.46 (12), if a farm-raised deer escapes from a herd enrolled in the chronic wasting disease herd status program, and is returned to the herd more than 72 hours after the escape, it loses its status under the program and is treated as a new addition to the herd. That will adversely affect the program status of the entire herd.

A more stringent rule applies if the farm-raised deer escapes into a wild deer disease control area designated by the Wisconsin department of natural resources. If that escaped farm-raised deer is returned to the herd more than 24 hours after the escape, it loses its status under the program and is treated as a new addition to the herd. That will adversely affect the program status of the whole herd.

If an escaped farm-raised deer is *not* returned to the herd, there is no effect on the program status of the herd, except as provided in sub. (7).

SECTION 75. ATCP 10.53(5)(a) to (i) is repealed and recreated to read:

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

1. The total number of farm-raised deer in the herd at least one year old.

2. The total number of farm-raised deer less than one year old.

3. The species, sex, and month and year of birth of all farm−raised deer in the herd.

4. The official individual identification and any auxiliary identification of each farm−raised deer that is at least one year old.

5. The following information for each farm-raised deer added to the herd since the last herd census:

a. Whether the new farm−raised deer was born in the herd or added from another source.

b. If the farm−raised deer was added from another source, the name and address of the person from whom it was obtained.

Note: Farm- raised deer less than one year old may be grouped by like species, sex, and month and year of birth, for example: 5 WTD, Female, born in herd, June, 2011.

(b) A report that indicates, for each farm-raised deer that has left the herd since the last reported herd census, by escape, death, slaughter or transfer of ownership, all of the following:

1. The total number of farm-raised deer less than one year old that left the herd.

2. The official individual identification and any auxiliary identification of each farm−raised deer that left the herd.

3. Species, sex, and month and year of birth for each farm-raised deer that left the herd.

4. Whether the farm−raised deer escaped, died on the premises, was shipped directly to a slaughtering establishment for slaughter, or was shipped to a place other than a slaughtering establishment.

5. If the farm−raised deer was shipped live to a place other than a slaughtering establishment, the name and address of the person to whom it was shipped and the place to which it was shipped.

6. If the farm-raised deer died on the premises, was slaughtered, or killed and the farm−raised deer was at least 16 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.

7. If the farm−raised deer died on the herd premises, the disposition of its carcass. If the carcass left the premises, the report shall identify the carcass destination and recipient.

8. If the farm−raised deer was shipped directly to a slaughtering establishment, the name and address of the slaughtering establishment.

9. If the farm−raised deer escaped, the information required under par. (c).

(c) A report of escapes that shall include information related to every farm−raised deer that has escaped since the last reported herd census, including:

1. The date of the escape, and the date of the escape report required under s. ATCP 10.46 (12).

2. If the escaped animal was returned to the herd, the date of the return and the date of the return report required under s. ATCP 10.46(12).

3. If the escaped animal was killed before returning to the herd, the date it was killed, the date the chronic wasting disease sample was submitted for testing, and the results of that test.

4. The circumstances that resulted in the escape.

5. Steps taken to prevent recurring escapes.

(d) Census verification by a certified veterinarian, if required by the department.

Note: The department may require census verification by a certified veterinarian if, for example, the federal bureau requires such verification or the census contains significant discrepancies.

SECTION 76. ATCP 10.53(5m) is created to read:

ATCP 10.53(5m) FINAL HERD CENSUS. (a) A registered farm-raised deer keeper who is no longer operating a deer farm or no longer participating in the chronic wasting disease herd status program under this section shall complete a final herd census. The final herd census shall include all the information required under sub. (5).

(b) A final census shall be submitted to the department within 30 days of herd dispersal, or immediately upon termination of participation in the chronic wasting disease herd status program.

SECTION 77. ATCP 10.53(7)(a)2., (9)(c) and (10)(a)1. are amended to read:

ATCP 10.53(7)(a)2. The herd keeper fails to comply with requirements under ~~sub.~~ subs. (4) and (5) for continued enrollment.

(9)(c) If the department finds that a suspension or revocation was invalid when issued, the department shall reinstate the enrollment retroactive to the applicable status date of the herd at the time the invalid suspension or revocation was issued.

(10)(a)1. The cervid is a farm-raised deer that originates from another herd in this state that is enrolled under this section and is moved in compliance with s. ATCP 10.56.

SECTION 78. ATCP 10.53(10)(b) is repealed and recreated to read:

ATCP 10.53(10)(b) If a person adds a farm-raised deer in a manner not in compliance with par. (a), the status date of the receiving herd will be lowered to the status date of the incoming farm-raised deer's herd of origin.

SECTION 79. ATCP 10.53(10)(b)(note) is created to read:

Note: If a farm-raised deer originates from the wild or from a herd that is not enrolled in a program meeting the requirements of par. (a), the destination herd will lose all status. The certificate of veterinary inspection indicates chronic wasting disease program status.

SECTION 80. ATCP 10.53(10)(c) is repealed and recreated to read:

ATCP 10.53(10)(c) The herd status of the herd of destination is not affected under this section if the herd of origin of the added cervid has 5 or more years of status in a program meeting par. (a).

SECTION 81. ATCP 10.54(1)(a)2. is amended to read:

ATCP 10.54(1)(a)2. Tests ~~the~~, or collects test samples from, a farm-raised deer for any disease identified in s. ATCP 10.03.

SECTION 82. ATCP 10.55(3)(b)(note) and (3)(e) are amended to read:

ATCP 10.55(3)(b)(note)
Note: The brucellosis uniform methods and rules are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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

(3)(e) ~~If the import occurs after December 31, 2007, the~~ 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."

SECTION 83. ATCP 10.56(3)(b) is amended to read:

ATCP 10.56(3)(b) The farm-raised deer originates from a herd that ~~qualifies~~ is classified as a tuberculosis qualified herd under s. ATCP 10.49, based on a whole herd test completed within the preceding 365 days.

SECTION 84. ATCP 10.56(3)(f) and (note) are created to read:

ATCP 10.56(3)(f) The farm-raised deer meets all of the following requirements:

1. The farm-raised deer is moving into a hunting preserve holding a certificate under s. ATCP 10.47.

2. It originates from a herd that has completed a whole herd test.

3. It has tested negative on a tuberculosis test conducted no more than 90 days prior to the movement date.

4. It has been continuously isolated since the tuberculosis test in a manner that prevents it from contracting tuberculosis from other cervids.

Note: See the note under par. (d) above.

SECTION 85. ATCP 10.56(4)(b) is amended to read:

ATCP 10.56(4)(b) It has been enrolled in the chronic wasting disease herd status program under s. ATCP 10.53 ~~for at least the past 5 full registration years~~ and has at least 5 years of status.

SECTION 86. ATCP 10.60(1m) is amended to read:

ATCP 10.60(1m) "Fish farm" means a facility or group of facilities, all located on a single parcel of land or on 2 or more contiguous parcels, at which a person hatches fish eggs, rears live fish or holds live fish~~. "Fish farm" does not include a wild source.~~ for the purpose of introduction into the waters of the state, human or animal consumption, fishing, use as bait or fertilizer or for sale to another person to rear for one of those purposes.

SECTION 87. ATCP 10.60(2m) and (note) are created to read:

ATCP 10.60(2m) "Listed species" means the species of fish listed on the shipment documents or listed on the fish farm registration application as hatched or kept at the fish farm. "Listed species" does not include species that the department determines are incidentally included in the shipment or located on the fish farm.

Note: Although this exempts the incidental fish in a shipment from fish health certificate and department import permit requirements, it does not exempt a fish importer from the prohibitions or restrictions on fish imports in NR 40.

SECTION 88. ATCP 10.60(10) is amended to read:

ATCP 10.60(10) "Untreated water" means water that has not been rendered free of pathogens ~~by a method approved by the department~~.

SECTION 89. ATCP 10.60(10m) and (note) are created to read:

ATCP 10.60(10m) "Waters of the state" includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction. For this subchapter "waters of the state" do not include those waters registered as a fish farm under s. ATCP 10.61.

Note: *See* s. 281.01(18), Stats.

SECTION 90. ATCP 10.60(11) is amended to read:

ATCP 10.60(11) "Wild source" means waters ~~of the~~ within or without this state that meet both of the following: ~~are not registered as fish farms, or waters outside this state that are not fish farms.~~

(a) The waters are not determined to be fish farms under the laws of the state of

location.

(b) The waters are not exempt from any requirements of the state of location to be licensed or registered as a fish farm. Waters that are exempt from licensing or registration in the state of location are not "wild sources".

SECTION 91. ATCP 10.61(1)(a) and (2)(b) are amended to read:

ATCP 10.61(1)(a) Hatching fish eggs or holding or rearing live fish for any of the following purposes:

(2)(b) Hold or rear live fish, or hatch fish eggs, in a fully enclosed building solely for purposes of education, display or research where the fish spend the remainder of their lives within that building, provided that ~~they~~ all of the following apply:

1. The live fish and eggs are not commingled with fish or fish eggs that will be used for any other purposes ~~and the~~.

2. The facility does not discharge to waters of the state any untreated water used to hold those fish or fish eggs.

SECTION 92. ATCP 10.61(2)(b)3. is created to read:

ATCP 10.61(2)(b)3. All of the dead fish and offal from the building are disposed of by rendering, composting, municipal solid waste disposal, or other means approved by the department.

SECTION 93. ATCP 10.61(2)(d) is amended to read:

ATCP 10.61(2)(d) Hold live fish or fish eggs for not more than 30 days at a food processing plant, retail food establishment or restaurant pending slaughter or sale to consumers at that facility, provided that ~~they~~ all of the following apply:

1. The live fish and fish eggs are not commingled with fish or fish eggs that will be used for other purposes ~~and the~~.

2. The facility does not discharge to waters of the state any untreated water used to hold or process those fish or fish eggs.

SECTION 94. ATCP 10.61(2)(d)3., (2)(g), (h) and (note), (i) and (note) and (3)(c) are created to read:

ATCP 10.61(2)(d)3. All of the dead fish and offal from the buildings are disposed of by means of rendering, composting, municipal solid waste disposal, or other means approved by the department.

(2)(g) Hold live fish at a temporary public fishing event if all of the following requirements are met:

1. No fish leave the event alive, except to return to the registered fish farm of origin or directly to slaughter.

2. Fish are not commingled with fish from another source.

3. Fish are held in a self-contained enclosure.

4. No untreated water used to hold the fish or fish eggs is discharged to waters of the state.

5. The event lasts no more than 15 days.

(h) Hold or rear live fish solely for the purpose of sale as pet fish for personal home aquaria, provided that the facility does not discharge to waters of the state any untreated water used to hold or process those fish or fish eggs and the fish are not commingled with fish or fish eggs that will be used for other purposes.

Note: The Wisconsin department of natural resources wild harvest laws under s. 29.509, Stats., and s. NR 19.057, may apply.

(i) Temporarily hold live fish in a Wisconsin department of natural resources fish egg collection station located in waters of the state solely for the purpose of collecting eggs if all of the following requirements are met:

1. Fish in the fish egg collection station are obtained from the waters in which the egg collection station is located.

2. Fish are not retained at the egg collection station after egg collection. The fish are returned to the waters from which they were obtained.

3. The fish eggs collected are not hatched at the egg collection station, but are taken to a registered fish farm for hatching.

Note: A permit under s. ATCP 10.655, must be obtained to return the fish or fish eggs to the same waters of the state from which they were collected.

(3)(c) Except as provided in par. (d), the operator of a fish farm that receives any fish or fish eggs obtained from a wild source <u>of a species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia</u> may not sell or distribute any live fish or fish eggs from that fish farm unless the fish farm is registered as a type 3 fish farm.

SECTION 95. ATCP 10.61(3)(d)3. and (note) are created to read:

ATCP 10.61(3)(d)3. Ship live fish or fish eggs to a specific location for direct sale to consumers as food provided that all of the following requirements are met:

a. Records are kept in compliance with sub. (10).

b. No fish leave the event alive, except to return to the farm of origin or directly to slaughter.

c. Fish are held in a self-contained enclosure.

d. Fish are not commingled with fish from any other source.

e. No untreated water used to hold the fish or fish eggs is discharged to waters of the state.

Note: A fish farm registration holder may change the registration type during a registration year only pursuant to the process in sub. (6m).

SECTION 96. ATCP 10.61(3)(e) and (f) are repealed.

SECTION 97. ATCP 10.61(5m)(a)(intro.), (5m)(c) and (6)(d)(note) are amended to read:

ATCP 10.61(5m)(a) (intro.) A person may obtain separate registration certificates for 2 or more fish farms located on the same or contiguous land parcels ~~if the fish farms are medically separated~~. The fish farms shall be medically separated if at least one of the fish farms is a type 3 fish farm. Fish farms are considered to be medically separated if all of the following apply:

(5m)(c) Before the department issues separate registration certificates under par. (a) for fish farms located on the same land parcel or contiguous land parcels~~,~~ that include at least one type 3 fish farm, the department shall inspect the fish farms for compliance with par. (b). The fish farm operator shall pay a nonrefundable fee of $400 for each day, or portion of a day, needed to complete the inspection. A single fee covers all of the inspected fish farms. No inspection is required for the renewal of an existing fish farm registration if the department has previously inspected the fish farm under this paragraph.

(6)(d)(note)
Note: A person may obtain an application form under sub. (6) by calling (608) 224-4872, by visiting the department website at: www.datcp.state.wi.us, emailing to datcpfishfarms@wisconsin.gov, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53718

SECTION 98. ATCP 10.61(6m) is created to read:

ATCP 10.61(6m) AMENDING REGISTRATION CERTIFICATE. (a) A fish farm registration certificate under this section may be amended during a registration year to do any of the following:

1. Add or remove ponds in a registered facility.

2. Add or remove species of fish or fish eggs hatched or kept at the fish farm.

3. Change registration type.

4. Combine previously separate fish farms located on the same or contiguous parcels and operated by the same legal entity.

(b) To amend a fish farm registration certificate, a fish farm operator shall submit a request to the department on a form provided by the department. The request for amendment shall include all of the following:

1. Current fish farm registration number for each fish farm registration to be amended.

2. The operator's name, address and telephone number.

3. Type of amendment requested.

4. A description of the fish farm facilities, identifying any changes made to the facilities since the last registration.

5. Documents demonstrating compliance with the requirements in sub. (3)(g) if amending a type 3 registration to a type 2 or type 1 registration.

6. The registration fee under sub. (7)(a)2. when amending a type 1 registration to a type 2 or type 3 fish farm registration. The previous type 1 registration fee payment is not credited toward payment of the type 2 or type 3 fish farm registration.

7. The registration fee under sub. (7)(a)1. when amending a type 2 or type 3 registration to a type 1 registration. The previous type 2 or type 3 registration fee payment is not credited toward payment of the type 1 fish farm registration.

(c) Fees are nonrefundable and not prorated for partial year registrations. Registrations are nontransferable between locations or persons.

SECTION 99. ATCP 10.61(7)(b) and (e) and (10)(a) and (b) are amended to read:

ATCP 10.61(7)(b) A fish farm operator who proposes to register 2 or more fish farms, and one or more of the fish farms are a type 3 fish farm located on the same land parcel or contiguous land parcels, shall pay the inspection fee required under sub. (5m) ~~(c)~~ (d) after the department conducts the inspection and bills the fee to the operator.

(e) A fish farm operator shall pay, in addition to the annual registration fee under par. (a), a surcharge equal to the amount of ~~that~~ the fee for the applicable registration fee category if the department determines that, within 365 days prior to submitting a registration application under sub. (6), the operator operated the fish farm without a registration certificate required under sub. (1) or (3). Payment of the surcharge does not relieve the operator of any other penalty or liability that may result from the violation, nor does it constitute evidence of a violation.

(10) RECORDS. (a) *Fish and fish eggs received.* A fish farm operator shall keep all of the following records related to live fish or fish eggs that the operator ~~ships from, or~~ receives at the fish farm:

1. The name, address, and fish farm registration number, ~~and livestock premises code~~ if any, of the person from whom the operator received~~, or to whom the operator delivered~~ ~~l~~ive fish or fish eggs.

2. The date on which the operator received ~~or delivered~~ the live fish or fish eggs.

3. The location at which the operator received ~~or delivered~~ the live fish or fish eggs.

4. The listed species, quantity and size of live fish or fish eggs received ~~or delivered~~.

5. Any import permit or health certificate required under s. ATCP 10.62.

(b) *Records retention.* An operator required to keep records under ~~par. (a)~~ this section shall retain those records for at least 5 years and shall make them available to the department, upon request, for inspection and copying.

SECTION 100. ATCP 10.61(10)(c), (d) and (e) are created to read:

ATCP 10.61(10)(c) *Records on sales and delivery of fish and fish eggs.* Except as provided under par. (d) or (e), a fish farm operator shall keep all of the following records related to live fish or fish eggs that the operator sells or ships from the fish farm:

1. The name, address, and fish farm registration number, if any, of the person to whom the operator sold or delivered ~~l~~ive fish or fish eggs.

2. The date on which the operator sold or delivered the live fish or fish eggs.

3. The location at which the operator sold or delivered the live fish or fish eggs.

4. The listed species, quantity and size of live fish or fish eggs sold or delivered.

5. Any import permit or health certificate required under s. ATCP 10.62.

(d) *Records on sales to consumers for food.* In addition to the records required under par. (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.

(e) *Records on sales of bait.* In addition to the records required under par. (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.

SECTION 101. ATCP 10.61(11)(b) is amended to read:

ATCP 10.61(11)(b) ~~A~~ Except as provided in par. (c), a person transporting fish or fish eggs from a fish farm shall have documentary evidence showing that the person obtained those fish from that fish farm. Evidence may include a bill of sale, bill of lading, import permit, health certificate, certificate of veterinary inspection or other document which identifies the fish farm.

SECTION 102. ATCP 10.61(11)(c) and (13) are created to read:

ATCP 10.61(11)(c) A person transporting fish or fish eggs, not required under this subchapter to be accompanied by any of the documents listed in par. (b), shall keep with the shipment a copy of the current fish farm registration certificate and a copy of the most recent fish farm registration application listing the species of fish held or reared by the fish farm.

(13) REINSPECTIONS. (a) The department may charge, to the holder of a registration under this section, a reinspection fee of $150 for a reinspection that the department makes to determine whether that person has corrected a previous violation of this chapter noted on a previous inspection report. The department may not charge a reinspection fee under this

subsection for a routine or regularly scheduled inspection, or for an inspection that is required under this chapter.

(b) A reinspection fee under par. (a) is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a registration renewal application form to the fish farm operator.

SECTION 103. ATCP 10.62(1)(a)3., (b)(intro) and 2., and (c) are amended to read:

ATCP 10.62(1)(a)3. Holding or rearing the fish or hatching the fish eggs at a fish farm for which a registration certificate is required under s. ATCP 10.61 (1).

(b)(intro) An import permit under par. (a) expires ~~one year from the date on which it is issued~~ on the next October 31, unless the department specifies an earlier expiration date in the permit. A permit is not transferable between importers. A permit does not authorize any of the following:

2. An import shipment that is not covered by a valid health certificate under ~~sub. (3) (f)~~ s. ATCP 10.65.

(c) An import permit under par.(a) shall include all of the information required under sub. (3).

(d) A complete copy of the import permit and one or more valid health certificates under s. ATCP 10.65 that cover all of the listed species of fish or fish eggs imported in the shipment, shall accompany every import shipment under par. (a). A health certificate does not cover an import shipment that occurs after the health certificate expires.

SECTION 104. ATCP 10.62(1)(c)(note) is renumbered ATCP 10.62(1)(e)(note) and, as renumbered, is amended to read:

Note: If a single import permit covers 2 or more import shipments, a copy of the permit must accompany each shipment. If a person wishes to import from additional

sources not listed on the import permit, the person must apply for additional import permits. A person importing any of the following must also obtain an import permit from the Wisconsin department of natural resources (DNR):

- Live fish or fish eggs of species not native to Wisconsin. *See* s. 29.735 (1), Stats.
- Live rough fish or rough fish eggs, except goldfish, dace and suckers. *See* s. 29.407 (4), Stats.

An application for an import permit under this section also serves as an application for a DNR import permit. The department will forward the permit application to DNR if DNR permit requirements apply.

Under s. 29.736, Stats., no person may use imported fish or fish eggs to stock waters of the state without a stocking permit from DNR (unless the stocking is subject to an exemption under s. 29.736, Stats.). An import permit application under this section does not serve as an application for a DNR stocking permit.

SECTION 105. ATCP 10.62(1)(e) is created to read:

ATCP 10.62(1)(e) A single import permit under par. (a) may authorize imports from multiple sources.

SECTION 106. ATCP 10.62(2)(b)(intro) and 3., and (c)3. are amended to read:

ATCP 10.62(2)(b)(intro) Live fish or fish eggs that will be held for the remainder of their lives in fully enclosed buildings solely for purposes of display, education or research, provided that all of the following apply:

3. All of the dead fish and offal from the buildings are disposed of by ~~means of~~ rendering, composting, municipal solid waste disposal, or other means approved by the department.

(c)3. All of the dead fish and offal from the receiving facility are disposed of by ~~means of~~ rendering, composting, municipal solid waste disposal, or other means approved by the department.

SECTION 107. ATCP 10.62(2)(e) and (note) are created to read:

ATCP 10.62(2)(e) Live fish or fish eggs of species that are not susceptible to viral hemorrhagic septicemia, as determined by the federal bureau, imported directly for personal use as bait in amounts not exceeding 600 fish or fish eggs per shipment and in compliance with s. NR 20.08.

Note: Species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia are listed at: www.aphis.usda.gov/animal_health/animal_dis_spec/aquaculture.

SECTION 108. ATCP 10.62(3)(b)2. and (c) are amended to read:

ATCP 10.62(3)(b)2. The address~~, and the livestock premises code if any,~~ of the fish farm.

(c) A description of the fish or fish eggs that the permit holder may import from the source identified under par. (b). The description shall include the listed species of fish or fish eggs, and the size of fish of each listed species.

SECTION 109. ATCP 10.62(3)(d) to (f) and (4)(b) are repealed.

SECTION 110. ATCP 10.62(4)(c)(note) is amended to read:

Note: You may obtain an import permit application form by contacting the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911
Phone: (608) 224-4872
Email: datcpfishfarms@wisconsin.gov

SECTION 111. ATCP 10.62(6)(e) is renumbered (f).

SECTION 112. ATCP 10.62(6)(e) is created to read:

ATCP 10.62(6)(e) A person hosting a temporary public fishing event meeting the requirements of s. ATCP 10.61 (2)(g).

SECTION 113. ATCP 10.62(7)(intro), (c)2., (d) and (e)2. are amended to read:

ATCP 10.62(7)(intro) If a person is required to hold an import permit under sub. (1) for an import shipment of fish or fish eggs, that person shall keep all of the following records related to that import shipment which shall be made available to the department upon request:

(c)2. The address~~, and the livestock premises code if any,~~ of the fish farm.

(d) The listed species, quantity, and size or class of fish or fish eggs included in the import shipment.

(e)2. The address~~, and livestock premises code if any,~~ of the premises in this state at which the recipient took delivery of the import shipment.

SECTION 114. ATCP 10.62(7)(g) is created to read:

ATCP 10.62(7)(g) The fish health certificates that cover all of the listed species of fish or fish eggs imported under the permit.

SECTION 115. ATCP 10.63(1) is renumbered ATCP 10.63(1)(a) and, as renumbered, is amended to read:

ATCP 10.63(1) VALID HEALTH CERTIFICATE REQUIRED. (a) ~~No~~ Except as provided under par. (b), no person may introduce any fish or fish eggs into waters of the state unless those fish or fish eggs are covered by a valid health certificate under s. ATCP 10.65. A qualified fish health inspector shall issue the health certificate based on an inspection of the fish or fish eggs, or of the farm from which they originate. A health certificate does not cover an introduction that occurs after the health certificate expires.

SECTION 116. ATCP 10.63(1)(b) and (note) are created to read:

ATCP 10.63(1)(b) A health certificate is not required for live fish or fish eggs of species that are not susceptible to viral hemorrhagic septicemia, as determined by the federal bureau,

imported directly for personal use as bait in amounts not exceeding 600 fish or fish eggs per shipment and in compliance with s. NR 20.08.

Note: Species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia are listed at: www.aphis.usda.gov/animal_health/animal_dis_spec/aquaculture.

SECTION 117. ATCP 10.64(1) and (note), (3)(a), (b)(intro) and 2. are amended to read:

ATCP 10.64(1) Except as provided in sub. (3), no person may move any live fish or fish eggs ~~between fish farms in this state or~~ of a species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia (VHS) from a type 3 fish farm to any other location in this state, unless those fish or fish eggs are covered by a valid health certificate under s. ATCP 10.65. A qualified fish health inspector shall issue the health certificate based on an inspection of the fish or fish eggs, or of the farm from which they originate. A health certificate does not cover a movement that occurs after the health certificate expires.

Note: Species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia are listed at: www.aphis.usda.gov/animal_health/animal_dis_spec/aquaculture.

(3)(a) ~~Fish~~ Live fish or fish eggs moved between type 3 fish farms registered under s. ATCP 10.61 by the same fish farm operator, if the operator keeps a complete record of the movement under s. ATCP 10.61 (10). ~~This exemption does not apply to any of the following:~~

~~1. The movement of fish or fish eggs from a type 3 fish farm to a type 1 or type 2 fish farm.~~

~~2. The movement of fish or fish eggs between fish farms that are required under s. ATCP 10.61 (5m) to be medically separated.~~

(b) Fish or fish eggs moved to a food processing plant, retail food establishment or restaurant for processing or direct sale to consumers, provided that the receiving entity does not do any of the following:

2. Commingle the live fish or fish eggs with fish or fish eggs that may be used for any other purpose.

SECTION 118. ATCP 10.64(3)(c) is created to read:

ATCP 10.64(3)(c) Live fish or fish eggs shipped to a specific location for direct sale to consumers as food provided that all of the following requirements are met:

1. Records are kept in compliance with s. ATCP 10.61(10).

2. No fish leave the event live, except to return to the farm of origin or directly to slaughter.

3. Fish are held in a self-contained enclosure.

4. Fish are not commingled with fish from any other source.

5. No untreated water used to hold the fish or fish eggs is discharged to waters of the state.

SECTION 119. ATCP 10.645(2)(note) is amended to read:

Note: A "wild source" under s. ATCP 10.645 includes a wild source in this state or outside this state. Fish and fish eggs imported from other states (including bait fish and fish eggs) must also comply with import requirements under s. ATCP 10.62. Species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia are listed at: ~~www.aphis.usda.gov/vs/aqua/~~ www.aphis.usda.gov/animal_health/animal_dis_spec/aquaculture. Section ATCP 10.645 applies to additional species if and when the federal bureau finds that those species are susceptible. DATCP will identify susceptible species (per USDA findings) in the fish health certificate form under s. ATCP 10.65.

SECTION 120. ATCP 10.65(1), (2) and (note), (3)(a), and (4)(a)(intro) and 4., (b)(intro) and 3.(note), and (c)(intro), and 2. are amended to read:

ATCP 10.65(1) GENERAL. A fish health certificate under s. ATCP 10.61 (3)(g) 2., ~~10.62 (3)(f),~~ 10.62(1)(d), 10.63(1), 10.64(1) or 10.645 shall comply with this section.

(2) ISSUING A HEALTH CERTIFICATE. A qualified fish health inspector shall issue a fish health certificate on a form provided by the department, or on a form approved by the department, and shall file a copy of the health certificate with the department within 7 days after issuing the health certificate.

Note: To obtain a health certificate form, contact the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911
Phone: (608) 224-4872
Email: datcpfishfarms@wisconsin.gov

(3)(a) An individual shipment of live fish or fish eggs. The health certificate shall clearly identify the source and contents of the individual shipment. The description shall include the species of live fish or fish eggs, the quantity of live fish or fish eggs of each species, and the size of live fish of each species.

(4)(a) A fish health certificate under s. ATCP 10.62 ~~(3) (f)~~ (1)(d)shall certify that the listed species of fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all of the following:

4. Viral hemorrhagic septicemia (VHS) if an import shipment covered by the health certificate includes fish or fish eggs of a species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia and the fish or fish eggs are from a state or province where that disease is known to occur.

(b) Except as provided in s. ATCP 10.655, a fish health certificate issued under s. ATCP 10.61 (3) (g) 2. or 10.63 (1) shall certify that the listed species of fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all of the following:

Note: A "wild source" under subd. 3. includes a wild source in this state or outside this state. Fish and fish eggs imported from other states (including bait fish and fish eggs) must also comply with import requirements under s. ATCP 10.62. Species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia are listed at: ~~www.aphis.usda.gov/vs/aqua/~~ www.aphis.usda.gov/animal_health/animal_dis_spec/aquaculture. Subdivision 3. applies to additional species if and when the federal bureau finds that those species are susceptible. DATCP will identify susceptible species (per USDA findings) in the fish health certificate form under s. ATCP 10.65.

(c) A fish health certificate issued under s. ATCP 10.64 (1) shall certify that the listed species of fish and fish eggs in inspected shipment, or at the inspected fish farm, are free of all of the following:

2. Viral hemorrhagic septicemia (VHS) if the health certificate covers fish or fish eggs of species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia (VHS)~~, and the fish or fish eggs are from a wild source or type 3 fish farm~~.

SECTION 121. ATCP 10.65(4)(c)2.(note) is repealed and recreated to read:

Note: A health certificate under s. ATCP 10.64(1) is for species of fish or fish eggs that the federal bureau has found to be susceptible to viral hemorrhagic septicemia (VHS) and are being moved from a type 3 fish farm.

SECTION 122. ATCP 10.65(4)(d) and (f) are amended to read:

ATCP 10.65(4)(d) A fish health certificate issued under s. ATCP 10.645 shall certify that the listed species of fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all of the following:

(f) Fish egg inspection under this subsection may be based on brood stock inspection or an egg disinfection method approved by the federal bureau and listed on the certificate form. ~~and, if~~ If testing is required by the certificate form, testing of the brood stock shall also be performed.

SECTION 123. ATCP 10.655(1)(title) and (intro.) are amended to read:

ATCP 10.655 **Fish reintroduced into their original wild source.** (1) HEALTH CERTIFICATE ~~CONTENTS;~~ EXEMPTION. Section ATCP 10.65(4)(b)~~2. and 3. do~~ does not apply to the reintroduction of fish or fish eggs to the same lake from which they or the eggs from which they were hatched were collected, or to the same point or a downstream point in the same river system form which they or the eggs from which they were hatched were collected, if all of the following apply:

SECTION 124. ATCP 10.67(2)(a)3.(note) is amended to read:

Note: You may obtain information related to qualified laboratories by contacting the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911
Phone: (608) 224-4872
Email: datcpfishfarms@wisconsin.gov

SECTION 125. ATCP 10.69(2)(d) is created to read:

ATCP 10.69(2)(d) Sheep imported directly to a federally approved livestock import market under s. ATCP 10.07(4).

SECTION 126. ATCP 10.73(3)(note) is amended to read:

Note: The brucellosis uniform methods and rules are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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

SECTION 127. ATCP 10.74(1)(note) is amended to read:

Note: The tuberculosis uniform methods and rules are on file with the department, the secretary of state and the legislative reference bureau. Copies may be obtained from the USDA website at: ~~www.aphis.usda.gov/vs/index.html~~ www.aphis.usda.gov/animal_health. Copies may also be obtained by writing to the following address:

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

SECTION 128. ATCP 10.76(1)(b)4. is created to read:

ATCP 10.76(1)(b)4. Goats imported directly to a federally approved livestock import market under s. ATCP 10.07(4).

SECTION 129. ATCP 10.76(2)(title) and (a)(intro.) are amended to read:

ATCP 10.76(2) IMPORTS FROM TUBERCULOSIS MODIFIED ACCREDITED STATES OR ZONES.

(a) No person may import a goat from a tuberculosis modified accredited state or a tuberculosis modified accredited zone in a state with split multiple tuberculosis statuses as determined by USDA, other than to a slaughtering establishment for slaughter, unless all of the following apply:

SECTION 130. ATCP 10.80(1)(title) is created to read:

ATCP 10.80(1)(title) CERTIFICATE OF VETERINARY INSPECTION.

SECTION 131. ATCP 10.80(1)(a) is repealed and recreated to read:

ATCP 10.80(1)(a) The age of the dog or domestic cat.

SECTION 132. ATCP 10.80(1)(b) and (c) are amended to read:

ATCP 10.80(b) ~~The~~ A report of rabies vaccination if required under sub.(2). The report shall include the date on which the dog or domestic cat was last vaccinated for rabies by a licensed veterinarian.

(c) The date on which the dog or domestic cat is due to be vaccinated or re-vaccinated for rabies.

SECTION 133. ATCP 10.80 (2) is repealed and recreated to read:

ATCP 10.80(2) RABIES VACCINATION REQUIREMENT. (a) Except as provided in par. (b), no person may import a dog or domestic cat into this state unless the dog or domestic cat has a current rabies vaccination.

(b) An imported dog or domestic cat that is under 5 months of age may be imported without a current rabies vaccination administered by a licensed veterinarian provided that the owner has the dog or cat vaccinated by a licensed veterinarian by the date on which the dog or cat reaches 5 months of age.

SECTION 134. ATCP 10.80(3) is renumbered ATCP 10.80(2)(c).

SECTION 135. ATCP 10.81(title) and (1) are amended to read:

ATCP 10.81 Circus, rodeo~~, racing~~ and menagerie animals; imports.

(1) PERMIT REQUIRED. ~~(a) Except as provided in par. (b), no~~ No person may import any circus, rodeo, ~~racing~~ or menagerie animal into this state without a ~~written~~ permit from the department under s. ATCP 10.07 (2).

SECTION 136. ATCP 10.81(1)(b) is repealed.

SECTION 137. ATCP 10.81(2)(a) is amended to read:

ATCP 10.81(2)(a) Every animal shall be accompanied by a valid certificate of veterinary inspection. The certificate shall include the number of the ~~written~~ import permit issued by the department under sub. (1).

SECTION 138. ATCP 10.81(2)(c)(note) is created to read:

Note: Animals used for racing events must comply with the import requirements for that species under this chapter.

SECTION 139. ATCP 10.82(2) is amended to read:

ATCP 10.82(2) IMPORT PERMIT. No person may import an exotic ruminant into this state without ~~a written~~ an import permit under s. ATCP 10.07 (2).

SECTION 140. ATCP 10.85 is amended to read:

ATCP 10.85 **Llama, ~~and~~ alpaca and guanaco imports.** No person may import a llama, ~~or~~ alpaca or guanaco into this state unless the llama, ~~or~~ alpaca or guanaco is accompanied by a valid certificate of veterinary inspection. The certificate shall include the official individual identification of the llama, ~~or~~ alpaca or guanaco.

SECTION 141. ATCP 10.87(3)(a) is amended to read:

ATCP 10.87(3)(a) SWINE. No person may exhibit swine at a fair or exhibition unless the swine are accompanied by a certificate of veterinary inspection. The certificate shall certify that the veterinarian has inspected the entire herd of origin within the past 30 days and that no apparent disease ~~has been~~ was present ~~in the herd for the past 30 days~~ at the time of inspection. The certificate shall also include a report of test results, herd classification, or other health information that the exhibitor relies upon to document compliance with this subsection.

SECTION 142. ATCP 10.93 is created to read:

ATCP 10.93 Waiver. The department may, in response to a written request, grant a written waiver from a requirement under this chapter if the department finds that the waiver is reasonable and necessary, is consistent with objectives of this chapter and will not conflict with state law. The waiver shall be issued in writing, shall include the department's findings, and shall include the specific terms of the waiver including any time limit on the waiver. A request for a waiver shall include information to show that the waiver is justified under this section. The state veterinarian, or that person's designee, shall sign each waiver under this section. The department may not grant a waiver from a statutory requirement.

SECTION 143. Ch. ATCP 10, *Appendix B* is amended to read:

1

APPENDIX B

Diseases Reported Within 10 Days

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

Fish diseases
Channel catfish virus
Enteric septicemia of catfish
Epizootic ~~haematopoietic~~ hematopoietic necrosis
Infectious ~~haematopoietic~~ hematopoietic necrosis
Largemouth bass virus
Mycobacteriosis infection
Oncorhynchus masou virus disease
Proliferative kidney disease
Spring ~~viraemia~~ viremia of carp
Streptococcus iniae
Viral ~~haemorrhagic septicaemia~~ hemorrhagic septicemia
Whirling disease (Myxobolus cerebralis)
White sturgeon iridovirus

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

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

Lagomorph diseases
Myxomatosis
Rabbit hemorrhagic disease

Cattle diseases
Bovine anaplasmosis
Bovine babesiosis
Bovine spongiform encephalopathy
Bovine cysticercosis
Bovine genital campylobacteriosis
Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis
Dermatophilosis
Enzootic bovine leukosis
~~Haemorrhagic septicaemia~~ Hemorrhagic septicemia
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~~ herpes virus
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~~ Ornithosis (psittacosis)
~~Mycoplasma gallisepticum infection~~
~~Paramylovirus~~ Paramyxovirus infections of poultry other than Newcastle disease
Salmonellosis
Infectious laryngotracheitis
Fowl pox
Fowl typhoid
Marek's disease
Infectious bursal disease (Gumboro disease)

Mollusc diseases
Haplosporidiosis (H. elson or H. costale)
Bonamiosis
Marteiliosis
Mikrocytosis (Mikrocytos mackini)
Perkinsosis

Diseases of other animal species
~~Leishmaniosis~~ Leishmaniasis

SECTION 144. ATCP 12.01(9), (10), and (20)(f) are amended to read:

ATCP 12.01(9) "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:

(10) "Feeder swine" means swine that weigh 80 pounds or less and are kept for the sole purpose of feeding ~~for~~ prior to slaughter.

(20)(f) A written or graphic description of an equine animal, prepared by either a licensed and accredited veterinarian or an authorized employee of the department or federal bureau, which uniquely identifies that equine animal and includes all of the following:

SECTION 145. ATCP 12.01(20)(g)3. is repealed.

SECTION 146. ATCP 12.01(24m) and (note) are created to read:

(24m) "Shipment to slaughter" means the movement of Wisconsin origin animals or animals that have met applicable Wisconsin import requirements, from licensed animal market premises or licensed animal dealer premises to a slaughtering establishment with no change in ownership, other than a change in ownership to the licensed slaughtering establishment. The process of "shipment to slaughter" may not exceed 10 consecutive days.

Note: A downer animal may not be held by an animal market operator, an animal dealer or an animal trucker for more than 24 hours. *See* s. ATCP 12.07.

SECTION 147. ATCP 12.02(1) is amended to read:

ATCP 12.02(1) LICENSE REQUIRED. ~~No~~ Except as provided in sub. (1m), no person may operate an animal market without an annual license from the department. A separate license is required for each animal market. The license shall bear the livestock premises code issued under s. ATCP 17.02 (7) for the animal market. An annual license expires on June 30. A license is not transferable between persons or animal markets.

SECTION 148. ATCP 12.02(1m) is created to read:

ATCP 12.02(1m) LICENSE EXEMPTIONS. No license is required under sub. (1) for an occasional auction sale, conducted at a state, county or district fair and sponsored by a livestock breeder association or a youth agricultural organization, if records of the transactions at the sale are maintained by any of the following:

(a) An auctioneer registered under ch. 480, Stats.

(b) An animal dealer licensed under s. ATCP 12.03.

SECTION 149. ATCP 12.02(8)(b), (9)(a)2., 5. and 6., are amended to read:

ATCP 12.02(8)(b) Maintain the animal market premises in a clean and sanitary condition. The operator shall keep barns, pens, alleys and other animal holding areas in good repair, and shall disinfect the premises ~~between public sales~~ as needed and when ordered by the department.

(9)(a)2. All animal contact areas shall be constructed so that they can be easily cleaned and sanitized. Earthen floors are not permitted, except in areas used only for species or individual animals that require earthen floors to prevent injury.

5. An animal market used for equine animals shall be equipped ~~with~~ to restrain equine ~~stocks that can restrain equine~~ animals ~~without injury~~ in a safe and humane manner.

6. An animal market used for wild animals shall be equipped with cages or pens that can confine the wild animals without injury in a safe and humane manner.

SECTION 150. ATCP 12.02(9)(a)9. and (9)(b)4. are repealed.

SECTION 151. ATCP 12.02(9m) is created to read:

ATCP 12.02(9m) REINSPECTION. (a) The department may charge, to the holder of a license under this section, a reinspection fee of $150 for a reinspection that the department makes

to determine whether that person has corrected a previous violation of this chapter, or ch. 95, Stats., noted on a previous inspection report. The department may not charge a reinspection fee under this subsection for a routine or regularly scheduled inspection, or for an inspection that is required under this chapter.

(b) A reinspection fee under par. (a) is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a license renewal application form to the animal market operator.

SECTION 152. ATCP 12.02(11)(b) is amended to read:

ATCP 12.02(11)(b) Accept delivery of livestock or wild animals from an unlicensed animal trucker or animal dealer, if the operator knows or has reason to know that the animal trucker or animal dealer is unlicensed.

SECTION 153. ATCP 12.03(2)(c) is amended to read:

ATCP 12.03(2)(c) An animal market operator licensed under s. ATCP 12.02 or an employee of an animal market operator licensed under s. ATCP 12.02 who acts solely on behalf of that licensed animal market operator.

SECTION 154. ATCP 12.03(9m) is created to read:

ATCP 12.03(9m) REINSPECTION. (a) The department may charge, to the holder of a license under this section, a reinspection fee of $150 for a reinspection that the department makes to determine whether that person has corrected a previous violation of this chapter, or ch. 95, Stats., noted on a previous inspection report. The department may not charge a reinspection fee under this subsection for a routine or regularly scheduled inspection, or for an inspection that is required under this chapter.

(b) A reinspection fee under par. (a) is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a license renewal application form to the animal dealer.

SECTION 155. ATCP 12.04(2)(d) and (8m) are created to read:

ATCP 12.04(2)(d) A person who solely transports livestock or wild animals from out of state to a Wisconsin slaughtering establishment and does not transport any Wisconsin origin animals to any location in this state or out of this state.

(8m) REINSPECTION. (a) The department may charge, to the holder of a license under this section, a reinspection fee of $150 for a reinspection that the department makes to determine whether that person has corrected a previous violation of this chapter, or ch. 95, Stats., noted on a previous inspection report. The department may not charge a reinspection fee under this subsection for a routine or regularly scheduled inspection, or for an inspection that is required under this chapter.

(b) A reinspection fee under par. (a) is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a license renewal application form to the animal trucker.

SECTION 156. ATCP 12.045(1)(b) and (1)(c)(note) are amended to read:

ATCP 12.045(1)(b) The department may issue an annual vehicle registration sticker under par. (a) to a licensed animal market operator, animal dealer or animal trucker who owns or operates the vehicle. If a license holder owns a vehicle operated by another license holder, the license holder that owns the vehicle shall obtain the vehicle registration sticker under par. (a). <u>If a license holder operates an animal transport vehicle owned by a non-license holder, the license</u>

holder that operates that vehicle shall obtain the vehicle registration sticker under par. (a) as the registrant.

(1)(c)(note)

Note: Subsection (1) applies to animal transport vehicles operated by licensed animal market operators, animal dealers and animal truckers, regardless of who owns the animals transported in those vehicles.

Under sub. (1)(c), if a registrant leases an animal transport vehicle to or from another person for part of the registration year, the registrant must record the name and address of the other party to the lease, and the time period of the lease.

SECTION 157. ATCP 12.045(6) is repealed and recreated to read:

ATCP 12.045(6) VEHICLE REQUIREMENTS. The following requirements apply to every animal transport vehicle for which a registration sticker is required under sub. (1):

(a) A current registration sticker shall be displayed on both sides of the animal transport vehicle.

(b) The operator of the animal transport vehicle shall display, legibly printed in letters at least 2 inches high and ¼ inches wide, the operator's name, business city and state, and every current animal trucker license number, animal market license number and animal dealer license number that the department has issued to the operator on one of the following:

1. The power unit, both sides.

2. The animal transport vehicle in close proximity to the current registration sticker, on both sides of the vehicle.

Note: The vehicle registration stickers must be on the animal transport vehicle itself, not the power unit. The department issues registration stickers in duplicate, so the operator can display identical stickers on both sides of the vehicle.

(c) The vehicle shall be constructed, equipped and maintained for safe transportation and containment of the types of animals transported.

(d) The vehicle shall be kept in a clean and sanitary condition.

(e) The vehicle, if used to transport diseased or downer animals, shall be cleaned and disinfected before being used to transport any other animals. The disinfectant shall be used according to label directions.

SECTION 158. ATCP 12.05(2)(b) and (6) are amended to read:

ATCP 12.05(2)(b) *Slaughter identification.* Whenever an animal dealer, animal market operator or animal trucker receives any sow, boar or stag for sale or shipment to slaughter that person shall immediately identify the swine with an official swine backtag and record the backtag number, if the swine is not already identified according to par. (a). If a sow, boar or stag is already identified according to par. (a) or backtagged at the time of receipt, the person receiving the swine shall record its official identification or backtag number.

SECTION 159. ATCP 12.06(1)(intro) is amended to read:

ATCP 12.06(1) RECORDS REQUIRED. A person operating as an animal market operator, animal dealer or animal trucker shall keep an accurate record of every animal that the person receives from or delivers to another person.

(1m) ANIMAL MARKET OPERATOR AND ANIMAL DEALER RECORDS. The ~~record~~ records of an animal market operator and an animal dealer shall include all of the following correlated information related to each animal~~.~~:

SECTION 160. ATCP 12.06(1)(a) to (i) is renumbered ATCP 12.06(1m)(a) to (i), and ATCP 12.06(1m)(c), as renumbered, is amended to read:

(c) The animal's official individual identification number, if ~~any~~ official identification is required under ch. ATCP 10 or this chapter. If the animal has no official individual identification and is not required to bear official individual identification under ch. ATCP 10 or this chapter, the record shall identify the species, age and sex of the animal.

SECTION 161. ATCP 12.06(1s) is created to read:

ATCP 12.06(1s) ANIMAL TRUCKER RECORDS. The records of an animal trucker shall include all of the following correlated information related to each animal:

(a) The name and address of the principal from whom the person received the animal, the date of receipt, and the place of receipt.

(b) The name and address of the principal to whom the person delivered the animal, the date of delivery, and the place of delivery.

(c) The livestock premises code, if any, of the premises from which the animal was received and the livestock premises code, if any, of the premises to which the animal is shipped or delivered.

(d) The number and a general description of the animals including species, age and sex of the animals in the shipment.

(e) The slaughter backtag number, if any.

(f) A death record if the animal dies in the animal trucker's custody. The record shall indicate the apparent cause of death, the place and manner of carcass disposition, and the name and address of any person to whom the carcass was delivered.

SECTION 162. ATCP 12.06(2) and (3) are amended to read:

ATCP 12.06(2) RECORDS RETAINED FOR 5 YEARS; INSPECTION AND COPYING. A person who is required to keep records under sub. (1)<u>, (1m) or (1s)</u> shall retain those records for at least 5 years, and shall make them available to the department for inspection and copying upon request.

(3) AUCTIONEER RECORDS. An auctioneer who is exempt from licensing as an animal dealer under s. ATCP 12.03 (2) (f) shall nevertheless keep all of the records required under ~~sub.~~ <u>subs.</u> (1)<u> and (1m)</u> for livestock sold by the auctioneer at an exempt auction. The auctioneer

shall retain the records for at least 5 years, and shall make the records available to the department for inspection and copying upon request.

SECTION 163. ATCP 12.07(1) is repealed.

SECTION 164. ATCP 12.07(2) is renumbered ATCP 12.07 and, as renumbered, is amended to read:

ATCP 12.07 ~~Downer animals~~ If an animal goes down while in the possession of an animal market operator, animal dealer or animal trucker, the downer animal may not be dragged or pulled by the neck or other extremity, or subjected to any other mistreatment or abuse. Downer animals shall be confined in separate holding pens and shall be segregated from healthy animals or separated by a rigid barrier when transported in any vehicle. A downer animal may not be held for more than 24 hours by any animal market operator, animal dealer or animal trucker before the downer animal is ~~shipped to slaughter~~ sent for rendering or euthanized in a humane manner.

SECTION 165. ATCP 12.07(note) is created to read:

Note: A carcass must be disposed of in a manner consistent with s. 95.50, Stats.

SECTION 166. ATCP 12.08(7) and (8) are amended to read:

ATCP 12.08(7) Knowingly cause or permit a susceptible healthy animal to commingle with a diseased animal while in transit, unless the entire load of animals is shipped directly to a slaughtering establishment for slaughter, or the commingling is authorized by the department.

(8) Cause or permit the commingling of different animal species during transit if the animals are not of a comparable size, or if one species may pose a known disease threat to the other species.

SECTION 167. ATCP 12.08(16) is repealed and recreated to read:

ATCP 12.08(16) Sell, move, or dispose of any live animal that has been tested for a disease identified in ch. ATCP 10, *Appendix A* or *B*. before the result of that test is known.

SECTION 168. ATCP 15.02(1) and (3)(d) are amended to read:

ATCP 15.02(1) CERTIFICATION REQUIRED. No person may serve as a humane officer unless the department certifies that person within one year after the person is appointed ~~or by December 1, 2000, whichever is later~~.

(3)(d) A nonrefundable fee of ~~$25~~ $35. This fee will not be prorated for partial years.

SECTION 169. ATCP 15.04(2)(c) is amended to read:

ATCP 15.04(2)(c) A nonrefundable renewal fee of ~~$25~~ $35. This fee will not be prorated for partial years.

SECTION 170. ATCP 15.04(2)(e), (3)(c) and (note), (4)(a) and (note), (b), (c) and (note) and (5) are created to read:

ATCP 15.04(2)(e) For a person who applies for the renewal of a certification after that certification has expired, in addition to all other fees required under this subsection, a late fee equal to 20% of those fees.

(3)(c) If the continuing education requirement is not fully completed during the certification biennium as required by par. (a), a certification may not be renewed until the continuing education requirement is met. Continuing education hours may only be applied to fulfill requirements for one certification renewal.

Note: For example, continuing education hours taken in 2014 to fulfill the requirement for 32 hours of continuing education to renew a certification for the 2014-2015 certification biennium may not be used as hours towards the 2016-2017 renewal requirement.

(4) EXPIRED CERTIFICATIONS. (a) An applicant may apply to renew a certification after it has expired if application for the renewal of certification is submitted within the biennium

immediately following the certification's expiration. A certification that is expired for 2 years or longer may not be renewed.

Note: If an applicant's certification has been expired for at least 2 years, the applicant must complete the training and testing required under s. ATCP 15.02 to reapply.

(b) To renew an expired certification under par. (a) the applicant shall submit application for renewal under sub. (2).

(c) Thirty-two hours of continuing education are required to renew certification except if the previous biennium was the initial certification biennium. Certification may not be renewed until the continuing education requirement is met. Continuing education hours may only be applied to fulfill requirements for one certification renewal.

Note: For example, continuing education hours taken in 2014 to fulfill the requirement for 32 hours to renew a certification for the 2014-2015 certification biennium may not be used as hours towards the 2016-2017 renewal requirement.

(5) NOTIFICATIONS OF CHANGES. During the certification biennium, a certified humane officer shall notify the department of any change of name, address, or phone number within 30 days of that change.

SECTION 171. ATCP 15.06(4)(a)1. to 3., and (5)(a) to (f) are amended to read:

ATCP 15.06(4)(a)1. ~~At least 10 hours of training~~ Training related to farm animals. A portion of the training shall be on-site practical training at a farm location.

2. ~~At least 4 hours of training~~ Training related to domestic non-farm animals.

3. ~~At least 2 hours of training~~ Training related to exotic animals, pet stores, animal collectors or other relevant animal care issues.

(5)(a) ~~At least 4 hours of training~~ Training related to the legal system, the role of the animal cruelty investigator, Wisconsin laws related to animals, and other applicable laws.

(b) ~~At least 4 hours of training~~ Training related to the rules of evidence, and the collection and preservation of evidence.

(c) ~~At least 4 hours of training~~ Training related to interview and interrogation techniques, investigative stages and courtroom testimony.

(d) ~~At least 4 hours of training~~ Training related to search and seizure, and photographing, ~~video taping~~ videotaping or sketching the investigation scene.

(e) ~~At least 4 hours of training~~ Training related to report writing.

(f) ~~At least 4 hours of training~~ Training related to crisis intervention, humane officer safety and civil liability.

SECTION 172. ATCP 15.08(1), (2)(b) and (6)(b) are amended to read:

ATCP 15.08(1) EXAM REQUIRED. The department may not certify any person as a humane officer unless that person passes an examination administered by the department. No examination is required for the timely renewal of an ~~existing~~ expired certification that is submitted within the biennium after the certification's expiration.

(2)(b) A $25 nonrefundable examination fee.

(6)(b) A person who twice fails an examination under sub. (1) may not retake ~~it~~ the examination unless the person first retakes the training under s. ATCP 15.06.

SECTION 173. ATCP 15.08(6)(c) and (note) is created to read:

ATCP 15.08(6)(c) A person who applies to renew certification more than 2 years after the certification has expired shall do both of the following:

1. Complete the training under s. ATCP 15.06.

2. Pass the examination under sub. (1).

Note: A person who applies pursuant to the requirements of par. (c) is not subject to the late fee under s. ATCP 15.04(2)(e).

SECTION 174. EFFECTIVE DATE. This rule takes effect on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.22(2)(intro), Stats.

Dated this _____ day of June, 2012.

WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

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Ben Brancel, Secretary