DATCP Docket No. 14-R-13
Clearinghouse Rule No. 15-092

Final Draft Rule
January 6, 2016

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

The Wisconsin department of agriculture, trade and consumer protection proposes the following permanent rule ***to repeal*** ATCP 10.01 (103), 10.13 (6) (a) 2., 10.22 (5) (b) 4. b., 10.31 (2) (Note), 10.46 (10) (a) 7., 10.47 (3) (b) 6., (7) (b) 3., 10.48 (6) (b) 2., 10.53 (2) (d) 2. and 3., (5) (a) 1. and 2. and (b) 1., (6) (a) 1. to 4., 10.655 (1) (a), (3) and (4), 10.82 (3) (c), 12.06 (1m) (bc) and (1s) (c); ***to renumber*** ATCP 10.01 (71) (c) 1. to 7., 12.01 (20) (c) 1. to 7., 12.04 (2) (b), 12.05 (1) (b); ***to renumber and amend*** ATCP 10.01 (71) (b), 10.46 (5) (b) 2., (12) (a), 10.52 (1m) (a) 2., 10.55 (3) (e), 10.56 (1) (a) 2., 10.82 (4) (b), 12.01 (11m), (20) (b), 12.05 (2) (b); ***to consolidate, renumber and amend*** ATCP 10.13 (6) (a) (intro.) and 1., 10.22 (5) (b) 4. (intro.) and (a), 10.48 (1) (c), (d), (6) (b) (intro.) and 1., ***to amend*** ATCP 10.01 (5), (8), (17) (a), (42), (45), and (59), (71) (c), (f), (g) 3., (h) 2., (90), (101), (105) and (106) (a), 10.03 (3), 10.06 (3) (a), (4) (intro.) and (j) and (5), 10.07 (4) (title), (a) (intro.) and 3., (b), (c) (intro.) and (d), 10.13 (1) (a) (intro.) and 2., 10.13 (3) and (Note), (5), (6) (c), 10.21 (1) (a) (intro.), (2) (a) (intro.) and 1., and (b) 1., 10.22 (1) (b) 2. and (Note), (2) (b) 4., (7m), (9) (title) and (a) and (Note), (b) and (Note), (c) (intro.) and 3., (d), (e) (intro.) 2. and 3., and (10) (c), 10.30 (1) (b) 2. and (Note), (2) (b) 2., (3) (b) 2., (4) (b) 2., and (6) (b) 2., 10.31 (1) (intro.) and (a), (2) (a) 1. and 3. and (b), 10.35, (1) (a), 10.36 (3), 10.37 (3) (c), 10.40 (1) (intro.), 10.46 (1m) (b), (4) (a), (b) 2., (5) (a) and (b) 3., (6) (c) 4., (f) (Note), (7) (b), (10) (a) (intro.) and 1., 3., 4. and 5., (b) (intro.) and 1., (c) 3., (11) (c), and (d), (12) (b) and (c) and (13) (Note), 10.47 (title), (2) (b), (3) (title), (a) and (Note) and (b) (intro.) and 2., 5. and 6. (Note), (c), (3m) (intro.) and (c), (4) (intro.) and (4m), (6), (7) (intro.) and (b) (intro.) and 2., and (8) (intro.), 10.48 (1) (title), (a) (intro.) and 2., (4) and (Note), and (5), (6) (c) and (d), 10.52 (1m) (a) 1. and 2. (Note) and (b) 1. to 3., (7), (8) (c) (Note), 10.53 (2) (c) and (e) (Note), (4) (b) 2., (6) (a) (intro.) and (b) 2. to 4., (7) (a) 5., (10) (a) 2. b., 10.54 (1) (a) (intro.) and (am), (2) (a) and (b) 1., 10.55 (3) (d) (Note), 10.56 (3) (f) 1. and 4., 10.58 (1) (b), 10.61 (2) (i) 3. (Note), and (7) (e), 10.62 (7) (intro.) and (a), 10.655 (1) (b), 10.69 (2) (d), 10.74 (1) and (Note) and (2), 10.76 (1) (b) 4., 10.80 (1) (intro.), 10.87 (1) (b), (3) (b) 1., and (6) (a), 10.91 (1) (intro.), ch. ATCP 10, Appendix B, 12.01 (1g), (8y), (20) (c) (intro.) and (f), (g) 3., (h) 2. and (25), 12.02 (1m) (intro.), (3) (c), (d), and (f), 12.03 (2) (b) and (4) (d), 12.04 (9) (a) and (b), 12.05 (1) (a), (2) (a), (2) (b) second (Note), 12.08 (10); ***to repeal and recreate*** ATCP 10.13 (1) (b), 10.52 (1m) (b) 4., 10.655 (2); and ***to create*** ATCP 10.01 (71) (b) 2., (c) 2. and 3., and (g) 4., (2m) and (99m), 10.045, 10.055, 10.07 (4m) (am), 10.13 (1m), 10.46 (1) (f), 10.46 (5) (b) 2. b., (10) (ae) (am) and (as), (11) (d) 2., (12) (a) 2. and (am), 10.52 (1m) (a) 2. a. and b., (3) (c) 1m., (6m), (7m), 10.53 (6) (am), 10.55 (3) (e) 2. and 3., 10.56 (1) (a) 2. a. and b. and 3., 10.61 (7) (f), 10.80 (3), 10.82 (4) (b) 2., 10.86, Chapter ATCP 12 (Note) (2), 12.01 (11m) (a), (20) (b) 2., (c) 2. and 3., (g) 4., and (26m), 12.02 (7) (i), 12.03 (8) (i), 12.04 (2) (b) 2., 12.05 (1) (b) 2., and (2) (b) 2., 12.08 (27), and 12.09, relating to animal disease control and animal movement, and animal markets, dealers and truckers, and affecting small business.

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

This proposed rule will modify current animal health rules to provide for flexibility, clarity and consistency.

Statutes Interpreted

Statutes interpreted: ss. 93.07, 95.20, 95.22, 95.31, 95.45, 95.55, 95.60 95.65, 95.68, 95.69, 95.71, and 95.715 Stats.

Statutory Authority

Statutory authority: ss. 93.07 (1), (2) and (10), 93.15 (1), (2) and (3), 95.20, 95.22, 95.38 (3), 95.42, 95.43 (1) and (2), 95.45 (4) (c), 95.55 (6), and 95.60 (3) and (4s), 95.68 (8), 95.69 (8) and 95.71 (8), and 95.715 (2) (d), Stats.

Explanation of Statutory Authority

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

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

The Department has specific rulemaking authority on reporting animal diseases under s. 95.22 (2), Stats., certificates of veterinary inspection under s. 95.45 (4) (c), Stats., regulation of the farm-raised deer industry under s. 95.55 (6), Stats., regulation of fish farms under s. 95.60 (3) and (4s), Stats., regulation of animal markets under s. 95.68 (8), Stats., regulation of animal dealers under s. 95.69 (8), Stats., regulation of animal truckers under s. 95.71 (8), Stats., and regulation of feed lots under s. 95.715 (2) (d), Stats.

Related Statutes and Rules

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

Plain Language Analysis

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

1. Definitions and terms.

   The proposed rule makes the following changes to definitions and terms:

   Replaces the phrase, "buying or selling" with "trading in" under the definition of animal market to match the statutory definition under s. 95.68 (1) (ag), Stats.

   Adds a definition of "trading in livestock or wild animals" to clarify that animal markets trade, buy, sell or swap livestock or wild animals.

   Changes the spelling of "feedlot" to "feed lot" to match statutory language.

   Modifies the definition of "Brucellosis and Tuberculosis uniform methods and rules" and "Johne's disease national program standards" to clarify that official individual identification requirements of any animal tested for these diseases must meet the requirements specified under ch. ATCP 10 and not the identification requirements specified under the uniform methods and rules or national program standards.

   Changes the definition of "farm-raised deer" under ch. ATCP 10 to match the definition of "farm-raised deer" under ch. ATCP 12.

   Changes the term, "federally approved livestock import market," to "federally approved livestock marketing facility."

   Changes the definition of "individual" under ch. ATCP 12 to match the definition of "individual" under ch. ATCP 10.

   Modifies the definition of "official individual identification" to allow additional forms of official individual identification to be used for farm-raised deer, equine, swine, and goats and sheep to align with federal rule definitions.

   Modifies the definition of "slaughtering establishment" under ch. ATCP 10 to match the definition of "slaughtering establishment" under ch. ATCP 12.

   Repeals the definition of "tuberculosis non-modified accredited state" as the term is not used throughout ch. ATCP 10 and is incorrectly defined. The definition for"tuberculosis non-modified accredited state" is the correct definition for "tuberculosis modified accredited state."

2. Disease testing/reporting.

   The current rule requires the reporting of certain diseases to the Department within specified timelines. The proposed rule requires the reported information include the species, age, sex

and breed of the animal afflicted with the disease, the address of the farm where the afflicted animal is located, and the premises code, if any.

3. Official individual identification.

   Current rules specify approved individuals who may apply official individual identification to animals for different purposes and requires these individuals to keep a record of any identification that has been applied. These requirements are interspersed throughout the rules under specific subsections.

   The proposed rule makes these identification requirements more transparent by creating a general section relating to the application and record keeping requirements for those authorized to obtain and apply official individual identification. The proposed rule makes the identification requirements and record keeping requirements consistent. The proposed rule also makes clear that official individual identification does not need to be applied if all required individual identification is already applied to the animal.

4. Tuberculosis testing and control.

   Current rules specifies tuberculosis testing requirements, including who may perform tests, test result reporting and movement restrictions, under sections relating to bovine animals and farm-raised deer. The proposed rule creates a general tuberculosis testing and control section that pertains to any animal being tested for the disease and updates the tuberculosis provisions of bovine animals and farm-raised deer, for consistency of all required tuberculosis information.

   The proposed rule requires a person who performs a tuberculosis test on an animal, or collects a sample for any other tuberculosis test on an animal, to complete Department-approved training on tuberculosis testing or sample collection within 5 years prior to the test date.

   The proposed rule deletes the requirement that a premises be cleaned and disinfected after an animal has been identified as a tuberculosis reactor. The proposed rule provides that cleaning and disinfecting should be done after tuberculosis has been confirmed in an animal identified as a reactor in accordance with the federal Tuberculosis Uniform Methods and Rules.

   The proposed rule makes consistent (according to the Federal Tuberculosis Uniform Methods and Rules) the number of days the Department may for good cause extend a deadline (15 days) for sending an animal that is a tuberculosis reactor to slaughter.

5. Bovine import tuberculosis requirements.

   The current rule requires any bovine animal imported into Wisconsin to test negative on a pre-import tuberculosis test, with some exceptions, including that the bovine originates from an accredited tuberculosis-free state or nation that accepts bovine animals from Wisconsin without a prior tuberculosis test. The proposed rule allows bovine animals from an accredited tuberculosis-free state or nation to be imported without a prior tuberculosis test, regardless of

whether that state or nation requires a tuberculosis test from Wisconsin animals being imported to that state or nation.

6. Certificates of veterinary inspection (CVI).

   The current rule allows a CVI to be issued on a form provided or approved by the Department, the United States Department of Agriculture (USDA) federal bureau, or the state in which the certificate is issued. The proposed rule only allows the CVI to be on a form provided or approved by the Department. The Department will provide, on its web site, a list of CVI forms it has not approved.

   The current rule requires certain information to be provided on a CVI. The proposed rule makes clear that this information needs to be verified as accurate by the veterinarian issuing the CVI.

   The current rule states that a CVI is valid for 30 days from the date of inspection, unless additional import requirements must be met and the state veterinarian establishes a different expiration date. No person, receiving a notice of additional import requirements, may import an animal into Wisconsin without meeting those requirements. The proposed rule extends this authority to movement of animals in Wisconsin, allowing the state veterinarian to specify a different expiration date for the CVI if the state veterinarian determines, based on an epidemiological evaluation of current disease risks in a herd or place of origin, that a different expiration date is necessary.

7. Federally approved livestock marketing facility.

   Current rules uses the term, "federally approved livestock import market." The proposed rule updates the term to "federally approved livestock marketing facility" throughout chs. ATCP 10 and 12.

   The proposed rule also allows a federally approved livestock marketing facility to be a federally approved tagging site if that facility meets certain requirements and has an agreement with the USDA federal bureau.

8. Application information.

   The current rule requires applicants, for a permit to have an approved import feed lot, intermediate livestock handling facility, or foreign equine import quarantine station and to provide the location of the facility by county, town, section and sometimes fire number. The proposed rule requires applicants to provide the facility's location by address and county, or if the address is not available, the county, town, and section.

9. Slaughter swine identification.

   The current rule requires swine going to slaughter to be identified with an official swine backtag or other approved slaughter identification, unless the swine already bears an official individual identification or slaughter identification. The proposed rule allows the use of a

premises identification number (PIN) eartag as an approved form of slaughter identification for swine.

10. Equine infectious anemia.

    The current rule requires any equine animal that is purchased, sold or otherwise changed ownership to test negative for equine infectious anemia within 12 months. The proposed rule clarifies that the equine animal must test negative for equine infectious anemia within 12 months, from the date the blood was drawn for the test to the date of purchase, sale or transfer.

11. Farm-raised deer (FRD).

    Commingling with bovine animals. The current rule allows FRD to commingle with bovine animals on the same premises or in the same building, enclosure or vehicle so long as neither is moved off the premises, except to slaughter. The proposed rule clarifies this provision so that FRD may be kept on the same premises as bovine animals, without having to go to slaughter, if the two species are medically separated. The Division of Animal Health (Division) must inspect the location to determine whether the herds are medically separated, before the FRD herd is registered and, per current rule, the FRD keeper (FRDK) must pay an inspection fee of $200 for each day needed to complete the inspection. No inspection is required for the renewal of an existing herd registration once the Division has previously inspected the herd premises.

    Single registered herd kept at two or more locations. The current rule allows a single registered herd to be kept at two or more locations so long as the entire herd, and all herd locations, are actively enrolled in the chronic wasting disease herd status program. The provision allows a FRDK to move FRD between locations, without a CVI, as long as each of the deer have two individual identifications, one official and the other either official or unique to the herd, and the registrant keeps a record of the movement. The proposed rule provides for additional flexibility by allowing the single registered herd, kept at two or more locations, to be either actively enrolled in the Chronic Wasting Disease (CWD) Herd Status Program (HSP) or not enrolled in the program at all. Regardless of the herd's enrollment, the deer must still have two individual identifications as described above and the registrant must keep a record of deer movement. The proposed rule adds that the name and address of the person who move any of the deer, if other than the owner, be included in the record of movement, consistent with other FRD movement requirements listed elsewhere in ch. ATCP 10. See the related *Record-keeping requirements* summary below.

    Separately registered herds kept at the same location and not medically separated. The current rule allows FRD from two or more herds, covered by separate registration certificates, to be kept at the same location. If the FRD are not in medically separated herds, the deer are collectively treated as a single herd for purposes of disease control and movement. The deer may be moved between any of the herd locations identified in any of the herd registration certificates as long as all of the herds, and all herd locations, are actively enrolled in the CWD HSP program and each of the deer are identified with two individual identifications, one official and the other either official or unique to the herd. The proposed

rule provides for additional flexibility by allowing that all of the herds, and all herd locations, be either actively enrolled in the CWD HSP program or not enrolled in the program at all. Regardless of the herd's enrollment, each of the deer must still have two individual identifications as described above. The proposed rule also makes clear that deer movement may occur without a CVI if the registrant keeps a record of deer movement that includes the two individual identifications of each deer plus the species, age, and sex of the deer; the date of movement; the name and address of the person who had custody of the deer during movement, if other than the owner; and the registration numbers of the herd from which, and to which, the deer was moved. The proposed rule specifies this record of movement information be consistent with all other FRD movement requirements in ch. ATCP 10. See the related *Record-keeping requirements* summary below.

Record keeping requirements. Current rules specify record keeping requirements regarding deer movement, including escapes and slaughter, under various sections of ch. ATCP 10. Some of the information varies slightly depending on where it is referenced in the chapter. The proposed rule makes all record keeping requirements regarding FRD movement consistent throughout the chapter. The proposed rule also requires that a record be kept regarding each known natural addition to the herd, including the month and year of birth, and sex of the deer, if determined.

Escaped FRD. Current rules specify record keeping requirements for escaped FRD throughout ch. ATCP 10. The proposed rule makes all record keeping requirements for escaped deer consistent throughout the chapter. The proposed rule also makes clear that it is the FRDK's responsibility to test any deer that escapes from the FRDK's herd for chronic wasting disease. The proposed rule expands the number of hours that may elapse from the time a deer escapes from a herd to the time it is returned, from 72 to 120, before the herd loses any tuberculosis or brucellosis certification or CWD herd status. In a wild deer disease control area escaped deer continue to be required to be returned to the herd within 24 hours after the escape.

FRD hunting preserves. The current rule uses the term "hunting preserve." The proposed rule changes that term to "hunting ranch" to more accurately describe the facility.

The proposed rule also eliminates the requirement that an applicant for a hunting ranch certificate provide a list showing, for each FRD on the hunting premises that bears any attached or implanted identification, each type of identification and each associated identification number that the FRD bears.

The current rule requires all non-natural additions to a hunting ranch have one visible official identification (eartag) and one microchip implanted at the base of the ear or tail of the deer. The proposed rule makes FRD identification consistent with requirements throughout by requiring these deer to have two individual identifications, one official and the other either official or unique to the herd. One of the identifications must be visible. A microchip is no longer required to be used, but may be used as an official individual identification if it is federal bureau and Department approved, or is as an identification that is unique to the herd.

The current rule requires any person that holds a hunting preserve certificate to keep records, including the name and address of the person who collected the test sample for chronic wasting disease. The proposed rule eliminates the requirement that the name and address of the person who collected the test sample for chronic wasting disease be recorded.

CWD testing. Current rules specify CWD testing requirements for FRD herds enrolled in the CWD herd status program and for herds that are not enrolled in the program.

Current rules require a FRDK, whose herd is enrolled in the CWD HSP, to have a CWD test performed on each (100%) of the following deer that are at least 12 months of age:

- A FRD that dies or is killed while kept by that person.
- A FRD that the person ships directly to a slaughtering establishment.

The proposed rule makes clear that escaped deer that die or are killed must be tested for CWD, as is required for escaped deer.

The proposed rule eases the CWD testing requirement for a FRDK whose herd is enrolled in the CWD herd status program for at least 5 years, by requiring 25%, rather than 100%, of deer sent to slaughter be tested for CWD. A FRDK whose herd has less than 5 years of status in the CWD herd status program must continue to CWD test 100% of any FRD sent to slaughter.

Current rules require a FRDK whose herd is not enrolled in the CWD HSP to have a CWD test performed on all of the following deer that are at least 16 months of age:

- All (100%) FRD that are killed after escape.
- All (100%) FRD that are killed intentionally.
- Fifty percent of FRD that are killed by hunt on a hunting preserve.
- All (100%) FRD that die by accidental death or natural causes on the premises while kept by that person.
- Twenty-five percent of all FRD that are sent to slaughter.

The proposed rule eases the CWD testing requirement for a FRDK whose herd is not enrolled in the CWD herd status program by requiring CWD testing for the following deer that are at least 16 months of age:

- All (100%) FRD that are killed after escape.
- Fifty percent of FRD that are killed intentionally
- Fifty percent of FRD that are killed by hunt on a hunting preserve.
- All (100%) FRD that die by accidental death or natural causes, and whose remains are testable, on the premises while kept by that person.
- Twenty-five percent of all FRD that are sent to slaughter.

The proposed rule does not set any specific standard as to whether a FRD's remains are testable. After an animal dies, the body begins to decompose at a rate that corresponds to the weather, ambient temperature, and other elements. Decomposition will affect the ability of

the lab to detect disease. Testability will have to be determined on a case-by-case basis by the FRDK.

Test samples collected for CWD. Current rules require a person who collects a CWD test sample from a FRD to meet certain requirements. The proposed rule adds the requirement that the collector label the test sample with the official individual identification or backtag number of the animal being tested.

Verification of CWD test results. The proposed rule creates a provision allowing a FRDK to verify the identity of a FRD that was reported as being positive for CWD, through genetic testing in a procedure approved by the Department. Genetic testing is currently allowed, but not in rule.

CWD herd quarantine. The current rule requires a FRD herd to be quarantined if one of the deer in the herd tests positive for CWD. The proposed rule specifies a herd may be quarantined for up to five years from the date the last FRD in the herd tested positive for CWD. The proposed rule also makes clear that, based on the epidemiological evaluation, the Department may quarantine a herd or individual FRD traced back or forward from the herd in which a FRD tested positive for CWD.

CWD HSP. The current rule specifies requirements for enrollment in the CWD HSP. Enrollment requires the applicant to provide certain information including the number of FRD at least one year old and the number less than one year old. The proposed rule repeals this requirement, as current rule requires the applicant to provide the month and year of birth for each FRD.

The current rule requires a FRDK whose herd is enrolled in the CWD HSP to provide a list of each known natural addition to the herd, including the month and year of birth, and sex, if determined, on the annual census. For consistency, the proposed rule adds this requirement to the general record keeping requirements of a FRDK with a herd enrolled in the CWD HSP.

FRD identification. The current rule requires a veterinarian to identify any FRD with an official individual identification unless the FRD already bears all required individual identification whenever he or she vaccinates, tests, or collects samples from a FRD. The proposed rule requires the veterinarian to record the official individual identification of the FRD on the vaccination, test or sample.

FRD imports. With some exceptions, the current rule requires that FRD imported into Wisconsin have a CVI. To be consistent with requirements for intrastate movement of deer, the proposed rule requires that the following statements be included on the CVI for deer imported into this state:

- All cervids identified on this certificate originate from a herd that has shown no clinical signs of CWD in the past 12 months.
- All cervids identified on this certificate originate from a herd that is adequately separate from any wild deer herd known to be infected with CWD.

Double protective barriers. In some cases, FRD herds must be enclosed by a double protective barrier. The barrier may be either a double fence that meets certain criteria or a solid barrier that is at least 8 feet high. The current rule requires the double fence to be 8 feet high and the two fences to be at least 10 feet but not more than 16 feet apart. The proposed rule modifies the minimum distance allowed between the two fences to be 8 feet, rather than 10 feet, to align with the Department of Natural Resources (DNR) rule, s. NR. 16.45, Wis. Admin. Code.

12. Fish farms.

Current rules specify fees charged to applicants who apply for a license or registration after the license or registration has expired or after it has been determined that the operator of a facility operated without a license or registration. The proposed rule adds these specified fees to fish farm registrations to be consistent with requirements for other registrations and licenses.

The current rule allows some fish or fish eggs to be imported into Wisconsin without having an import permit. The current rule could be interpreted to require that import records be kept only if the person importing fish has an import permit. The proposed rule makes clear that import records must be kept regardless of whether the person was required to have an import permit.

The current rule allows fish to be reintroduced into their original wild source without a health certificate if certain criteria are met, including issuance of a permit by the state veterinarian or designee and written approval from the DNR. The proposed rule eliminates the requirement that a permit be issued by the state veterinarian or designee and requires specific records of any movement be kept by the DNR for at least five years.

13. CVI not required.

Current rules allow certain animals, including goat, sheep, swine, equine, and bovine to cross the Wisconsin state border without a CVI if the animal is:

- Imported directly to a veterinary facility for treatment provided that the animal is returned to its place of origin immediately following treatment and there is no change in ownership of the animal.
- Returned directly to its place of origin in this state following treatment in a veterinary facility outside this state, provided that the animal was taken directly to the veterinary facility and there was no change of ownership.

The proposed rule applies these provisions to dogs and cats.

14. Elephant imports.

Current rules specify requirements for any person that imports certain animals or imports animals for certain activities. The proposed rule specifies requirements for the import of elephants and requires an imported elephant to have:

- An import permit.
- A valid CVI that includes the import permit number and a report of a negative tuberculosis test.
- At least one negative tuberculosis test, approved by the Department, conducted not more than 365 days prior to the import date (except for an elephant imported directly to an institution accredited by the association of zoos and aquariums).
- An owner statement that the elephant imported into this state has not been exposed to mycobacterium tuberculosis within 5 years prior to the date of import. If the elephant has been exposed to this disease within 5 years, the person may not import the elephant unless the elephant has met additional tuberculosis testing requirements specified by the state veterinarian.

15. Appendix B.

Appendix B to ch. ATCP 10 specifies diseases that must be reported within 10 days. The proposed rule amends the Appendix to match federal requirements.

16. Animal markets, dealers and truckers

Current rules establish licensing requirements and responsibilities of animal markets, animal dealers and animal truckers.

The proposed rule makes clear when a license is not required, such as the following:

- A farm operator does not need an animal market license to have an occasional sale buying or exchanging livestock solely for dairy, breeding, or feeding operations on that farm or who sells only livestock produced or raised on that farm.
- A person does not need an animal trucker license to transport livestock or wild animals solely as an employee of a person who owns those animals.

The proposed rule eliminates the requirement that a Class B animal market, when applying for an animal market license, identify the dates during the previous license year, if any, on which the person conducted livestock sales at the animal market.

The proposed rule provides cross-references to additional fees that may apply to a person applying for an animal market and dealer trucker license.

The proposed rule makes clear that the Deparment may deny, suspend, or revoke an animal market or animal dealer license if the applicant is in violation of 9 CFR Part 201, relating to registration or bonding requirements of the Federal Packers and Stockyards Act.

The proposed rule makes clear that an animal dealer or animal market operator must immediately apply and record an animal's official individual identification, if the animal does not already have it, when that animal was backtagged to go to slaughter but did not go to slaughter.

The proposed rule repeals the requirement that an animal market operator, animal dealer and animal trucker record the livestock premises code of the premises from which an animal was

received and the livestock premises code of the premises to which the animal is shipped or delivered.

The proposed rule prohibits the use of electric prods on neonatal or other baby animals. The proposed rule also prohibits hitting these animals with any type of solid object that may cause injury, pain or stress to the animal.

17. Waiver.

The proposed rule allows the Department to grant a waiver from the requirements under ch. ATCP 12, if it receives a written request for the waiver and the Department finds that the waiver is reasonable and necessary, is consistent with the objectives of ch. ATCP 12, and will not conflict with state law.

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

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

Federal CWD Herd Certification Program (HCP) requirements include official individual identification of animals, regular inventories, and CWD testing of cervids over 12 months of age that die. Interstate movement of cervids will be dependent on a state's participation in the program, maintaining compliance with program requirements, and having achieved herd certification status.

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

The proposed rule eases some requirements for those farm-raised deer keepers that have herds enrolled in the CWD HCP while still meeting federal requirements.

Comparison with Rules in Adjacent states

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

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

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

Summary of Factual Data and Analytical Methodologies

This proposed rule does not depend on any complex analysis of data. This proposed rule makes minor, technical changes based on the Division's review and use of the rule, as well as changes made based on discussions with the farm-raised deer industry and other interested parties.

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

The majority of these proposed rule changes are to make the requirements throughout the rule consistent.

The most significant rule changes (and fiscal impact) relate to FRDKs enrolled in the Wisconsin CWD HCP. Division staff met with representatives of the FRDKs industry in March 2015 to discuss suggested changes to the rules relating to FRD and how to ease some of those requirements while still meeting federal regulations. Many of the small business fiscal effects were developed from that meeting, as well as from discussions with individual FRDKs.

Effect on Small Business

The majority of these rule modifications are technical and have no or minimal fiscal effect. Many of the rule modifications will ease program requirements and may reduce costs to small business.

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

1. Veterinarians.

   Upon the effective date of the rule, veterinarians and authorized employees or agents of the Department or the federal bureau will be required to take Department-approved training on tuberculosis testing and sample collection within 5 years prior to testing an animal for tuberculosis. Such training is already required of veterinarians testing FRD for tuberculosis. This will be a new requirement for veterinarians who choose to test animals for this disease. Because this training is provided free of charge, there will be no cost to these veterinarians.

2. Farm-raised deer keepers (FRDKs).

   CWD testing. FRDKs who have herds enrolled in the CWD herd status program with at least 5 years of status may realize a significant cost savings, as only 25% of their FRD aged 12 months or older shipped directly to slaughter must be tested for CWD. This change is significant as the current rule requires 100% of these FRD to be tested for CWD when sent to slaughter.

FRDKs whose herds are not enrolled in the CWD herd status program may realize a significant cost savings as only 50% of their FRD aged 16 months or older that are killed intentionally, except after escape, must be tested for CWD. This change is significant as the current rule requires 100% of these FRD to be tested for CWD.

It is estimated that hiring a veterinarian to collect CWD test samples costs approximately $75 per deer. Depending on the number of deer tested at one time, this cost may be lower. This cost will also be lower if the FRDK has a qualified employee or immediate family member that can collect the CWD test samples. Because the actual cost to test a deer for CWD is unknown, total cost savings are indeterminate.

Hunting preserves. Changing the term hunting "preserves" to hunting "ranches" was requested by the farm-raised deer industry. The fiscal effect of this terminology change is unknown but is presumably low, as it is sought by the FRD industry.

Commingling FRD with bovine animals. Current rules allow FRD and bovine animals to be commingled only if those animals move to slaughter.

The proposed rule makes clear that FRDKs who wish to keep deer and bovine animals at the same location without having to move them to slaughter must have fencing and facilities adequate to maintain medical separation at all times. Medical separation includes double fencing and bio-security procedures, including procedures to prevent the commingling of farm-raised deer with bovine animals.

A FRDK who chooses to keep FRD and bovine animals at the same location will incur costs to purchase additional fencing and separate equipment for the FRD and bovine animals. There is also a one-time cost of $200 for each day needed for Department staff to complete the medical separation inspection of the location.

It is unknown how many FRDKs wish to keep FRD and bovine animals at the same location. Therefore, these costs are indeterminate.

3. Wisconsin importers of elephants.

The current rule specifies requirements for any person that imports certain animals or imports animals for certain activities. The proposed rule specifies requirements for the import of elephants. The current import requirements for elephants are listed under wild animal and circus, rodeo, and menagerie animal imports. The proposed elephant import requirements incorporate several of those provisions into the rule. The new requirement that the owner of an elephant provide a statement that the elephant has not been exposed to mycobacterium tuberculosis within 5 years prior to the date of import should not result in a significant cost to the importer.

Environmental Impact

This rule does not have an environmental impact.

Standards Incorporated by Reference

None.

DATCP Contact

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Telephone (608) 224-4890
E-Mail: Loretta.slauson@wisconsin.gov

Place where Comments are to be Submitted and Deadline for Submission

Comments regarding the proposed rule must be submitted by December 28, 2015, to:

Loretta Slauson, Program and Planning Analyst
Department of Agriculture, Trade and Consumer Protection
P.O. Box 8911
Madison, WI 53708-8911
Telephone (608) 224-4890
E-Mail: loretta.slauson@wisconsin.gov

SECTION 1. ATCP 10.01 (5), (8), (17) (a), (42), (45), and (59) are amended to read:

ATCP 10.01 (5) "Animal market" means any premises that are open to the public for the purpose of ~~buying or selling~~ trading in livestock or wild animals, and that have facilities to keep, feed, and water livestock or wild animals prior to sale.

(8) "Approved import ~~feedlot~~ feed lot" means a ~~feedlot~~ feed lot for which the department has issued a permit under s. ATCP 10.22 (9).

(17) (a) Except as provided in par. (b) or (c), the uniform methods and rules for the national brucellosis eradication program, as published in federal bureau publication 91-45-013 (October 1, 2003). Notwithstanding this paragraph and pars. (b) and (c), all official individual identification for all species is specified under sub. (71).

(42) "Farm-raised deer" ~~means a captive cervid, but includes a non-captive cervid that has an ear tag or other mark identifying it as being raised on a farm. "Farm-raised deer"~~ has the meaning given in s. 95.001 (1) (ag), Stats., but does not include a cervid kept by an institution accredited by the association of zoos and aquariums.

(45) "Federally approved livestock ~~import market~~ marketing facility" means an animal market that complies with s. ATCP 10.07 (4).

(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 (September 2010). Notwithstanding this subsection, official individual identification for all species is specified under sub. (71).

SECTION 2. ATCP 10.01 (71) (b) is renumbered 10.01 (71) (b) (intro.) and amended to read:

ATCP 10.01 (71) (b) (intro.) For farm-raised deer, ~~an~~ any of the following:

1. An official ~~eartag~~ ear tag attached to the animal.

SECTION 3. ATCP 10.01 (71) (b) 2. is created to read:

ATCP 10.01 (71) (b) 2. A federal bureau and department approved microchip implanted in the animal.

SECTION 4. ATCP 10.01 (71) (c) is amended to read:

ATCP 10.01 (71) (c) For equine, ~~a~~ any of the following:

1. A written or graphic description by a licensed and accredited veterinarian sufficient to identify the individual equine including all of the following:

SECTION 5. ATCP 10.01 (71) (c) 1. to 7. are renumbered 10.01 (71) (c) 1. a. to g.

SECTION 6. ATCP 10.01 (71) (c) 2. and 3. are created to read:

ATCP 10.01 (71) (c) 2. A federal bureau and department approved microchip implanted in the animal.

3. Digital photographs sufficient to identify the individual equine.

SECTION 7. ATCP 10.01 (71) (f) and (g) 3. are amended to read:

ATCP 10.01 (71) (f) For swine weighing 80 pounds or less, a tattoo or ~~eartag~~ ear tag applied to the animal including a premises identification code, or a state registered feeder pig premises tattoo number issued by the department, or the authorized animal health agency in the state of origin, or an official eartag attached to the animal.

(g) 3. A unique tattoo or ~~eartag~~ ear tag applied to the animal including a unique premises identification code or state registered feeder pig premises tattoo number issued by the department or the authorized animal health agency in the state of origin provided that the animal also bears an individual identification number unique to that premises~~, or an official eartag attached to the animal~~.

SECTION 8. ATCP 10.01 (71) (g) 4. is created to read:

ATCP 10.01 (71) (g) 4. A tattoo on the ear or inner flank of any swine, if the tattoo has been recorded in the book of record of a swine registry association.

SECTION 9. ATCP 10.01 (71) (h) 2., and (90), are amended to read:

ATCP 10.01 (71) (h) 2. A federal bureau and department approved microchip ~~if~~ that is implanted in the animal, if the animal is registered with a breed registry and ~~if~~ the animal is accompanied by the animal's registration documents on which the microchip number and the

animal owner's name ~~or by a certificate of veterinary inspection with the implant number~~ are recorded.

(90) "Slaughtering establishment" means a ~~slaughtering establishment~~ facility to slaughter animals 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.

SECTION 10. ATCP 10.01 (71) 2m. and (99m) are created to read:

ATCP 10.01 (71) 2m. A federal bureau and department approved microchip that is implanted in the animal, if the animal is in a scrapie free flock certification program flock or herd and the animal is accompanied by certificate of veterinary inspection with the implant number.

(99m) "Trading in livestock or wild animals" means the trading, buying, selling, or swapping of livestock or wild animals.

SECTION 11 ATCP 10.01 (101) is amended to read:

ATCP 10.01 (101) "Tuberculosis modified accredited state" means a state that USDA has classified as a tuberculosis modified accredited state, or a state with a tuberculosis prevalence in bovine herds ~~greater~~ of at least 0.01% but not more than 0.1%.

SECTION 12. ATCP 10.01 (103) is repealed.

SECTION 13. ATCP 10.01 (105) and (106) (a) are amended to read:

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

1 **(106)** (a) Except as provided in par. (b), the uniform methods and rules for the national
2 bovine tuberculosis eradication program, federal bureau publication 91-45-011 (January 1, 2005).
3 Notwithstanding this paragraph and par. (b), all official individual identification for all species is
4 specified under sub. (71).
5 **SECTION 14.** ATCP 10.03 (3) is amended to read:
6 **ATCP 10.03 (3)** A person may make a report under sub. (1) or (2) by telephone, by email,
7 by fax, or by any other effective means of communication that ensures the report will reach the
8 department within the applicable time limit set forth in this section. The reported information shall
9 include the species, age, sex, and breed of the animal possibly infected with the disease, the
10 address of the farm, and the premises code, if any. If the report is not initially in writing, the
11 person shall confirm the report in writing by mail, e-mail, or fax within 10 days.
12 **SECTION 15.** ATCP 10.045 is created to read:
13 **ATCP 10.045 Official individual identification application and record keeping**
14 **requirements. (1)** Whenever a person distributes official individual identification or applies
15 official individual identification to any animal, that person shall keep a record of the date of
16 distribution or application, the official identification number that was distributed or applied to the
17 animal, and the name and address of the owner of the animal.
18 **(2)** A person who is required to keep records, under sub. (1), shall do all of the following:
19 (a) Retain each record for at least 5 years.
20 (b) Make the records available to the department, upon request, for inspection and
21 copying.
22 **SECTION 16.** ATCP 10.055 is created to read:

1 **ATCP 10.055 Tuberculosis testing and control. (1)** WHO MAY TEST OR COLLECT
2 SAMPLES. (a) A person who performs a tuberculosis test or who collects a sample for any other
3 tuberculosis test on an animal for purposes of this chapter or ch. ATCP 12, shall have completed
4 department-approved training on tuberculosis testing or tuberculosis sample collection within 5
5 years prior to the test date and shall be one of the following:
6 1. An accredited veterinarian. If the veterinarian performs the test on an animal in this
7 state, the veterinarian shall also be a Wisconsin certified veterinarian.
8 2. An authorized employee or agent of the department or the federal bureau that is directly
9 supervised by a veterinarian employed by the state of Wisconsin, as authorized by the state
10 veterinarian, or employed by the federal bureau.
11 (b) Only a veterinarian approved by the department or an employee of the department or
12 federal bureau may conduct confirmatory tuberculosis testing on any animal under this chapter or
13 ch. ATCP 12.
14 **(2)** TESTING APPROVAL. A person, under sub. (1), may not perform a tuberculosis test on
15 or collect a test sample from any animal from a quarantined or known infected herd, except with
16 the department's approval.
17 **(3)** TEST REPORTING. A person, under sub. (1), who performs a tuberculosis test on an
18 animal in this state, or collects a tuberculosis test sample from an animal in this state, shall report
19 the test result to the department according to s. ATCP 10.04 (1).
20 Note: A test report must include the animal's official individual identification. If the
21 animal has no official individual identification, the person collecting the test sample
22 must identify the animal with an official individual identification. See s. ATCP
23 10.04 (1) (e).

(4) TEST POSITIVE ANIMAL; MOVEMENT RESTRICTED. No person may sell or move an animal that tests positive on any tuberculosis test until one of the following occurs:

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

(b) The animal is classified as a tuberculosis reactor and treated as determined by the department.

SECTION 17. ATCP 10.06 (3) (a), (4) (intro) and (j), and (5) are amended to read:

ATCP 10.06 (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~~. 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.

(4) CONTENTS. (intro) 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 information, which shall be verified by the issuing veterinarian:

(j) The veterinarian's signature ~~and~~, date of signature, inspection date, and issue date.

(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 additional import requirements or a different expiration date under s. ATCP 10.07 (1) (b) or (2), or if the state veterinarian determines based on an epidemiological evaluation of current disease risks in a herd, or place of origin, in Wisconsin that a different expiration date is necessary.

SECTION 18. ATCP 10.07 (4) (title), (a) (intro.) and 3., (b), (c) (intro.), and (d) are amended to read:

ATCP 10.07 (4) (title) FEDERALLY APPROVED LIVESTOCK ~~IMPORT MARKETS~~ MARKETING FACILITIES. (a) (intro.) An animal market qualifies as a federally approved livestock ~~import market~~ marketing facility, for purposes of this chapter, if all the following apply:

3. The department has authorized the animal market to receive animal import shipments as a federally approved livestock ~~import market~~ marketing facility under this chapter.

(b) Animals of a type identified in the agreement under par. (a) 2. may be imported to the federally approved livestock ~~import market~~ marketing facility without meeting import requirements under this chapter, provided that the animals are imported in compliance with 9 CFR 71, 78, 79, and 85, and the agreement under par. (a) 2.

(c) (intro.) An operator of a federally approved livestock ~~import market~~ marketing facility may not do any of the following:

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

SECTION 19. ATCP 10.07 (4) (am) is created to read:

ATCP 10.07 (4) (am) A federally approved livestock marketing facility, under par. (a), may be a federally approved tagging site if that facility has an agreement with the federal bureau under 9 CFR 86.1.

SECTION 20. ATCP 10.13 (1) (a) (intro.) and 2. are amended to read:

ATCP 10.13 Tuberculosis testing and control. (1) WHO MAY TEST OR COLLECT SAMPLES. (a) (intro.) A person who performs a ~~caudal fold tuberculin~~ tuberculosis test on a

bovine animal or who collects a sample for any other tuberculosis test on a bovine animal, for purposes of this chapter or ch. ATCP 12, shall have completed department-approved training on tuberculosis testing or tuberculosis sample collection within 5 years prior to the test date and shall be one of the following:

2. An authorized employee or agent of the department or the federal bureau that is directly supervised by a veterinarian employed by the state of Wisconsin, as authorized by the state veterinarian, or employed by the federal bureau. ~~The employee or agent shall be a veterinarian, except that a non-veterinarian may perform routine screening tests under the direct supervision of a veterinarian.~~

SECTION 21. ATCP 10.13 (1) (b) is repealed and recreated to read:

ATCP 10.13 (1) (b) Only a veterinarian approved by the department, or an employee of the department or federal bureau, may conduct confirmatory tuberculosis testing on a bovine animal under this chapter or ch. ATCP 12.

SECTION 22. ATCP 10.13 (1m) is created to read:

ATCP 10.13 (1m) TESTING APPROVAL. A person under sub. (1) may not perform a tuberculosis test on or collect a test sample from a bovine animal from a quarantined or known infected herd, except with the department's approval.

SECTION 23. ATCP 10.13 (3) and (Note), and (5), are amended to read:

ATCP 10.13 (3) (title) ~~VETERINARIAN TO REPORT~~ TEST REPORTING. A ~~veterinarian~~ person, under sub. (1), who performs a tuberculosis test on a bovine animal in this state, or collects a tuberculosis test sample from a bovine animal in this state, shall report the test result to the department ~~and the animal owner~~ according to s. ATCP 10.04 (1).

Note: A test report must include the animal's official individual identification. If the animal has no official individual identification, the ~~veterinarian~~ person collecting the test sample must identify the animal with an official individual identification. See s. ATCP 10.04 (1) (e).

(5) TEST POSITIVE ANIMAL; FURTHER TESTING AND CLASSIFICATION. Whenever the department ~~or the federal bureau~~ receives a positive tuberculosis test report under sub. (3), the department or the federal bureau shall conduct ~~follow-up~~ confirmatory testing to determine whether the animal is a tuberculosis suspect or reactor. The department or the federal bureau shall test and classify animals according to the tuberculosis uniform methods and rules.

SECTION 24. ATCP 10.13 (6) (a) (intro.) and 1. are consolidated, renumbered ATCP 10.13 (6) (a), and amended to read:

ATCP 10.13 (6) (a) Within 15 days after the department or the federal bureau classifies a bovine animal as a tuberculosis reactor, the animal owner shall ~~do all the following:1. Have~~ have the animal identified as a tuberculosis reactor and shipped to a slaughtering establishment for slaughter, according to the tuberculosis uniform methods and rules. The owner or authorized agent shall obtain a department permit under s. ATCP 10.08 (3) for the slaughter shipment.

SECTION 25. ATCP 10.13 (6) (a) 2. is repealed.

SECTION 26: ATCP 10.13 (6) (c) is amended to read:

ATCP 10.13 (6) (c) An animal owner may request an indemnity under s. 95.25 (5), Stats., for a tuberculosis reactor slaughtered according to ~~par.~~ pars. (a) ~~1~~ and (b). The animal owner shall file the request with the department, on a form provided by the department. The owner shall include, with the request, a slaughter confirmation signed by an authorized employee of the department or the federal bureau. An animal owner does not qualify for an indemnity if the owner fails to comply with ~~par.~~ pars. (a) and (b).

SECTION 27. ATCP 10.21 (1) (a) (intro.), (2) (a) (intro.) and 1., and (b) 1., are amended to read:

ATCP 10.21 (1) OFFICIAL INDIVIDUAL IDENTIFICATION. (a) (intro.) A veterinarian who does any of the following to any bovine animal shall insert, in the ear of the animal, an official eartag unless the animal is already identified with an official eartag and shall record, on the applicable document under subd. 1. or 2., the number of the official individual identification:

(2) (a) (intro.) If an animal trucker, animal dealer, animal market operator, federally approved livestock ~~import market~~ marketing facility operator, or slaughtering establishment operator receives any bovine animal over 2 years old for slaughter, or for sale or shipment to slaughter, that person shall do all of the following unless the animal is a steer or official spayed heifer:

1. Identify the animal with an official ~~backtag~~ back tag at the time of receipt, unless the animal is already backtagged or has official individual identification. ~~Backtags~~ Back tags shall be applied 4 inches behind the shoulder and 4 inches below the topline.

(b) 1. The animal's official individual identification or ~~backtag~~ back tag number.

SECTION 28. ATCP 10.22 (1) (b) 2. and (Note), and (2) (b) 4. are amended to read:

ATCP 10.22 (1) (b) 2. An animal imported directly to a federally approved livestock ~~import market~~ marketing facility under s. ATCP 10.07 (4).

Note: ATCP 10.07 (4) (c) prohibits the operator of a federally approved livestock ~~import market~~ marketing facility from releasing an imported bovine animal to a location in this state unless the animal meets bovine import requirements under this chapter. Animals shipped directly to slaughter are exempt from certain import requirements that would otherwise apply.

(2) (b) 4. An animal imported directly to a federally approved livestock ~~import market~~ marketing facility under s. ATCP 10.07 (4).

SECTION 29. ATCP 10.22 (5) (b) 4. (intro.) and (a) are consolidated, renumbered ATCP 10.22 (5) (b) 4., and amended to read:

ATCP 10.22 (5) (b) 4. An animal originating from an accredited tuberculosis-free state or nation ~~that accepts bovine animals from this state without a prior tuberculosis test,~~ unless ~~one of the following applies:a. The~~ the state veterinarian requires a tuberculosis test under s. ATCP 10.07 (1) (b).

SECTION 30. ATCP 10.22 (5) (b) 4. b. is repealed.

SECTION 31. ATCP 10.22 (7m), (9) (title) and (a) and (Note), (b) and (Note), (c) (intro.) and 3., (d), (e) (intro.) 2. and 3., and (10) (c) are amended to read:

ATCP 10.22 (7m) M-BRANDED BOVINES; IMPORT RESTRICTED. No person may import an M-branded bovine animal into this state ~~except~~ unless the bovine animal is imported directly from Mexico or goes directly to a slaughter facility. If a bovine animal is imported directly from Mexico, the complete destination herd must be quarantined upon arrival of the M-branded animal and the herd will remain quarantined until the imported bovine animal is negative on a tuberculosis test conducted not sooner than 60 days after the date of importation into the state.

(9) (title) APPROVED IMPORT ~~FEEDLOT~~ FEED LOT. (a) *Permit*. The department may issue an annual permit designating a feedlot as an approved import ~~feedlot~~ feed lot for purposes of this section. A permit expires on June 30 annually.

Note: A ~~feedlot~~ feed lot is not required to hold an approved import ~~feedlot~~ feed lot permit under this subsection. However, feeder cattle imported directly to an approved import ~~feedlot~~ feed lot are exempt from certain import restrictions and pre-import testing requirements, as provided in this section.

(b) *Permit application.* To obtain an approved import ~~feedlot~~ feed lot permit, a ~~feedlot~~ feed lot operator shall submit an application on a form provided by the department. The application shall identify the location of the ~~feedlot~~ feed lot by street address and county, or if the address is not available, by county, town, and section, and shall include other relevant information required by the department, including the ~~feedlot's~~ feed lot's livestock premises code under ch. ATCP 17. The application shall include a nonrefundable fee of $140. The department shall grant or deny a permit application within 30 days after a complete application is filed with the department.

Note: A person may obtain an import ~~feedlot~~ feed lot application form by calling (608) 224-4889, by visiting the department website at http://datcp.wi.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~~ 53708-8911

(c) (intro.) *Requirements.* An approved import ~~feedlot~~ feed lot shall meet all of the following requirements:

3. The ~~feedlot~~ feed lot shall be devoid of vegetation.

(d) *Removing feeder cattle.* Except as specifically authorized by the department in writing, no feeder cattle may be removed from an approved import ~~feedlot~~ feed lot except to a licensed slaughtering establishment for slaughter.

(e) *Records.* (intro.) The operator of an approved import ~~feedlot~~ feed lot shall keep complete and accurate records of all feeder cattle entering and leaving the ~~feedlot~~ feed lot. The operator shall retain the records for at least 5 years after the feeder cattle leave the ~~feedlot~~ feed lot,

and shall make them available for inspection and copying by the department upon request. Records shall include all of the following:

2. A record of each feeder cattle shipment leaving the ~~feedlot~~ feed lot, including the date of shipment, the number of feeder cattle included in the shipment, the official individual identification of each animal included in the shipment, and the name and address of the person receiving the shipment. No official individual identification record is required for steers and official spayed heifers.

3. A record of any feeder cattle that died at the ~~feedlot~~ feed lot, including each animal's official individual identification and date of death. No official individual identification record is required for a steer or official spayed heifer.

(10) (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 street address and county, or if the address is not available, 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.

SECTION 32. ATCP 10.30 (1) (b) 2. and (Note), (2) (b) 2., (3) (b) 2., (4) (b) 2., and (6) (b) 2. are amended to read:

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

Note: Section ATCP 10.07 (4) (c) prohibits the operator of a federally approved livestock ~~import market~~ marketing facility from releasing imported swine to a location in this state unless the swine meet import requirements under this chapter. Animals shipped directly to slaughter are exempt from certain import requirements that would otherwise apply.

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

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

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

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

SECTION 33. ATCP 10.31 (1) (intro.) and (a), (2) (a) 1. and 3., and (b) are amended to read:

ATCP 10.31 (1) IDENTIFICATION REQUIRED. Except as provided in sub. (3), an animal trucker, animal dealer, animal market operator, federally approved livestock ~~import market~~ marketing facility operator, or slaughtering establishment operator shall do all the following whenever that person receives a sow, boar, or stag for slaughter, or for sale or shipment to slaughter:

(a) Identify the swine with an official swine ~~backtag~~ back tag, a premises identification number ~~eartag~~ear tag or other approved slaughter identification, unless the swine already bears an official individual identification or slaughter identification.

(2) (a) 1. The swine's official individual identification or slaughter identification number.

3. The date on which the slaughter identification was applied, if applicable. If the swine already bore an official individual identification or a slaughter identification when received, the record shall (Note) that fact.

(b) The record under par. (a) shall be retained for at least 5 years, and shall be made available to the department for inspection and copying upon request.

SECTION 34. ATCP 10.31 (2) (Note) is repealed.

SECTION 35. ATCP 10.35 (1) (a) is amended to read:

ATCP 10.35 (1) SALE OF EQUINE ANIMAL; TESTING REQUIRED. (a) Except as provided in par. (b), no person may purchase, sell, or transfer ownership of any equine animal in this state unless the animal has tested negative for equine infectious anemia within 12 months from the date the blood was drawn for the test to the date of purchase, sale, or transfer and the official test report accompanies the animal.

SECTION 36. ATCP 10.36 (3) is amended to read:

ATCP 10.36 (3) EQUINE INFECTIOUS ANEMIA TEST; REQUIREMENT. Except as provided in sub. (4), no person may import any equine animal into this state unless the animal has tested negative on an equine infectious anemia test conducted no more than 12 months ~~before~~ from the date the blood was drawn for the test to the date the animal is imported into this state.

SECTION 37. ATCP 10.37 (3) (c) is amended to read:

ATCP 10.37 (3) (c) The location of the quarantine station, ~~specified~~ by street address and county, or if the address is not available, by county, town, section, and fire number.

SECTION 38. ATCP 10.40 (1) (intro.) is amended to read:

ATCP 10.40 (1) BIRDS AND EGGS USED FOR BREEDING OR HATCHING. (intro.) ~~No~~Except as specified under sub. (8), no person may use poultry or farm-raised game birds or their eggs for breeding or hatching, or for exhibition at a fair or livestock exhibition, unless one of the following applies:

SECTION 39. ATCP 10.46 (1) (f) is created to read:

ATCP 10.46 (1) (f) Except as provided under sub. (11) (d) 1., before registering any herd to be kept at the same location as bovine animals, the department shall inspect the location to determine whether the herds are medically separated. For each inspection under this paragraph, the registrant shall pay the fee required under sub. (7) (b). No inspection is required for the renewal of an existing herd registration if the department has previously inspected the herd premises under this paragraph.

SECTION 40. ATCP 10.46 (1m) (b), (4) (a), (b) 2. and (5) (a) are amended to read:

ATCP 10.46 (1m) (b) 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.~~

(4) (a) The entire herd, including all herd locations, shall be either actively enrolled in the chronic wasting disease herd status program under s. ATCP 10.53 or not enrolled in the chronic wasting disease herd status program.

(b) 2. The registrant keeps a record of the movement. The record shall include the ~~official~~ 2 individual ~~identification~~ identifications of each farm-raised deer that is moved; the species, age, and sex of the farm-raised deer; the date of movement; the name and address of the person who had custody of the farm-raised deer during movement, if other than the owner; and the herd locations from and to which the farm-raised deer was moved.

(5) (a) If the herds are medically separated under par. (c), each herd is considered a separate herd for purposes of disease control, movement, and enrollment in the chronic wasting disease status program under s. ATCP 10.53. Farm-raised deer moved between any of the medically separated herds shall be accompanied by a certificate of veterinary inspection under s. ATCP 10.56 (1), and registrants shall keep a record under sub. (10) (a) and (am) related to each movement.

SECTION 41. ATCP 10.46 (5) (b) 2. is renumbered 10.46 (5) (b) 2. (intro.) and amended to read:

ATCP 10.46 (5) (b) 2. (intro.) Farm-raised deer may be moved between any of the herd locations identified in any of the herd registration certificates ~~shall be~~ without a certificate of veterinary inspection under s. ATCP 10.56 (1), if both of the following requirements are met:

a. Any farm-raised deer moved under this subdivision is identified with 2 individual identifications. One identification shall be official individual identification and the second identification shall be either an official individual identification or an individual identification unique to the combined herds.

SECTION 42. ATCP 10.46 (5) (b) 2. b. is created to read:

ATCP 10.46 (5) (b) 2. b. The registrant shall keep a record of the movement of farm-raised deer under this subdivision. The record shall include the 2 individual identifications of each farm-raised deer that is moved; the species, age, and sex of the farm-raised deer; the date of movement; the name and address of the person who had custody of the farm-raised deer during movement, if other than the owner; and the registration numbers of the herd from which, and to which, the farm-raised deer was moved.

SECTION 43. ATCP 10.46 (5) (b) 3., (6) (c) 4., (f) (Note), (7) (b), and (10) (a) (intro.) and 1., 3., 4., and 5.are amended to read:

ATCP 10.46 (5) (b) 3. All of the herds, including all herd locations, shall be either actively enrolled in the chronic wasting disease status program under s. ATCP 10.53 or not enrolled in the chronic wasting disease status program.

(6) (c) 4. The physical address number ~~or~~ of the deer farm location. If the physical address is not available, the fire number of the deer farm location, or driving directions to the deer farm access point.

(f) **Note:** A person may obtain a registration form by calling (608) ~~224-4872~~ 224-4896, by visiting the department website at http://datcp.wi.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 53708-8911

(7) (b) A person who applies to register a medically separated herd at the same location where another herd is registered shall pay a nonrefundable fee of $200 for each day needed to complete an inspection under sub. (5) (d).

(10) (a) (intro.) A person who keeps farm-raised deer shall keep all of the following records related to each ~~live~~ farm-raised deer that ~~leaves the herd other than for slaughter, or that~~ enters the herd from another herd:

1. The ~~official~~ 2 individual ~~identification~~ identifications that meet the requirements of s. ATCP 10.53 (2) (d) 4. of the farm-raised deer.

3. The date on which the farm-raised deer entered ~~or left~~ the herd.

4. The name and address of the person from whom ~~the person received, or to whom the person shipped,~~ the farm-raised deer was obtained. The record shall also identify the person who had custody of the farm-raised deer during shipment.

5. The address of the herd from which the farm-raised deer originated~~, or to which it was shipped~~.

SECTION 44. ATCP 10.46 (10) (a) 7. is repealed.

SECTION 45. ATCP 10.46 (10) (ae), (am), and (as) are created to read:

ATCP 10.46 (10) (ae) A person who keeps farm-raised deer shall keep a record of each known natural addition to the herd, including the month and year of birth, and sex of the farm-raised deer, if determined.

(am) A person who keeps farm-raised deer shall keep all of the following records related to each live farm-raised deer that leaves the herd by movement authorized under s. ATCP 10.56:

1. The 2 individual identifications which meet the requirements of s. ATCP 10.53 (2) (d) 4. of the farm-raised deer.

2. The species, age, and sex of the farm-raised deer.

3. The date on which the farm-raised deer left the herd.

4. The name and address of the person to whom the farm-raised deer was shipped. The record shall also identify the person who had custody of the farm-raised deer during shipment.

5. The address of the herd to which the farm-raised deer was shipped.

6. A copy of any certificate of veterinary inspection that accompanied the farm-raised deer under s. ATCP 10.56.

(as) A person who keeps farm-raised deer shall keep all records required to be reported under sub. (12), regarding any farm-raised deer that escapes to the wild.

SECTION 46. ATCP 10.46 (10) (b) (intro.) and 1., (c) 3., (11) (c) and (d) are amended to read:

ATCP 10.46 (10) (b) (intro.) A person who keeps farm-raised deer shall keep all of the following records related to each farm-raised deer that the person ships live to ~~slaughter~~ a slaughtering establishment:

1. The official individual identification or back tag of the farm-raised deer.

(c) 3. The date on which the farm-raised deer died, or was killed or slaughtered. If the farm-raised deer was found dead on the premises, the person shall record the date on which the farm-raised deer was found dead and the apparent cause of death.

(11) (c) Move a live farm-raised deer or any portion of a farm-raised deer carcass from the premises at which it has been kept unless the farm-raised deer has ~~an official~~ individual identification required under s. ATCP 10.54 (1) (c), slaughter identification under s. ATCP 10.54 (2), or the farm-raised deer carcass complies with sub. (13).

(d) 1. ~~Cause~~Except as authorized under subd. 2., 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 47. ATCP 10.46 (11) (d) 2. is created to read:

ATCP 10.46 (11) (d) 2. Farm-raised deer may be kept on the same premises as bovine animals if the two species are medically separated.

SECTION 48. ATCP 10.46 (12) (a) is renumbered ATCP 10.46 (12) (a) 1. and as renumbered, is amended to read:

ATCP 10.46 (12) (a) 1. A person keeping farm-raised deer shall report to the department whenever any of those farm-raised deer escapes to the wild. The person shall report the escape within 24 hours after the person knows or has reason to know of the escape. The report shall identify the species, age, sex, and any identification of the farm-raised deer that escaped, the location of the escape, the apparent date and time of the escape, ~~and~~ the circumstances that resulted in the escape, and steps taken to prevent recurring escapes.

SECTION 49. ATCP 10.46 (12) (a) 2. and (am) are created to read:

ATCP 10.46 (12) (a) 2. A person keeping farm-raised deer shall be responsible for testing for chronic wasting disease in accordance with s. ATCP 10.52, any farm-raised deer that escapes from the keeper's herd.

(am) If an escaped farm-raised deer is killed before returning to the herd, the person shall report to the department the date it was killed, the date the chronic wasting disease sample was submitted for testing, and the results of that test.

SECTION 50. ATCP 10.46 (12) (b) and (c) and (13) (Note) are amended to read:

ATCP 10.46 (12) (b) If an escaped farm-raised deer is returned to the herd, the person shall report that return to the department within 24 hours after the return occurs. The report shall include the date of the return and the apparent number of hours that elapsed between the escape and the return.

(c) Except as provided in par. (d), if an escaped farm-raised deer is returned to the herd more than ~~72~~ 120 hours after it escapes, ~~it~~ the herd loses any status that it may have had in a herd certification or herd status program under s. ATCP 10.49, 10.51, or 10.53, and is treated as a new addition to the herd.

(13) Note: A person may obtain dead tags from the department by calling (608) ~~224-4889~~ 224-4872, by visiting the department website at http://datcp.wi.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 53708-8911

SECTION 51. ATCP 10.47 (title), (2) (b), and (3) (title), (a) and (Note) and (b) (intro.), 2., 5. and 6. (Note) are amended to read:

ATCP 10.47 (title) Farm-raised deer; hunting ~~preserves~~ ranches.

(2) (b) The person holds a valid hunting ~~preserve~~ ranch certificate under sub. (3) for the premises.

(3) (title) HUNTING ~~PRESERVE~~ RANCH CERTIFICATE. (a) The department may issue a hunting ~~preserve~~ ranch certificate for premises registered under s. ATCP 10.46 (1). A hunting ~~preserve~~ ranch certificate expires 10 years after it is issued, on the anniversary date of its issuance. A certificate is not transferable between persons or premises. A hunting ~~preserve~~ ranch certificate

is not valid if the certificate holder no longer holds a valid farm-raised deer herd registration certificate under s. ATCP 10.46 (1).

Note: A hunting ~~preserve~~ ranch certificate issued under this subsection only authorizes hunting for farm-raised deer. Hunting of other animals in a farm-raised deer hunting ~~preserve~~ ranch is illegal. See s. 951.09, Stats.

(b) (intro.) A person shall apply for a hunting ~~preserve~~ ranch certificate under par. (a) on a form provided by the department. The application shall include all of the following:

2. The address of the premises, registered under s. ATCP 10.46 (1), for which the applicant seeks a hunting ~~preserve~~ ranch certificate.

5. An estimate of the farm-raised deer population on the hunting ~~preserve~~ ranch premises, by species, age, and sex.

6. **Note:** A person may obtain an application form under par. (b) by calling (608) ~~224-4889~~ 224-4896, by visiting the department website at http://datcp.wi.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 53708-8911

SECTION 52. ATCP 10.47 (3) (b) 6. is repealed.

SECTION 53. ATCP 10.47 (3) (c), (3m) (intro.) and (c), (4) (intro.) and (4m), (6), (7) (intro.) and (b) (intro.) and 2., are amended to read:

ATCP 10.47 (3) (c) The department shall grant or deny an application under par. (b) within 90 business days after the department receives a complete application. The department shall inspect the premises before issuing ~~a~~an initial hunting ~~preserve~~ ranch certificate, and may inspect records as necessary to determine whether the applicant and premises qualify for a certificate.

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

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

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

(4m) OFFICIAL INDIVIDUAL IDENTIFICATION. All non-natural additions to a hunting ~~preserve~~ ranch premises shall have ~~one visible official~~ 2 individual ~~identification, and one microchip implanted at the base of the ear or the base of the tail of the deer~~ identifications, at least one of which is visible and meets the requirements of s. ATCP 10.53 (2) (d) 4.

(6) CARCASS IDENTIFICATION. A person who is required by sub. (2) (b) to hold a hunting ~~preserve~~ ranch certificate shall identify the carcass of every farm-raised deer killed on the hunting ~~preserve~~ ranch, before the carcass leaves the premises. Identification shall comply with s. ATCP 10.46 (13).

(7) (intro.) RECORDS. A person who is required by sub. (2) (b) to hold a hunting ~~preserve~~ ranch certificate shall do all of the following:

(b) (intro.) Keep all of the following records related to each farm-raised deer that is killed on the hunting ~~preserve~~ ranch:

2. The date when the farm-raised deer was killed~~, and the location of the premises where it was killed~~.

SECTION 54. ATCP 10.47 (7) (b) 3. is repealed.

SECTION 55. ATCP 10.47 (8) (intro.) is amended to read:

ATCP 10.47 (8) (intro.) PROHIBITED CONDUCT. No person required to hold a hunting ~~preserve~~ ranch certificate under sub. (2) may do any of the following:

SECTION 56. ATCP 10.48 (1) (title), (a) (intro.) and 2. are amended to read:

ATCP 10.48 (1) (title) WHO MAY TEST OR COLLECT SAMPLES. (a) (intro.) A person may not perform a tuberculosis test on a farm-raised deer, or collect a sample for a tuberculosis test on a farm-raised deer, unless the person has completed tuberculosis testing or tuberculosis sample collection training approved by the department within 5 years prior to the test date, and is one of the following:

2. ~~A~~ An authorized employee or agent of the department or the federal bureau that is directly supervised by a veterinarian employed by the ~~department~~ state of Wisconsin, as authorized by the state veterinarian, or employed by the federal bureau.

SECTION 57. ATCP 10.48 (1) (c) is renumbered ATCP 10.48 (1) (b) and as renumbered, is amended to read:

ATCP 10.48 (1) (b) ~~A~~ Only a veterinarian approved by the department or an employee of the department or federal bureau may ~~not collect a sample from~~ conduct confirmatory tuberculosis testing on a farm-raised deer~~, for a comparative cervical tuberculin test~~ under this chapter or ch. ATCP 12~~, unless authorized to do so by the department or the federal bureau~~.

SECTION 58. ATCP 10.48 (1) (d) is renumbered ATCP 10.48 (2) and as renumbered, is amended to read:

ATCP 10.48 (2) TESTING APPROVAL. A ~~veterinarian~~ person under sub. (1) may not perform a tuberculosis test on or collect a test sample from a farm-raised deer from a quarantined or known infected herd, except with the department's approval.

SECTION 59. ATCP 10.48 (4) and (Note) and (5) are amended to read:

ATCP 10.48 (4) ~~VETERINARIAN TO REPORT~~ TEST REPORTING. A ~~veterinarian~~ person, under sub. (1), who performs a tuberculosis test on a farm-raised deer, or collects a test sample for a tuberculosis test on a farm-raised deer, shall report the test result to the department according to s. ATCP 10.04.

Note: A test report must include the animal's official individual identification. If the animal has no official individual identification, the ~~veterinarian~~ person collecting the test sample must identify the animal with an official individual identification. See s. ATCP 10.04 (1) (e).

(5) TEST POSITIVE ANIMALS; FURTHER TESTING AND CLASSIFICATION. Whenever the department receives a positive tuberculosis test report under sub. (4), the department shall classify the tested farm-raised deer as a tuberculosis suspect and shall conduct ~~additional~~ confirmatory testing to determine whether the farm-raised deer is a tuberculosis reactor under the tuberculosis uniform methods and rules.

SECTION 60. ATCP 10.48 (6) (b) (intro.) and 1. are consolidated, renumbered ATCP 10.48 (6) (b), and amended to read:

ATCP 10.48 (6) (b) Within 15 days after the department or federal bureau classifies a farm-raised deer as a tuberculosis reactor, the keeper of the farm-raised deer shall ~~do all of the following: 1. Have~~ have the farm-raised deer identified as a reactor, and shipped directly to

slaughter, according to the tuberculosis uniform methods and rules. The ~~operator~~ owner or authorized agent shall obtain a department permit under s. ATCP 10.08 (3) for the slaughter shipment.

SECTION 61. ATCP 10.48 (6) (b) 2. is repealed.

SECTION 62. ATCP 10.48 (6) (c) and (d) are amended to read:

ATCP 10.48 (6) (c) The department may for good cause extend a deadline under par. (b), but may not extend ~~a~~ the deadline ~~under par. (b) 1.~~ by more than ~~30~~ 15 additional days.

(d) An animal owner may request an indemnity under s. 95.25 (5), Stats., for a tuberculosis reactor that is slaughtered under par. (b)~~1~~. The animal owner shall file the request with the department, on a form provided by the department. The owner shall include, with the request, a slaughter confirmation signed by an authorized employee of the department or the federal bureau. An animal owner does not qualify for an indemnity if the owner fails to comply with ~~par.~~ pars. (b) and (c).

SECTION 63. ATCP 10.52 (1m) (a) 1. is amended to read:

ATCP 10.52 (1m) (a) 1. A farm-raised deer that dies or is killed intentionally, including escaped deer, while kept by that person.

SECTION 64. ATCP 10.52 (1m) (a) 2. is renumbered 10.52 (1m) (a) 2. (intro.) and amended to read:

ATCP 10.52 (1m) (a) 2. (intro.) A farm-raised deer that the person ships directly to a slaughtering establishment, according to any of the following~~.~~:

SECTION 65. ATCP 10.52 (1m) (a) 2. a. and b. are created to read:

ATCP 10.52 (1m) (a) 2. a. If the deer is from a herd with less than five years of status in the chronic wasting disease herd status program under s. ATCP 10.53, all deer shipped to a slaughtering establishment.

b. If the deer is from a herd that has at least five years of status in the chronic wasting disease herd status program under s. ATCP 10.53, 25% of the farm-raised deer shipped to a slaughtering establishment.

SECTION 66. ATCP 10.52 (1m) (a) 2. (Note) and (b) 1. to 3. are amended to read:

ATCP 10.52 (1m) (a) 2. **Note:** A hunting ~~preserve~~ ranch 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) 1. ~~All~~ Fifty percent of farm-raised deer that are killed intentionally, including ~~escaped deer~~ by hunt on a hunting ranch registered under s. ATCP 10.47.

2. All farm-raised deer that die by accidental death or natural causes, and whose remains are testable, on the premises while kept by that person.

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

SECTION 67. ATCP 10.52 (1m) (b) 4. is repealed and recreated to read:

ATCP 10.52 (1m) (b) 4. All escaped farm-raised deer that are killed intentionally.

SECTION 68. ATCP 10.52 (3) (c) 1m. and (6m) are created to read:

ATCP 10.52 (3) (c) 1m. Label the test sample with the number of the official individual identification, or if the official individual identification number is not available, the backtag, official slaughter identification approved by the department, or carcass tag of the farm-raised deer from which the sample was collected.

(6m) VERIFYING TEST RESULTS. A keeper of farm-raised deer may verify the identity of the farm-raised deer that was reported as being positive for chronic wasting disease through genetic testing of the farm-raised deer, in a procedure approved by the department.

SECTION 69. ATCP 10.52 (7) is amended to read:

ATCP 10.52 (7) HERD QUARANTINE. The department shall quarantine a farm-raised deer herd under s. ATCP 10.89, whenever any farm-raised deer from that herd tests positive for chronic wasting disease. The herd may be quarantined up to 5 years from the date the last farm-raised deer in the herd tested positive for chronic wasting disease. The department shall conduct an epidemiological evaluation of the quarantined herd to determine the appropriate disposition of the herd.

SECTION 70. ATCP 10.52 (7m) is created to read:

ATCP 10.52 (7m) HERD OR INDIVIDUAL FARM-RAISED DEER QUARANTINE. Based on the epidemiological evaluation under sub. (7), the department may quarantine a herd or individual farm-raised deer traced back or forward from the herd in which a farm-raised deer tested positive for chronic wasting disease. The quarantine issued for a farm-raised deer or herd shall remain in effect up to five years from the date of the last possible exposure to a farm-raised deer that tested positive for chronic wasting disease under sub. (7).

SECTION 71. ATCP 10.52 (8) (c) (Note) is amended to read:

ATCP 10.52 (8) (c) **Note:** A person may obtain an application form under par. (c) by calling (608) ~~224-4872~~ 224-4896, by visiting the department website at http://datcp.wi.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 72. ATCP 10.53 (2) (c) is amended to read:

ATCP 10.53 (2) (c) The herd location~~, including~~ street address and county. If the street address is not available, the county, town, section, and fire number assigned to that location.

SECTION 73. ATCP 10.53 (2) (d) 2. and 3. are repealed.

SECTION 74. ATCP 10.53 (2) (e) (Note) and (4) (b) 2. are amended to read:

ATCP 10.53 (2) (e) **Note:** A person may obtain an application form under sub. (2) by calling (608) ~~224-4872~~ 224-4896, by visiting the department website at http://datcp.wi.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 53708-8911

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

SECTION 75. ATCP 10.53 (5) (a) 1. and 2. and (b) 1. are repealed.

SECTION 76. ATCP 10.53 (6) (a) (intro.) is amended to read:

ATCP 10.53 (6) (a) (intro.) A record of each farm-raised deer added to the herd from another source~~, including:~~ as specified under s. ATCP 10.46 (10) (a).

SECTION 77. ATCP 10.53 (6) (a) 1. to 4. are repealed.

SECTION 78. ATCP 10.53 (6) (am) is created to read:

ATCP 10.53 (6) (am) A record of each known natural addition to the herd, including the month and year of birth, and sex, if determined.

SECTION 79. ATCP 10.53 (6) (b) 2. to 4., (7) (a) 5., and (10) (a) 2. b. are amended to read:

ATCP 10.53 (6) (b) 2. If the farm-raised deer was shipped live to a place other than a slaughtering establishment, the ~~name of the person to whom it was shipped, the place to which it was shipped, and a copy of the certificate of veterinary inspection that accompanied the farm-raised deer~~ information required under s. ATCP 10.46 (10) (am).

3. If the farm-raised deer died or was killed or slaughtered on the premises, the ~~apparent cause of death, the age of the farm-raised deer, and the disposition of its carcass. If the carcass left the premises, the record shall identify the carcass destination and recipient~~ information required under s. ATCP 10.46 (10) (c).

4. If the farm-raised deer was shipped directly to a slaughtering establishment, the ~~age of the farm-raised deer and the name and address of the slaughter establishment~~ information required under s. ATCP 10.46 (10) (b).

(7) (a) 5. Fewer than 90% of the farm-raised deer ~~that left the herd by death, escape, or slaughter~~ required to be tested under s. ATCP 10.52 (1m) (a) in any census year~~, including farm-raised deer whose remains were not testable because of deterioration when found,~~ were tested for chronic wasting disease according to sub. (4) (b).

(10) (a) 2. b. Enrolled in a federal program that complies with ~~federal uniform methods and rules~~ 9 CFR 55.22 (b).

SECTION 80. ATCP 10.54 (1) (a) (intro.) and (am) and (2) (a) and (b) 1. are amended to read:

10.54 (1) OFFICIAL INDIVIDUAL IDENTIFICATION. (a) (intro.) Whenever a veterinarian does any of the following to a farm-raised deer, the veterinarian shall identify the farm-raised deer with an official individual identification unless the farm-raised deer already bears all required individual

identification, and shall record on the applicable document under subd. 1. or 2., all the official individual identification:

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

(2) (a) Whenever an animal trucker, animal dealer, animal market operator, or slaughtering establishment operator receives any farm-raised deer for slaughter, or for sale or shipment to slaughter, that recipient shall immediately identify that farm-raised deer with an official backtag or other official slaughter identification approved by the department unless the farm-raised deer already bears official individual identification or slaughter identification.

(b) 1. The official individual identification or slaughter identification under par. (a).

SECTION 81. ATCP 10.55 (3) (d) (Note) is amended to read:

ATCP 10.55 (3) (d) **Note:** See ss. ATCP 10.47 (hunting ~~preserves~~ ranches), 10.53 (chronic wasting disease herd status program enrollment), and 10.54 (deer identification) for requirements for 2 forms of individual identification on farm-raised deer.

SECTION 82. ATCP 10.55 (3) (e) is numbered 10.55 (3) (e) (intro.) and amended to read:

ATCP 10.55 (3) (e) (intro.) The following ~~statement~~ statements or ~~a~~ substantially similar ~~statement~~ statements:

1. "All cervids identified on this certificate originate from a herd enrolled for the past 5 years in a state chronic wasting disease program meeting the federal bureau standards."

SECTION 83. ATCP 10.55 (3) (e) 2. and 3. are created to read:

ATCP 10.55 (3) (e) 2. "All cervids identified on this certificate originate from a herd that has shown no clinical signs of chronic wasting disease in the past 12 months."

3. "All cervids identified on this certificate originate from a herd that is adequately separated from any wild deer herd known to be infected with chronic wasting disease."

SECTION 84. ATCP 10.56 (1) (a) 2. is renumbered 10.56 (1) (a) 2. (intro.) and amended to read:

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

SECTION 85. ATCP 10.56 (1) (a) 2. a. and b. and 3. are created to read:

ATCP 10.56 (1) (a) 2. a. At least 12 months old and originates from a herd enrolled in the chronic wasting disease herd status program under s. ATCP 10.53.

b. At least 16 months old and does not originate from a herd enrolled in the chronic wasting disease herd status program under s. ATCP 10.53.

3. The farm-raised deer has identification required under s. ATCP 10.54 (2) (a).

SECTION 86. ATCP 10.56 (3) (f) 1. and 4. are amended to read:

ATCP 10.56 (3) (f) 1. The farm-raised deer is moving into a hunting ~~preserve~~ ranch holding a certificate under s. ATCP 10.47.

4. It has been continuously isolated since the tuberculosis test under subd. 3. in a manner that prevents it from contracting tuberculosis from other cervids.

SECTION 87. ATCP 10.58 (1) (b) is amended to read:

ATCP 10.58 (1) (b) The 2 fences are at least ~~10~~ 8 feet but not more than 16 feet apart at every point.

SECTION 88. ATCP 10.61 (2) (i) 3. (Note) and (7) (e) are amended to read:

ATCP 10.61 (2) (i) **Note:** ~~A permit~~ Records of movement under s. ATCP 10.655 (2), must be ~~obtained~~ kept to return the fish or fish eggs to the same waters of the state from which they were collected.

(7) (e) A fish farm operator shall pay, in addition to the annual registration fee under par. (a), a surcharge equal to the amount of 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. In addition to the surcharge, the applicant shall pay the fee due for the year in which the applicant failed to obtain the required registration certificate.

SECTION 89. ATCP 10.61 (7) (f) is created to read:

ATCP 10.61 (7) (f) A fish farm operator who applies for the renewal of a fish farm 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 the registration fees.

SECTION 90. ATCP 10.62 (7) (intro.) and (a) are amended to read:

ATCP 10.62 (7) (intro.) IMPORT RECORDS REQUIRED. ~~If~~ Notwithstanding sub. (2), 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~~ an import shipment ~~which~~ of fish or fish eggs, and shall ~~be made~~ make those records available to the department upon request:

(a) The import permit under sub. (1), if required.

SECTION 91. ATCP 10.655 (1) (a) is repealed.

SECTION 92. ATCP 10.655 (1) (b) is amended to read:

ATCP 10.655 (1) (b) The collection and reintroduction are approved, in writing, and records of the movement are kept under sub. (2), by the Wisconsin department of natural resources.

SECTION 93. ATCP 10.655 (2) is repealed and recreated to read:

ATCP 10.655 (2) RECORDS. The records of movement required under sub. (1) (b) shall be maintained for at least 5 years and shall include all of the following:

(a) The correct legal name and address of the applicant.

(b) The location from which the fish or fish eggs will be collected.

(c) The location at which the fish or fish eggs will be reintroduced.

(d) The purpose for the reintroduction.

(e) Documentation showing that the department of natural resources has approved the collection and reintroduction under sub. (1) (b).

(f) Documentation indicating that the reintroduction will comply with other requirements under sub. (1) (c) to (e).

(g) Other relevant information required by the department.

SECTION 94. ATCP 10.655 (3) and (4) are repealed.

SECTION 95. ATCP 10.69 (2) (d) is amended to read:

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

SECTION 96. ATCP 10.74 (1) and (Note) and (2) are amended to read:

ATCP 10.74 (1) INITIAL CERTIFICATION. The department may certify a herd of goats as an accredited tuberculosis-free herd if the herd qualifies for that certification ~~under~~ using the bovine tuberculosis uniform methods and rules.

Note: The bovine 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/wps/portal/aphis/ourfocus/animalhealth. 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

(2) MAINTAINING CERTIFICATION. To maintain a herd certification under sub. (1), a herd owner shall comply with applicable requirements in the bovine tuberculosis uniform methods and rules.

SECTION 97. ATCP 10.76 (1) (b) 4. is amended to read:

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

SECTION 98. ATCP 10.80 (1) (intro.) is amended to read:

ATCP 10.80 (1) (intro.) CERTIFICATE OF VETERINARY INSPECTION. ~~No~~ Except as specified under sub. (3), no person may import any dog or domestic cat into this state unless it is

accompanied by a valid certificate of veterinary inspection. The certificate shall indicate all of the following:

SECTION 99. ATCP 10.80 (3) is created to read:

ATCP 10.80 (3) A certificate of veterinary inspection is not required under sub. (1) for any of the following:

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

(b) A dog returning directly to its place of origin in this state following treatment in a veterinary facility outside this state, provided that the dog was taken directly to the veterinary facility and there was no change of ownership while the dog was outside the state for veterinary treatment.

SECTION 100. ATCP 10.82 (3) (c) is repealed.

SECTION 101. ATCP 10.82 (4) (b) is renumbered to 10.82 (4) (b) (intro.) and amended to read:

ATCP 10.82 (4) (b) Paragraph (a) does not apply to ~~an~~any of the following:

1. An exotic ruminant imported directly to an institution accredited by the association of zoos and aquariums. An exotic ruminant imported to an accredited institution under this paragraph may not be moved to any place ~~which~~ that is not an accredited institution under this paragraph, unless the exotic ruminant tests negative on a brucellosis test conducted not more than 30 days before the exotic ruminant is moved.

SECTION 102. ATCP 10.82 (4) (b) 2. is created to read:

1 **ATCP 10.82 (4)** (b) 2. An exotic ruminant that has been gelded.

2 **SECTION 103**. ATCP 10.86 is created to read:

3 **ATCP 10.86 Elephant imports. (1)** CERTIFICATE OF VETERINARY INSPECTION. No
4 person may import an elephant into this state unless a valid certificate of veterinary inspection
5 accompanies the animal. The certificate shall include the following information:

6 (a) The import permit number under sub. (2).

7 (b) A report of a negative tuberculosis test under sub. (3).

8 **(2)** IMPORT PERMIT. No person may import an elephant into this state without an import
9 permit under s. ATCP 10.07 (2).

10 **(3)** TUBERCULOSIS TEST REQUIRED. (a) Except as provided under par. (b), no person may
11 import an elephant into this state unless the elephant tests negative on a tuberculosis test that is
12 approved by the department. At least one approved tuberculosis test shall be conducted not more
13 than 365 days prior to the import date.

14 **Note:** To obtain a list of tuberculosis tests approved for elephants, contact the department
15 at the following address:

16 Wisconsin Department of Agriculture, Trade and Consumer Protection
17 Division of Animal Health
18 P.O. Box 8911
19 Madison, WI 53708-8911
20 Phone: (608) 224-4872

21 (b) Paragraph (a) does not apply to an elephant imported directly to an institution
22 accredited by the association of zoos and aquariums. An animal imported to an accredited
23 institution under this paragraph may not be moved to any place that is not an accredited institution
24 unless the animal tests negative on a tuberculosis test approved by the department. The test shall
25 be conducted not more than 365 days before the animal is moved.

(4) OWNER STATEMENT REGARDING TUBERCULOSIS EXPOSURE. No person may import an elephant into this state without a written statement by the owner specifying that the elephant has not been exposed to mycobacterium tuberculosis within 5 years prior to the date of import. If the elephant has been exposed to mycobacterium tuberculosis within 5 years prior to the date of import, the person may not import the elephant into this state unless the elephant has met additional tuberculosis testing requirements specified by the state veterinarian.

SECTION 104. ATCP 10.87 (1) (b), (3) (b) 1., and (6) (a) are amended to read:

ATCP 10.87 (1) (b) Obtain, review, and keep in writing all of the information required under sub. (2) (b). The organizer may keep the written information in electronic form ~~if it is received in that form~~. The organizer shall keep the information for at least 5 years, and shall make it available to the department for inspection and copying upon request.

(3) (b) 1. The swine tested negative for pseudorabies in a pseudorabies test performed not more than 30 days before the person ~~exhibits~~ moves the swine to the fair or exhibition.

(6) (a) Except as provided in par. (b), no person may exhibit any equine animal at a fair or exhibition unless the exhibitor documents the animal has tested negative on an equine infectious anemia test conducted within 12 months ~~of~~ from the date the blood was drawn for the test to the date on which the animal is first exhibited.

SECTION 105. ATCP 10.91 (1) (intro.) is amended to read:

ATCP 10.91 (1) SUMMARY ORDER. (intro.) The department may, without prior notice or hearing, order the destruction of, the return to premises of origin, or removal from this state of animals moved into or within this state if any of the following apply:

SECTION 106. Ch. ATCP 10, Appendix B, is amended to read:

Chapter ATCP 10

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 hematopoietic necrosis
Infectious hematopoietic necrosis
Largemouth bass virus
Mycobacteriosis infection
Oncorhynchus masou virus disease
Proliferative kidney disease
Spring viremia of carp
Streptococcus iniae
Viral hemorrhagic septicemia
Whirling disease (Myxobolus cerebralis)
White sturgeon iridovirus

Sheep and goat diseases

~~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 epidemic diarrhea virus (PEDv)
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
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 herpes virus
Equine viral arteritis
Glanders
Horse mange
Horse pox
Japanese encephalitis
Surra (Trypanosoma evansi)
Venezuelan equine encephalomyelitis
West Nile Virus

Avian diseases
Avian infectious bronchitis
Avian infectious encephalomyelitis
Avian infectious laryngotracheitis
Avian mycoplasmosis (M. gallisepticum)
Avian tuberculosis
Duck virus enteritis
Duck virus hepatitis
Fowl cholera
Ornithosis (psittacosis)
Paramyxovirus infections of poultry other than Newcastle disease
Salmonellosis

~~Infectious largyngotracheitis~~
Fowl pox
Fowl typhoid
Marek's disease
Mycoplasma meleagridis
Infectious bursal disease (Gumboro disease)

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

Diseases of other animal species
Leishmaniasis

SECTION 107. Chapter ATCP 12 (Note) (2) (insert before s. ATCP 12.01 and after existing (Note)) is created to read:

Note: Requirements regarding federally approved livestock marketing facilities can be found under s. ATCP 10.07 (4), approved import feed lots under s. ATCP 10.22 (9), and intermediate livestock handling facilities under s. ATCP 10.22 (10).

SECTION 108. ATCP 12.01 (1g) and (8y) are amended to read:

ATCP 12.01 (1g) "Animal market" means any premises that are open to the public for the purpose of ~~buying or selling~~ trading in livestock or wild animals, and that have facilities to keep, feed, and water livestock or wild animals prior to sale.

(8y) "Federally approved livestock ~~import market~~ marketing facility" means an animal market that complies with s. ATCP 10.07 (4).

SECTION 109. ATCP 12.01 (11m) is renumbered 12.01 (11m) (intro.) and amended to read:

ATCP 12.01 (11m) "Individual" means any of the following, as applicable:

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

SECTION 110. ATCP 12.01 (11m) (a) is created to read:

ATCP 12.01 (11m) (a) When used as a noun, a natural person.

SECTION 111. ATCP 12.01 (20) (b) is renumbered 12.01 (20) (b) (intro.) and amended to read:

ATCP 12.01 (20) (b) (intro.) For farm-raised deer, ~~an~~ any of the following:

1. An official ~~eartag~~ ear tag attached to the animal.

SECTION 112. ATCP 12.01 (20) (b) 2. is created to read:

ATCP 12.01 (20) (b) 2. A federal bureau and department approved microchip implanted in the animal.

SECTION 113. ATCP 12.01 (20) (c) (intro.) is amended to read:

ATCP 12.01 (20) (c) For equine, ~~a~~ any of the following:

1. A written or graphic description by a licensed and accredited veterinarian sufficient to identify the individual equine including all of the following:

SECTION 114. ATCP 12.01 (20) (c) 1. to 7. are renumbered 12.01 (20) (c) 1. a. to g.

SECTION 115. ATCP 12.01 (20) (c) 2. and 3. are created to read:

ATCP 12.01 (20) (c) 2. A federal bureau and department approved microchip implanted in the animal.

3. Digital photographs sufficient to identify the individual equine.

SECTION 116. ATCP 12.01 (20) (f) and (g) 3. are amended to read:

ATCP 12.01 (20) (f) For swine weighing 80 pounds or less, a tattoo or ~~eartag~~ ear tag applied to the animal including a premises identification code or a state registered feeder pig premises tattoo number issued by the department or the authorized animal health agency in the state of origin, or an official ~~eartag~~ ear tag attached to the animal.

(g) 3. A unique tattoo or eartag applied to the animal including a unique premises identification code or state registered feeder pig premises tattoo number issued by the department or the authorized animal health agency in the state of origin, provided that the animal also bears an individual identification number unique to that premises~~, or an official eartag attached to the animal~~.

SECTION 117. ATCP 12.01 (20) (g) 4. is created to read:

ATCP 12.01 (20) (g) 4. A tattoo on the ear or inner flank of any swine, if the tattoo has been recorded in the book of record of a swine registry association.

SECTION 118. ATCP 12.01 (20) (h) 2. and (25) are amended to read:

ATCP 12.01 (20) (h) 2. A federal bureau and department approved microchip if implanted in the animal~~,~~ and the animal is registered with a breed registry, or if the animal is in a scrapie free flock certification program flock or herd. The animal must be accompanied by the animal's registration documents in the animal owner's name, or by a certificate of veterinary inspection with the implant number.

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

SECTION 119. ATCP 12.01 (26m) is created to read:

ATCP 12.01 (26m) "Trading in livestock or wild animals" means the trading, buying, selling, or swapping of livestock or wild animals.

SECTION 120. ATCP 12.02 (1m) (intro.), and (3) (c), (d), and (f) are amended to read:

ATCP 12.02 (1m) LICENSE EXEMPTIONS. (intro.) No license is required under sub. (1) for an occasional sale by a farm operator who buys or exchanges livestock solely for dairy, breeding, or feeding operations on that farm, or who sells only livestock produced or raised on that farm, or auction sale, conducted at a state, county, or district fair, ~~and~~ or 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:

(3) (c) The types of animals traded, bought, ~~or~~ sold, or swapped at each animal market for which the person seeks a license.

(d) The class of license under sub. (2) that the person seeks for each animal market. ~~A person applying for a class B license shall identify the dates during the previous license year, if any, on which the person conducted livestock sales at the animal market.~~

(f) The fees required under sub. (4) and, if applicable, ss. ATCP 12.04 (4) and 12.045 (3).

SECTION 121. ATCP 12.02 (7) (i) is created to read:

ATCP 12.02 (7) (i) Violation of 9 CFR Part 201, relating to registration or bonding requirements of the packers and stockyards.

SECTION 122. ATCP 12.03 (2) (b) and (4) (d) are amended to read:

ATCP 12.03 (2) (b) A farm operator who buys or exchanges livestock solely for dairy, breeding, or feeding operations on that farm, or who sells only livestock produced or raised on that farm.

(4) (d) The fees required under sub. (5) and, if applicable, the fees under ss. ATCP 12.04 (4) and 12.045 (3).

SECTION 123. ATCP 12.03 (8) (i) is created to read:

ATCP 12.03 (8) (i) Violation of 9 CFR Part 201, relating to registration or bonding requirements of the packers and stockyards

SECTION 124. ATCP 12.04 (2) (b) is renumbered ATCP 12.04 (2) (b) 1.

SECTION 125. ATCP 12.04 (2) (b) 2. is created to read:

ATCP 12.04 (2) (b) 2. A person who transports livestock or wild animals solely as an employee of a person who owns those animals.

SECTION 126. ATCP 12.04 (9) (a) and (b) are amended to read:

ATCP 12.04 (9) (a) No animal trucker may cause or permit different species of animals to be commingled on the same animal transport vehicle or enclosure.

(b) No animal trucker may transport diseased or downer animals with healthy animals on the same animal transport vehicle, unless the entire load is transported directly to a slaughter establishment. If downer animals and other animals are transported to a slaughter establishment in the same animal transport vehicle, the downer animals shall be segregated, or separated by a rigid barrier, from the other animals to prevent injury.

SECTION 127. ATCP 12.05 (1) (a) is amended to read:

ATCP 12.05 (1) (a) *Official individual identification.* Whenever an animal dealer or animal market operator receives a bovine animal, the animal dealer or market operator shall immediately record the animal's official individual identification. If a bovine animal has no official individual identification at the time of receipt, the animal dealer or market operator shall immediately identify that animal with an official individual identification. This paragraph does not apply to steers, calves under 6 months old, ~~or~~ feeder cattle, or bovine animals that are backtagged for slaughter under par. (b) 1.

SECTION 128. ATCP 12.05 (1) (b) is renumbered ATCP 12.05 (1) (b) 1.

SECTION 129. ATCP 12.05 (1) (b) 2. is created to read:

ATCP 12.05 (1) (b) 2. Any animal dealer or animal market operator that has a bovine animal that is backtagged for movement to slaughter under subd. 1., but shipment to slaughter does not occur, shall immediately identify that bovine animal with an official individual identification, if not already applied, and record that official individual identification number.

SECTION 130. ATCP 12.05 (2) (a) is amended to read:

ATCP 12.05 (2) IDENTIFICATION OF SWINE. (a) *Official individual identification.* Whenever an animal dealer or animal market operator receives any swine, the animal dealer or market operator shall immediately record the official individual identification of that swine. If a swine has no official individual identification at the time of receipt, the animal dealer or market operator shall immediately identify that swine with an official individual identification. This paragraph does not apply to swine ~~which~~ that are backtagged for slaughter under par. (b) 1.

SECTION 131. ATCP 12.05 (2) (b) is renumbered ATCP 12.05 (2) (b) 1. and as renumbered, is amended to read:

ATCP 12.05 (2) (b) *Slaughter identification.* 1. 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~~ back tag or premises identification ear tag and record the ~~backtag~~ back tag or ear tag 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 or tagged with a premises identification ear tag at the time of receipt, the person receiving the swine shall record its official identification ~~or backtag~~back tag, or ear tag number.

SECTION 132. ATCP 12.05 (2) (b) second (Note) is amended to read:

ATCP 12.05 (2) (b) **Note:** If an animal dealer or trucker hauls swine direct to slaughter or to a slaughter sale held at a licensed market, an official ~~backtag~~ back tag or premises identification ear tag is adequate identification for the animal.

SECTION 133. ATCP 12.05 (2) (b) 2. is created to read:

12.05 (2) (b) 2. Any animal dealer or animal market operator that has an animal that is backtagged for movement to slaughter under subd. 1., but shipment to slaughter does not occur, shall immediately identify that animal with an official individual identification, if not already applied, and record that official individual identification number.

SECTION 134. ATCP 12.06 (1m) (bc) and (1s) (c) are repealed.

SECTION 135. ATCP 12.08 (10) is amended to read:

ATCP 12.08 (10) Receive interstate shipments of bovine animals or swine as a federally approved livestock ~~import market~~ marketing facility unless the market qualifies as a federally approved livestock ~~import market~~ marketing facility under s. ATCP 10.07 (4).

SECTION 136. ATCP 12.08 (27) is created to read:

ATCP 12.08 (27) Use electric prods on neonatal or other baby animals or hit such animals with any type of solid object that may cause injury, pain or stress to the animal.

SECTION 137. ATCP 12.09 is created to read:

ATCP 12.09 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 138. (Note) to LRB: Throughout chs. ATCP 10 and 12, change the terms "backtag" to "back tag," "eartag" to "ear tag," and "feedlot" to "feed lot."

SECTION 139. EFFECTIVE DATE. This rule takes effect on the first day of the third month after publication.

Dated this _____ day of _____, 2016.

WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
Ben Brancel
Secretary

Attachment 1

Summary of Public Comments
Clearinghouse Rule 15-092
Chapters ATCP 10 and 12
Animal Disease Control, Animal Movement, and
Animal Markets, Dealers and Truckers

Madison Hearing, 5 pm, December 21, 2015

Name/Organization	*Registered*	*Topic*	*Position*
None			

Written comments

Name/Organization	*Registered*	*Topic*
None		

Comments by Division of Animal Health (DAH) staff in response to discussions with Federal USDA staff or other interested parties

Tuberculosis testing and control

- The proposed rule requires a person who performs a caudal fold tuberculin test on an animal complete Department-approved training on tuberculosis testing within 5 years prior to the test date.

  DAH staff suggest eliminating the term "caudal fold" tuberculin test as tuberculosis test training is not limited to that specific test and training is required for a person to perform any tuberculosis test.

  The final rule replaces the term "caudal-fold" tuberculin test with "Tuberculosis test" as it is a defined term under s. ATCP 10.01 (105) and is a more inclusive term.

- The current rule defines "Tuberculosis test" under s. ATCP 10.01 (105) and lists tests that are included under the definition. One of those tests includes "A TB stat-pak screening test when used with a confirmatory secondary dual path platform test for farm-raised deer that are white-tailed deer, red deer, elk, fallow deer, or reindeer."

  DAH staff stated that this language is incorrect due to the TB stat pak screening test no longer being commercially available, and should be modified.

  The final rule modifies s. ATCP 10.01 (105) (c) as follows: "A ~~TB stat-pak screening test when used with a confirmatory secondary~~ dual path platform test for farm-raised deer that are white-tailed deer, red deer, elk, fallow deer, or reindeer.

- The current rule bans the import of an M-branded bovine into this state unless it goes directly to slaughter.

  The federal USDA has informed all states that rules cannot pre-empt federal law as it relates to the import of cattle directly from Mexico.

The final rule, under s. ATCP 10.22 (7m), has been modified to allow the import of an M-branded bovine into this state if it is imported directly from Mexico or goes direct to slaughter. If the bovine animal is imported from Mexico, the complete destination herd will be quarantined upon arrival of the animal and will remain quarantined until the imported animal is negative on a tuberculosis test conducted not sooner than 60 days after the date of import.

Farm-raised deer

- Current rule requires that a farm-raised deer herd registration application list any partial owners of the farm-raised deer listed. The rule also requires the 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, be listed.

  DAH staff have determined that as long as the deer are kept on a registered deer farm, the official identification and percent ownership when less than 50% is not critical information to be collected as part of a herd registration application.

  The final rule still requires that partial owners be listed on the application, but has removed the requirement that official individual identification for each deer and amount of ownership interest, as a percentage or dollar value, be listed.

Wisconsin Department of Agriculture, Trade and Consumer Protection

Final Regulatory Flexibility Analysis

Rule Subject:	**Animal Disease and Movement and Animal Markets, Truckers and Dealers**
Adm. Code Reference:	**ATCP 10 and 12**
Rules Clearinghouse #:	**15-092**
DATCP Docket #:	**14-R-13**

Rule Summary

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

1. Definitions and terms.

   The proposed rule makes the following changes to definitions and terms:

   Replaces the phrase, "buying or selling" with "trading in" under the definition of animal market to match the statutory definition under s. 95.68 (1) (ag), Stats.

   Adds a definition of "trading in livestock or wild animals" to clarify that animal markets trade, buy, sell or swap livestock or wild animals.

   Changes the spelling of "feedlot" to "feed lot" to match statutory language.

   Modifies the definition of "Brucellosis and Tuberculosis uniform methods and rules" and "Johne's disease national program standards" to clarify that official individual identification requirements of any animal tested for these diseases must meet the requirements specified under ch. ATCP 10 and not the identification requirements specified under the uniform methods and rules or national program standards.

   Changes the definition of "farm-raised deer" under ch. ATCP 10 to match the definition of "farm-raised deer" under ch. ATCP 12.

   Changes the term, "federally approved livestock import market," to "federally approved livestock marketing facility."

   Changes the definition of "individual" under ch. ATCP 12 to match the definition of "individual" under ch. ATCP 10.

   Modifies the definition of "official individual identification" to allow additional forms of official individual identification to be used for farm-raised deer, equine, swine, and goats and sheep to align with federal rule definitions.

Modifies the definition of "slaughtering establishment" under ch. ATCP 10 to match the definition of "slaughtering establishment" under ch. ATCP 12.

Repeals the definition of "tuberculosis non-modified accredited state" as the term is not used throughout ch. ATCP 10 and is incorrectly defined. The definition for"tuberculosis non-modified accredited state" is the correct definition for "tuberculosis modified accredited state."

2. Disease testing/reporting.

   The current rule requires the reporting of certain diseases to the Department within specified timelines. The proposed rule requires the reported information include the species, age, sex and breed of the animal afflicted with the disease, the address of the farm where the afflicted animal is located, and the premises code, if any.

3. Official individual identification.

   Current rules specify approved individuals who may apply official individual identification to animals for different purposes and requires these individuals to keep a record of any identification that has been applied. These requirements are interspersed throughout the rules under specific subsections.

   The proposed rule makes these identification requirements more transparent by creating a general section relating to the application and record keeping requirements for those authorized to obtain and apply official individual identification. The proposed rule makes the identification requirements and record keeping requirements consistent. The proposed rule also makes clear that official individual identification does not need to be applied if all required individual identification is already applied to the animal.

4. Tuberculosis testing and control.

   Current rules specifies tuberculosis testing requirements, including who may perform tests, test result reporting and movement restrictions, under sections relating to bovine animals and farm-raised deer. The proposed rule creates a general tuberculosis testing and control section that pertains to any animal being tested for the disease and updates the tuberculosis provisions of bovine animals and farm-raised deer, for consistency of all required tuberculosis information.

   The proposed rule requires a person who performs a tuberculosis test on an animal, or collects a sample for any other tuberculosis test on an animal, to complete Department-approved training on tuberculosis testing or sample collection within 5 years prior to the test date.

   The proposed rule deletes the requirement that a premises be cleaned and disinfected after an animal has been identified as a tuberculosis reactor. The proposed rule provides that cleaning and disinfecting should be done after tuberculosis has been

confirmed in an animal identified as a reactor in accordance with the federal Tuberculosis Uniform Methods and Rules.

The proposed rule makes consistent (according to the Federal Tuberculosis Uniform Methods and Rules) the number of days the Department may for good cause extend a deadline (15 days) for sending an animal that is a tuberculosis reactor to slaughter.

5. Bovine import tuberculosis requirements.

   The current rule requires any bovine animal imported into Wisconsin to test negative on a pre-import tuberculosis test, with some exceptions, including that the bovine originates from an accredited tuberculosis-free state or nation that accepts bovine animals from Wisconsin without a prior tuberculosis test. The proposed rule allows bovine animals from an accredited tuberculosis-free state or nation to be imported without a prior tuberculosis test, regardless of whether that state or nation requires a tuberculosis test from Wisconsin animals being imported to that state or nation.

6. Certificates of veterinary inspection (CVI).

   The current rule allows a CVI to be issued on a form provided or approved by the Department, the United States Department of Agriculture (USDA) federal bureau, or the state in which the certificate is issued. The proposed rule only allows the CVI to be on a form provided or approved by the Department. The Department will provide, on its web site, a list of CVI forms it has not approved.

   The current rule requires certain information to be provided on a CVI. The proposed rule makes clear that this information needs to be verified as accurate by the veterinarian issuing the CVI.

   The current rule states that a CVI is valid for 30 days from the date of inspection, unless additional import requirements must be met and the state veterinarian establishes a different expiration date. No person, receiving a notice of additional import requirements, may import an animal into Wisconsin without meeting those requirements. The proposed rule extends this authority to movement of animals in Wisconsin, allowing the state veterinarian to specify a different expiration date for the CVI if the state veterinarian determines, based on an epidemiological evaluation of current disease risks in a herd or place of origin, that a different expiration date is necessary.

7. Federally approved livestock marketing facility.

   Current rules uses the term, "federally approved livestock import market." The proposed rule updates the term to "federally approved livestock marketing facility" throughout chs. ATCP 10 and 12.

   The proposed rule also allows a federally approved livestock marketing facility to be a federally approved tagging site if that facility meets certain requirements and has an agreement with the USDA federal bureau.

8. Application information.

   The current rule requires applicants, for a permit to have an approved import feed lot, intermediate livestock handling facility, or foreign equine import quarantine station and to provide the location of the facility by county, town, section and sometimes fire number. The proposed rule requires applicants to provide the facility's location by address and county, or if the address is not available, the county, town, and section.

9. Slaughter swine identification.

   The current rule requires swine going to slaughter to be identified with an official swine backtag or other approved slaughter identification, unless the swine already bears an official individual identification or slaughter identification. The proposed rule allows the use of a premises identification number (PIN) eartag as an approved form of slaughter identification for swine.

10. Equine infectious anemia.

    The current rule requires any equine animal that is purchased, sold or otherwise changed ownership to test negative for equine infectious anemia within 12 months. The proposed rule clarifies that the equine animal must test negative for equine infectious anemia within 12 months, from the date the blood was drawn for the test to the date of purchase, sale or transfer.

11. Farm-raised deer (FRD).

    Commingling with bovine animals. The current rule allows FRD to commingle with bovine animals on the same premises or in the same building, enclosure or vehicle so long as neither is moved off the premises, except to slaughter. The proposed rule clarifies this provision so that FRD may be kept on the same premises as bovine animals, without having to go to slaughter, if the two species are medically separated. The Division of Animal Health (Division) must inspect the location to determine whether the herds are medically separated, before the FRD herd is registered and, per current rule, the FRD keeper (FRDK) must pay an inspection fee of $200 for each day needed to complete the inspection. No inspection is required for the renewal of an existing herd registration once the Division has previously inspected the herd premises.

    Single registered herd kept at two or more locations. The current rule allows a single registered herd to be kept at two or more locations so long as the entire herd, and all herd locations, are actively enrolled in the chronic wasting disease herd status program. The provision allows a FRDK to move FRD between locations, without a CVI, as long as each of the deer have two individual identifications, one official and the other either official or unique to the herd, and the registrant keeps a record of the movement. The proposed rule provides for additional flexibility by allowing the single registered herd, kept at two or more locations, to be either actively enrolled in the Chronic Wasting Disease (CWD) Herd Status Program (HSP) or not enrolled in the program at all. Regardless of the herd's enrollment, the deer must still have two

individual identifications as described above and the registrant must keep a record of deer movement. The proposed rule adds that the name and address of the person who move any of the deer, if other than the owner, be included in the record of movement, consistent with other FRD movement requirements listed elsewhere in ch. ATCP 10. See the related *Record-keeping requirements* summary below.

Separately registered herds kept at the same location and not medically separated. The current rule allows FRD from two or more herds, covered by separate registration certificates, to be kept at the same location. If the FRD are not in medically separated herds, the deer are collectively treated as a single herd for purposes of disease control and movement. The deer may be moved between any of the herd locations identified in any of the herd registration certificates as long as all of the herds, and all herd locations, are actively enrolled in the CWD HSP program and each of the deer are identified with two individual identifications, one official and the other either official or unique to the herd. The proposed rule provides for additional flexibility by allowing that all of the herds, and all herd locations, be either actively enrolled in the CWD HSP program or not enrolled in the program at all. Regardless of the herd's enrollment, each of the deer must still have two individual identifications as described above. The proposed rule also makes clear that deer movement may occur without a CVI if the registrant keeps a record of deer movement that includes the two individual identifications of each deer plus the species, age, and sex of the deer; the date of movement; the name and address of the person who had custody of the deer during movement, if other than the owner; and the registration numbers of the herd from which, and to which, the deer was moved. The proposed rule specifies this record of movement information be consistent with all other FRD movement requirements in ch. ATCP 10. See the related *Record-keeping requirements* summary below.

Record keeping requirements. Current rules specify record keeping requirements regarding deer movement, including escapes and slaughter, under various sections of ch. ATCP 10. Some of the information varies slightly depending on where it is referenced in the chapter. The proposed rule makes all record keeping requirements regarding FRD movement consistent throughout the chapter. The proposed rule also requires that a record be kept regarding each known natural addition to the herd, including the month and year of birth, and sex of the deer, if determined.

Escaped FRD. Current rules specify record keeping requirements for escaped FRD throughout ch. ATCP 10. The proposed rule makes all record keeping requirements for escaped deer consistent throughout the chapter. The proposed rule also makes clear that it is the FRDK's responsibility to test any deer that escapes from the FRDK's herd for chronic wasting disease. The proposed rule expands the number of hours that may elapse from the time a deer escapes from a herd to the time it is returned, from 72 to 120, before the herd loses any tuberculosis or brucellosis certification or CWD herd status. In a wild deer disease control area escaped deer continue to be required to be returned to the herd within 24 hours after the escape.

FRD hunting preserves. The current rule uses the term "hunting preserve." The proposed rule changes that term to "hunting ranch" to more accurately describe the facility.

The proposed rule also eliminates the requirement that an applicant for a hunting ranch certificate provide a list showing, for each FRD on the hunting premises that bears any attached or implanted identification, each type of identification and each associated identification number that the FRD bears.

The current rule requires all non-natural additions to a hunting ranch have one visible official identification (eartag) and one microchip implanted at the base of the ear or tail of the deer. The proposed rule makes FRD identification consistent with requirements throughout by requiring these deer to have two individual identifications, one official and the other either official or unique to the herd. One of the identifications must be visible. A microchip is no longer required to be used, but may be used as an official individual identification if it is federal bureau and Department approved, or is as an identification that is unique to the herd.

The current rule requires any person that holds a hunting preserve certificate to keep records, including the name and address of the person who collected the test sample for chronic wasting disease. The proposed rule eliminates the requirement that the name and address of the person who collected the test sample for chronic wasting disease be recorded.

CWD testing. Current rules specify CWD testing requirements for FRD herds enrolled in the CWD herd status program and for herds that are not enrolled in the program.

Current rules require a FRDK, whose herd is enrolled in the CWD HSP, to have a CWD test performed on each (100%) of the following deer that are at least 12 months of age:

- A FRD that dies or is killed while kept by that person.
- A FRD that the person ships directly to a slaughtering establishment.

The proposed rule makes clear that escaped deer that die or are killed must be tested for CWD, as is required for escaped deer.

The proposed rule eases the CWD testing requirement for a FRDK whose herd is enrolled in the CWD herd status program for at least 5 years, by requiring 25%, rather than 100%, of deer sent to slaughter be tested for CWD. A FRDK whose herd has less than 5 years of status in the CWD herd status program must continue to CWD test 100% of any FRD sent to slaughter.

Current rules require a FRDK whose herd is not enrolled in the CWD HSP to have a CWD test performed on all of the following deer that are at least 16 months of age:

- All (100%) FRD that are killed after escape.

- All (100%) FRD that are killed intentionally.
- Fifty percent of FRD that are killed by hunt on a hunting preserve.
- All (100%) FRD that die by accidental death or natural causes on the premises while kept by that person.
- Twenty-five percent of all FRD that are sent to slaughter.

The proposed rule eases the CWD testing requirement for a FRDK whose herd is not enrolled in the CWD herd status program by requiring CWD testing for the following deer that are at least 16 months of age:

- All (100%) FRD that are killed after escape.
- Fifty percent of FRD that are killed intentionally
- Fifty percent of FRD that are killed by hunt on a hunting preserve.
- All (100%) FRD that die by accidental death or natural causes, and whose remains are testable, on the premises while kept by that person.
- Twenty-five percent of all FRD that are sent to slaughter.

The proposed rule does not set any specific standard as to whether a FRD's remains are testable. After an animal dies, the body begins to decompose at a rate that corresponds to the weather, ambient temperature, and other elements. Decomposition will affect the ability of the lab to detect disease. Testability will have to be determined on a case-by-case basis by the FRDK.

Test samples collected for CWD. Current rules require a person who collects a CWD test sample from a FRD to meet certain requirements. The proposed rule adds the requirement that the collector label the test sample with the official individual identification or backtag number of the animal being tested.

Verification of CWD test results. The proposed rule creates a provision allowing a FRDK to verify the identity of a FRD that was reported as being positive for CWD, through genetic testing in a procedure approved by the Department. Genetic testing is currently allowed, but not in rule.

CWD herd quarantine. The current rule requires a FRD herd to be quarantined if one of the deer in the herd tests positive for CWD. The proposed rule specifies a herd may be quarantined for up to five years from the date the last FRD in the herd tested positive for CWD. The proposed rule also makes clear that, based on the epidemiological evaluation, the Department may quarantine a herd or individual FRD traced back or forward from the herd in which a FRD tested positive for CWD.

CWD HSP. The current rule specifies requirements for enrollment in the CWD HSP. Enrollment requires the applicant to provide certain information including the number of FRD at least one year old and the number less than one year old. The proposed rule repeals this requirement, as current rule requires the applicant to provide the month and year of birth for each FRD.

The current rule requires a FRDK whose herd is enrolled in the CWD HSP to provide a list of each known natural addition to the herd, including the month and year of birth, and sex, if determined, on the annual census. For consistency, the proposed rule adds this requirement to the general record keeping requirements of a FRDK with a herd enrolled in the CWD HSP.

FRD identification. The current rule requires a veterinarian to identify any FRD with an official individual identification unless the FRD already bears all required individual identification whenever he or she vaccinates, tests, or collects samples from a FRD. The proposed rule requires the veterinarian to record the official individual identification of the FRD on the vaccination, test or sample.

FRD imports. With some exceptions, the current rule requires that FRD imported into Wisconsin have a CVI. To be consistent with requirements for intrastate movement of deer, the proposed rule requires that the following statements be included on the CVI for deer imported into this state:

- All cervids identified on this certificate originate from a herd that has shown no clinical signs of CWD in the past 12 months.
- All cervids identified on this certificate originate from a herd that is adequately separate from any wild deer herd known to be infected with CWD.

Double protective barriers. In some cases, FRD herds must be enclosed by a double protective barrier. The barrier may be either a double fence that meets certain criteria or a solid barrier that is at least 8 feet high. The current rule requires the double fence to be 8 feet high and the two fences to be at least 10 feet but not more than 16 feet apart. The proposed rule modifies the minimum distance allowed between the two fences to be 8 feet, rather than 10 feet, to align with the Department of Natural Resources (DNR) rule, s. NR. 16.45, Wis. Admin. Code.

12. Fish farms.

Current rules specify fees charged to applicants who apply for a license or registration after the license or registration has expired or after it has been determined that the operator of a facility operated without a license or registration. The proposed rule adds these specified fees to fish farm registrations to be consistent with requirements for other registrations and licenses.

The current rule allows some fish or fish eggs to be imported into Wisconsin without having an import permit. The current rule could be interpreted to require that import records be kept only if the person importing fish has an import permit. The proposed rule makes clear that import records must be kept regardless of whether the person was required to have an import permit.

The current rule allows fish to be reintroduced into their original wild source without a health certificate if certain criteria are met, including issuance of a permit by the

state veterinarian or designee and written approval from the DNR. The proposed rule eliminates the requirement that a permit be issued by the state veterinarian or designee and requires specific records of any movement be kept by the DNR for at least five years.

13. CVI not required.

Current rules allow certain animals, including goat, sheep, swine, equine, and bovine to cross the Wisconsin state border without a CVI if the animal is:

- Imported directly to a veterinary facility for treatment provided that the animal is returned to its place of origin immediately following treatment and there is no change in ownership of the animal.
- Returned directly to its place of origin in this state following treatment in a veterinary facility outside this state, provided that the animal was taken directly to the veterinary facility and there was no change of ownership.

The proposed rule applies these provisions to dogs and cats.

14. Elephant imports.

Current rules specify requirements for any person that imports certain animals or imports animals for certain activities. The proposed rule specifies requirements for the import of elephants and requires an imported elephant to have:

- An import permit.
- A valid CVI that includes the import permit number and a report of a negative tuberculosis test.
- At least one negative tuberculosis test, approved by the Department, conducted not more than 365 days prior to the import date (except for an elephant imported directly to an institution accredited by the association of zoos and aquariums).
- An owner statement that the elephant imported into this state has not been exposed to mycobacterium tuberculosis within 5 years prior to the date of import. If the elephant has been exposed to this disease within 5 years, the person may not import the elephant unless the elephant has met additional tuberculosis testing requirements specified by the state veterinarian.

15. Appendix B.

Appendix B to ch. ATCP 10 specifies diseases that must be reported within 10 days. The proposed rule amends the Appendix to match federal requirements.

16. Animal markets, dealers and truckers

Current rules establish licensing requirements and responsibilities of animal markets, animal dealers and animal truckers.

The proposed rule makes clear when a license is not required, such as the following:

- A farm operator does not need an animal market license to have an occasional sale buying or exchanging livestock solely for dairy, breeding, or feeding operations on that farm or who sells only livestock produced or raised on that farm.
- A person does not need an animal trucker license to transport livestock or wild animals solely as an employee of a person who owns those animals.

The proposed rule eliminates the requirement that a Class B animal market, when applying for an animal market license, identify the dates during the previous license year, if any, on which the person conducted livestock sales at the animal market.

The proposed rule provides cross-references to additional fees that may apply to a person applying for an animal market and dealer trucker license.

The proposed rule makes clear that the Department may deny, suspend, or revoke an animal market or animal dealer license if the applicant is in violation of 9 CFR Part 201, relating to registration or bonding requirements of the Federal Packers and Stockyards Act.

The proposed rule makes clear that an animal dealer or animal market operator must immediately apply and record an animal's official individual identification, if the animal does not already have it, when that animal was backtagged to go to slaughter but did not go to slaughter.

The proposed rule repeals the requirement that an animal market operator, animal dealer and animal trucker record the livestock premises code of the premises from which an animal was received and the livestock premises code of the premises to which the animal is shipped or delivered.

The proposed rule prohibits the use of electric prods on neonatal or other baby animals. The proposed rule also prohibits hitting these animals with any type of solid object that may cause injury, pain, or stress to the animal.

17. Waiver.

The proposed rule allows the Department to grant a waiver from the requirements under ch. ATCP 12, if it receives a written request for the waiver and the Department finds that the waiver is reasonable and necessary, is consistent with the objectives of ch. ATCP 12, and will not conflict with state law.

Small Businesses Affected

The majority of these rule modifications are technical and have no or minimal fiscal effect. Many of the rule modifications will ease program requirements and may reduce costs to small business.

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

1. Veterinarians.

   Upon the effective date of the rule, veterinarians and authorized employees or agents of the Department or the federal bureau will be required to take Department-approved training on tuberculosis testing and sample collection within 5 years prior to testing an animal for tuberculosis. Such training is already required of veterinarians testing FRD for tuberculosis. This will be a new requirement for veterinarians who choose to test animals for this disease. Because this training is provided free of charge, there will be no cost to these veterinarians.

2. Farm-raised deer keepers (FRDKs).

   CWD testing. FRDKs who have herds enrolled in the CWD herd status program with at least 5 years of status may realize a significant cost savings, as only 25% of their FRD aged 12 months or older shipped directly to slaughter must be tested for CWD. This change is significant as the current rule requires 100% of these FRD to be tested for CWD when sent to slaughter.

   FRDKs whose herds are not enrolled in the CWD herd status program may realize a significant cost savings as only 50% of their FRD aged 16 months or older that are killed intentionally, except after escape, must be tested for CWD. This change is significant as the current rule requires 100% of these FRD to be tested for CWD.

   It is estimated that hiring a veterinarian to collect CWD test samples costs approximately $75 per deer. Depending on the number of deer tested at one time, this cost may be lower. This cost will also be lower if the FRDK has a qualified employee or immediate family member that can collect the CWD test samples. Because the actual cost to test a deer for CWD is unknown, total cost savings are indeterminate.

   Hunting preserves. Changing the term hunting "preserves" to hunting "ranches" was requested by the farm-raised deer industry. The fiscal effect of this terminology change is unknown but is presumably low, as it is sought by the FRD industry.

   Commingling FRD with bovine animals. Current rules allow FRD and bovine animals to be commingled only if those animals move to slaughter.

   The proposed rule makes clear that FRDKs who wish to keep deer and bovine animals at the same location without having to move them to slaughter must have fencing and facilities adequate to maintain medical separation at all times. Medical separation includes double fencing and bio-security procedures, including procedures to prevent the commingling of farm-raised deer with bovine animals.

   A FRDK who chooses to keep FRD and bovine animals at the same location will incur costs to purchase additional fencing and separate equipment for the FRD and

bovine animals. There is also a one-time cost of $200 for each day needed for Department staff to complete the medical separation inspection of the location.

It is unknown how many FRDKs wish to keep FRD and bovine animals at the same location. Therefore, these costs are indeterminate.

3. Wisconsin importers of elephants.

   The current rule specifies requirements for any person that imports certain animals or imports animals for certain activities. The proposed rule specifies requirements for the import of elephants. The current import requirements for elephants are listed under wild animal and circus, rodeo, and menagerie animal imports. The proposed elephant import requirements incorporate several of those provisions into the rule. The new requirement that the owner of an elephant provide a statement that the elephant has not been exposed to mycobacterium tuberculosis within 5 years prior to the date of import should not result in a significant cost to the importer.

Reporting, Bookkeeping and other Procedures

This rule modifies record keeping requirements of a) FRDKs and b) the Wisconsin Department of Natural Resources (DNR) reintroducing fish to the same lake or river from which they were collected, as follows:

1. Farm-raised deer keepers (FRDKs).

   Currently, FRDKs must maintain records relating to any farm-raised deer that enters, leaves, or escapes the herd or dies on the premises. These record keeping requirements are specified in different places in the rule and are not always consistent. The proposed rule clearly specifies the requirements for deer entering the herd, leaving the herd by authorized movement, leaving the herd by escape, leaving the herd for slaughter or dying on the premises under the general record keeping section. For consistency, the proposed rule also cross-references this section when record keeping requirements are specified elsewhere in the rule. There are no additional record keeping requirements, therefore, there should be no additional costs related to this rule modification.

   The proposed rule clarifies that records must include any known natural additions to the herd, including the month and year of birth, and sex of the farm-raised deer, if determined. Certain information, including the age of a deer must be recorded by the FRDK before any deer may leave the premises. To know the age of any natural additions that may at some time leave the herd, a birth month (and sex of deer, if known) of these deer should be recorded.

   The proposed rule eliminates the requirement that for each deer killed on a hunting preserve, the owner keep a record of:

   - The location of the premises where a deer was killed.

- The name and address of the person who collected the test sample for the CWD test.

The proposed rule eliminates the requirement that a FRDK whose herd is enrolled in the CWD HS program include the number of deer at least one year old and the number of deer less than one year old on the herd census.

Any additional costs or cost savings related to these record keeping changes should be minimal.

2. Fish

The proposed rule requires the DNR to keep a record of movement, for five years, of any fish or fish eggs they reintroduce to the same lake from which the fish, or the eggs from which they were hatched, were collected, or to the same point or a downstream point in the same river system from which the fish, or the eggs from which they were hatched, were collected.

If these records are maintained by DNR, they no longer have to request a permit from the state veterinarian authorizing the reintroduction.

Professional Skills Required

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

Accommodation for Small Business

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

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

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

Conclusion

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

Dated this 8th day of January, 2016.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
Paul J. McGraw, DVM, Administrator
Division of Animal Health

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

ADMINISTRATIVE RULES
FISCAL ESTIMATE AND ECONOMIC IMPACT ANALYSIS

Type of Estimate and Analysis

☒ Original ☐ Updated ☐ Corrected

Administrative Rule Chapter, Title and Number

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

Subject

Animal Disease and Movement and Animal Markets, Truckers and Dealers

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

Fiscal Effect of Implementing the Rule

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

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

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

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

☐ Yes ☒ No

Policy Problem Addressed by the Rule

The majority of the proposed rule changes are technical or provide for flexibility, clarity and consistency. The proposed rule will also incorporate several changes based on discussions with the farm-raised deer industry and other interested parties.

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

The majority of these rule modifications are minor, made to clarify current requirements or make them consistent, and have no fiscal effect.

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

1. Farm-raised deer keepers.
2. Persons importing elephants into Wisconsin.
3. Fish farmers.
4. Animal markets, dealers and truckers.

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

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

The majority of these rule modifications are minor, made to clarify current requirements or make them

consistent. There are no alternatives suggested for these changes. If the rule is not modified to make these clarifications, it will remain unclear and confusing in certain sections.

Many of the rule modifications relating to farm-raised deer will ease program requirements. There are no alternatives suggested for these changes.

Long Range Implications of Implementing the Rule

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

Compare With Approaches Being Used by Federal Government

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

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

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

The proposed rule modifications will ease program requirements relating to CWD while still complying with federal regulations and will allow additional forms of official individual identification to be used for farm-raised deer, equine, swine, and goats and sheep to align with federal rule definitions.

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

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

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

In addition to meeting federal CWD HCP requirements for farm-raised deer to move interstate, livestock, including farm-raised deer, are also required to have federally approved forms of official identification to move interstate. Wisconsin, Illinois, Iowa, Michigan, and Minnesota programs are approved as meeting the federal traceability identification requirements in order to move livestock interstate. Therefore, all are implementing the federal requirements and all should have similar state rules.

Comments Received in Response to Web Posting and DATCP Response

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