

**THE DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER
PROTECTION'S PROPOSED ORDER TO ADOPT PERMANENT RULES**

PROPOSED ORDER

The Wisconsin Department of Agriculture, Trade and Consumer Protection proposes an order *to repeal* ATCP 10.01 (9), (11), (15), (18), (31), (36), (48), (51), (53), (54), (66), (68m), (86), and (114), 10.08 (2) (a) to (s) and (Note), and 10.46 (7) (a) 1. (intro.) (Note), 2. (Note), and 3. (Note); *to renumber and amend* ATCP 10.41 (5) (d) 1. to 4.; *to amend* ATCP 10.01 (22) (intro.), (27m), (38), (44), (70) (a), (71) (a) and (c) 1., (90), 10.025 (1), 10.03 (3) and (7), 10.06 (3) (b) and (6) (a) and (b), 10.07 (1) (b) (Note), (5) (c) 3., (f) 9. a. to c., and (h), 10.08 (2) (intro.) and (4), 10.12 (1), 10.14 (1), 10.22 (9) (b), 10.27 (1) to (3), 10.29 (1), 10.35 (5) (a), 10.37 (1) (a) 2. and (3) (g), 10.41 (5) (a) to (c), 10.46 (7) (a) 1. (intro.), 2., and 3., and (c), and (14) (a), 10.47 (3) (b) 4., 10.49 (1m), 10.51 (2m), 10.52 (4) (ag), 10.61 (7) (a) 1. and 2., and (13) (a), 10.62 (4) (a) 2., 10.68 (2m), 10.73 (2m), 10.74 (1m), 10 Appendix A, and 10 Appendix B; *to repeal and recreate* ATCP 10.01 (70) (a) (Note); and *to create* ATCP 10.01 (71) (a) 1. and 2. and (c) 4., 10.03 (2m), 10.41 (5) (d) 1. and (8), and 10.46 (7) (a) 1e., 1m., 1s., 3g., and 3r., *relating to* animal disease and movement, including fees, and affecting small businesses.

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

Statutes Interpreted: Wis. Stat. §§ 93.06 (1g), (1m), and (1p), 95.001 (2), 95.19 (3), 95.195 (4), 95.20, 95.22 (2), 95.32 (5), 95.45 (4) (c), 95.55 (3), 95.55 (6), 95.57 (2), 95.60 (5) and (5m), and 95.715 (2) (d)

Statutory Authority: Wis. Stat. §§ 93.06 (1g), (1m), and (1p), 95.001 (2), 95.19 (3), 95.195 (4), 95.20, 95.22 (2), 95.32 (5), 95.45 (4) (c), 95.55 (3), 95.55 (6), 95.57 (2), 95.60 (5) and (5m), and 95.715 (2) (d)

Explanation of Agency Authority

Wis. Stat. § 93.06 (1g) authorizes the Department to charge a fee for certificates of veterinary inspection forms. Wis. Stat. § 93.06 (1m) authorizes the Department to charge uniform fees for service inspections of farm products. Wis. Stat. § 93.06 (1p) authorizes the Department to charge a fee for service testing related to Department programs. Wis. Stat. § 95.001 (2) authorizes the Department to promulgate rules related to the definition of “contagious or infectious diseases”. Wis. Stat. § 95.19 (3) authorizes the Department to promulgate rules related to diseased animals. Wis. Stat. § 95.195 (4) authorizes the Department to promulgate rules related to diseases and implied warranty in sale of animals. Wis. Stat. § 95.20 authorizes the Department to prohibit or regulate the import or movement of animals. Wis. Stat. § 95.22 (2) authorizes the Department to promulgate rules related to reporting animal diseases. Wis. Stat. § 95.32 (5) authorizes the Department to promulgate rules related to appraised value. Wis. Stat. § 95.45 (4) (c) authorizes the Department to promulgate rules related to certificates of veterinary inspection. Wis. Stat. § 95.55 (3) authorizes the Department to charge farm-raised deer registration fees and reinspection fees. Wis. Stat. § 95.55 (6) authorizes the Department to promulgate rules regarding farm-raised deer. Wis. Stat. § 95.57 (2) authorizes the Department to charge a fee for persons participating in the national poultry improvement plan. Wis. Stat. § 95.60 (5) authorizes the Department to charge fees for permits, certificates, registration, and inspections related to fish farms. Wis. Stat. § 95.60 (5m) authorizes the Department to charge a fee for the reinspection of fish farms. Wis. Stat. § 95.715 (2) (d) authorizes the Department to charge a fee for feed lot permits.

Related Statutes and Rules

Wis. Stat. ch. 93 relating to the Department of Agriculture, Trade and Consumer Protection, Wis. Stat. ch. 95 relating to animal health, and Wis. Admin. Code ch. ATPC 12 relating to animal markets, dealers, and truckers.

Plain Language Analysis

Fees

The proposed rule modifies and increases fees for certificate of veterinary inspection (CVI) forms, intermediate handling facilities, disease certifications, equine quarantine stations, feed lots, medical separation, the national poultry improvement plan (NPIP), farm-raised deer, and fish farms. The proposed rule would also eliminate the current fee for equine infectious anemia retests.

Most fees in this rule were last increased in 2008 and 2009 (CR 07-61). Over time, standard costs have continued to increase. The associated program revenue appropriation (appropriated by Wis. Stat. § 20.115 (2) (ha)) no longer has adequate revenue to recover costs. DATCP is not able to reduce expenditures to the level of current revenues without resulting in a failure to fulfill statutory requirements under Wis. Stat. chs. 93 and 95.

The following table shows the current and proposed fee amounts.

ATCP 10 Fee Proposals

Program Area	Fee Description	Interval (Years)	Current Fee	Proposed Fee
CVI Forms	CVI Inter-state Movement Form	NA	5.60	17.00
	CVI Inter-state Movement Form Continuation	NA	1.00	5.00
	CVI Intra-state Movement Form	NA	0.60	1.25
Intermediate Handling Facilities	Intermediate Handling Facilities	1	140.00	1,360.00
	Late Fee: Intermediate Handling Facilities	NA	28.00	272.00
Disease Certifications	Certification: Bruc-Free Bovine Herd	1	50.00	80.00
	Certification: Bruc-Free Swine Herd	1	50.00	80.00
	Certification: Bruc FRD Herd	3	150.00	240.00
	Certification: Bruc-Free Sheep Flock	1	50.00	80.00
	Certification: Bruc-Free Goat Herd	1	50.00	80.00
	Certification: TB-Free Bovine Herd	2	100.00	160.00
	Certification: TB FRD Herd	3	150.00	240.00
	Certification: TB-Free Goat Herd	1	50.00	80.00
	Certification: Pseudorabies	1	50.00	80.00
EIA Retest	Equine Infectious Anemia Retest	NA	25.00	-
Equine Quarantine Stations	Import Permit: Equines at Risk	NA	100.00	425.00
	Permit: Equine Quarantine Station	1	100.00	2,000.00
Feed Lots	Permit: Approved Import Feed Lot	1	140.00	1,045.00
	Late Fee: Approved Import Feed Lot	NA	28.00	209.00
Medical Separation	Inspection: Medical Separation	NA	400.00	955.00
National Poultry Improve Plan	Training: Blood Sample Collection	5	25.00	25.00
	NPIP: Non-Breeding, Specialty Exhibition	1	40.00	60.00
	NPIP: Non-Breeding, Includes Game	1	60.00	90.00
	NPIP: Breeding Flock, 1-200	1	40.00	95.00
	NPIP: Breeding Flock, 201-1,000	1	80.00	165.00
	NPIP: Breeding Flock, 1,001-5,000	1	100.00	235.00
	NPIP: Breeding Flock, 5,001-10,000	1	200.00	465.00
	NPIP: Breeding Flock, 10,001+	1	400.00	930.00
	Reinspection: NPIP	NA	-	465.00

Program Area	Fee Description	Interval (Years)	Current Fee	Proposed Fee
Farm-Raised Deer	Registration: License, Not Enrolled, <=15 Deer	1	85.00	-
	Registration: License, Enrolled <=15 Deer	1	162.50	-
	Registration: License, >15 Deer	1	325.00	-
	Registration: Location, Not Enrolled, <=15 Deer	1	85.00	495.00
	Registration: Location, Not Enrolled, 16-99 Deer	1	325.00	1,160.00
	Registration: Location, Not Enrolled, 100-199 Deer	1	325.00	2,320.00
	Registration: Location, Not Enrolled, >=200 Deer	1	325.00	2,900.00
	Registration: Location, Enrolled, <=15 Deer	1	162.50	990.00
	Registration: Location, Enrolled, 16-99 Deer	1	325.00	1,510.00
	Registration: Location, Enrolled, 100-199 Deer	1	325.00	3,020.00
	Registration: Location, Enrolled, >=200 Deer	1	325.00	4,060.00
	Late Fee: Not Enrolled, <=15 Deer	NA	17.00	99.00
	Late Fee: Not Enrolled, 16-99 Deer	NA	65.00	232.00
	Late Fee: Not Enrolled, 100-199 Deer	NA	65.00	464.00
	Late Fee: Not Enrolled, >=200 Deer	NA	65.00	580.00
	Late Fee: Enrolled, <=15 Deer	NA	32.50	198.00
	Late Fee: Enrolled, 16-99 Deer	NA	65.00	302.00
	Late Fee: Enrolled, 100-199 Deer	NA	65.00	604.00
	Late Fee: Enrolled, >=200 Deer	NA	65.00	812.00
	Surcharge: Not Enrolled, <=15 Deer	NA	250.00	495.00
	Surcharge: Not Enrolled, 16-99 Deer	NA	250.00	1,160.00
	Surcharge: Not Enrolled, 100-199 Deer	NA	250.00	2,320.00
	Surcharge: Not Enrolled, >=200 Deer	NA	250.00	2,900.00
	Surcharge: Enrolled, <=15 Deer	NA	250.00	990.00
	Surcharge: Enrolled, 16-99 Deer	NA	250.00	1,510.00
	Surcharge: Enrolled, 100-199 Deer	NA	250.00	3,020.00
	Surcharge: Enrolled, >=200 Deer	NA	250.00	4,060.00
	Reinspection: Not Enrolled, <=15 Deer	NA	150.00	465.00
	Reinspection: Not Enrolled, 16-99 Deer	NA	150.00	465.00
	Reinspection: Not Enrolled, 100-199 Deer	NA	150.00	465.00
	Reinspection: Not Enrolled, >=200 Deer	NA	150.00	465.00
	Reinspection: Enrolled, <=15 Deer	NA	150.00	465.00
	Reinspection: Enrolled, 16-99 Deer	NA	150.00	465.00
	Reinspection: Enrolled, 100-199 Deer	NA	150.00	465.00
	Reinspection: Enrolled, >=200 Deer	NA	150.00	465.00
	Certificate: Hunting Ranch	10	500.00	3,190.00
	CWD Test Sample Collector	5	50.00	175.00

Program Area	Fee Description	Interval (Years)	Current Fee	Proposed Fee
Fish Farms	Registration: Type 1, 1 License	1	37.50	95.00
	Registration: Type 1, 2+ Licenses	1	50.00	145.00
	Registration: Type 2/3, 1 License	1	125.00	465.00
	Registration: Type 2/3, 2-5 Licenses	1	125.00	660.00
	Registration: Type 2/3, 6-10 Licenses	1	150.00	785.00
	Registration: Type 2/3, 11-20 Licenses	1	200.00	1,045.00
	Registration: Type 2/3: 21+ Licenses	1	300.00	1,570.00
	Late Fee: Type 1, 1 License	1	7.50	19.00
	Late Fee: Type 1, 2+ Licenses	1	10.00	29.00
	Late Fee: Type 2/3, 1 License	1	25.00	93.00
	Late Fee: Type 2/3, 2-5 Licenses	1	25.00	132.00
	Late Fee: Type 2/3, 6-10 Licenses	1	30.00	157.00
	Late Fee: Type 2/3, 11-20 Licenses	1	40.00	209.00
	Late Fee: Type 2/3: 21+ Licenses	1	60.00	314.00
	Surcharge: Type 1, 1 License	1	37.50	95.00
	Surcharge: Type 1, 2+ Licenses	1	50.00	145.00
	Surcharge: Type 2/3, 1 License	1	125.00	465.00
	Surcharge: Type 2/3, 2-5 Licenses	1	125.00	660.00
	Surcharge: Type 2/3, 6-10 Licenses	1	150.00	785.00
	Surcharge: Type 2/3, 11-20 Licenses	1	200.00	1,045.00
	Surcharge: Type 2/3: 21+ Licenses	1	300.00	1,570.00
	Reinspection: Type 2/3, 1 License	NA	150.00	465.00
	Reinspection: Type 2/3, 2-5 Licenses	NA	150.00	465.00
	Reinspection: Type 2/3, 6-10 Licenses	NA	150.00	465.00
	Reinspection: Type 2/3, 11-20 Licenses	NA	150.00	465.00
	Reinspection: Type 2/3: 21+ Licenses	NA	150.00	465.00
	Import Permit: Fish	NA	90.00	265.00

The proposed fees would ensure recovery of annual program costs and would gradually eliminate the projected negative cash balance over a period of years. Without the proposed fee increase, the appropriation would operate in a negative cash balance until a different change occurs, such as the creation of an alternative funding source or a statutory change. The Department would report the negative cash balance to the Joint Committee on Finance.

Subchapter I and Appendices

The proposed rule modifies ATCP 10 subchapter I and the appendices for improvements and updates.

Definitions are amended for updates and clarity. Unnecessary definitions for terms that are not used in chapter ATCP 10 are repealed. The definition of official individual identification for bovines is updated to reflect current USDA requirements. The definition of official individual identification for equines is updated to allow more flexibility.

Minor language changes are made throughout subchapter I for updates and clarity. For example, “chief livestock health official” is updated to “state animal health official” to reflect the term used by the U.S. Department of Agriculture (USDA) and other states.

Language is added to s. ATCP 10.03 regarding recording official individual identification related to disease reporting, to mirror current language under s. ATCP 10.04 regarding recording official individual identification related to disease tests.

Official back tags are added to the records requirements for intermediate livestock handling facilities, because not all cattle are required to have official individual identification and may instead have an official back tag. Language is added to movement permit applications to allow the class of animals to be used as an alternative to the breed.

The list of diseases under s. ATCP 10.08 is amended to instead refer to Appendix A. Appendix A lists the diseases that must be reported to the department within one day, and contains only those diseases that are severe enough to necessitate the movement restrictions and permitting provisions under s. ATCP 10.08.

Appendix A and Appendix B, regarding diseases reported within one or ten days respectively, are amended to add and remove diseases, update disease naming conventions, and provide clarification.

Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations

The United States Department of Agriculture 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. The fees and rules included in this rule draft do not duplicate or conflict with any federal fees or regulations.

Summary of Comments Received during Preliminary Comment Period and at Public Hearing on Statement of Scope

The Department held a preliminary public hearing and comment period on the statement of scope on March 28, 2024, with comments accepted through April 1, 2024. In addition to publication in the Administrative Register, the Department also sent an email notice to licensees on March 18, 2024. The public hearing was a hybrid, combining in-person attendance at the DATCP building and remotely via zoom, with both internet access and telephone access.

There were 14 attendees at the hearing. Of these, 8 provided comments and 6 registered for information only and did not provide comments. There were 2 written comments received. In total, there were 9 individual commenters.

Comments discussed the following:

- Regarding fees, commenters stated the following:

- 5 commenters stated that they do not oppose increases to fees at this time, providing the increases are reasonable.
- 1 commenter stated concern about increases in fees for each level of fish farm.
- 1 commenter asked the Department to consider making a license fee exemption for closed loop aquaponics gardens for personal consumption.
- 1 commenter asked why the Department has not used the biennial budget process rather than fee increases. The commenter also stated that the title of the scope does not include the word fees, that the new fees are not listed in the proposal, and asked for additional information as to what the proposed changes would be prior to the DATCP Board approving the scope.
- Regarding the fish farm program, commenters stated the following:
 - 1 commenter asked that DATCP stays in charge of fish farms and does not delegate out its authority. The commenter also stated that any diseases to be added or removed should be discussed with the fish farms with plenty of time ahead to adjust. The commenter also stated that there are misunderstandings regarding bait licenses and that there should be a statement clarifying that a fish farm registration is also required and that health procedures need to be followed.
 - 1 commenter requested clarification on the section with the import and movement of animals, and what oversight would be from industry. The commenter stated concern that this could be weaponized against a particular farmer.
 - 1 commenter requested clarification on how a closed containment facility interacts with regulations. The commenter also would like to understand the importation process and requirements, and how the state differentiates from federal requirements under Title 50, or if federal requirements are substantial enough.
- Regarding the farm-raised deer program, commenters stated the following:
 - 1 commenter asked why DNR does not share immediate reportable CWD detection in all deer to DATCP to better inform farm-raised deer keepers. The commenter also asked what DATCP can do to have DNR do something to contain CWD in the state in the wild deer population.
 - 1 commenter requested clarification from DATCP about s. 95.20, Stat., which states that the Department is authorized to prohibit or regulate the import or movement of animals. The commenter also asked DATCP to update language to apply to susceptible cervid species, as based on the USDA CWD Herd Certification Program, and specifically to list fallow deer on the non-susceptible species list.
 - 1 commenter stated concern about any movements, restrictions, or expansions, and requested clarification if that is something to be proposed. The commenter also stated that positive farms are waiting for indemnity. The commenter would also like to work with the state to move positive bucks from positive farms to other positive ranches.

In response to public comments regarding fees, the Department evaluated several changes. In the fee evaluation, the Department broke out costs program-by-program to ensure that the proposed fees reflected actual costs in that specific program. Available segregated revenue fund (SEG) was distributed in a way to reduce the highest fee increases by as much as possible, given the

available funding. The proposed rule does not exempt closed loop aquaponics gardens for personal consumption from the license fee, because the registration is required by statute (Wis. Stat. § 95.60 (3m)), but did cap the increase to the applicable license fee category (type 1, 1 license) at the lowest percentage increase within the fish farm program. At this time, there is no biennial budget item that would remove the need for fee increases. The preliminary rule draft title includes the word “fees” for clarity.

The statement of scope for this rule package (SS 014-24) is specific to just evaluating fees and ATCP 10 subchapter I and appendices. The Department is unable to evaluate more substantive changes to other rule requirements, such as the fish farm program and the farm-raised deer program, within this current scope.

Comparison with Rules in Adjacent States

Neighboring states (Iowa, Michigan, Minnesota, Illinois) primarily fund these types of programs through General Program Revenue (GPR), therefore they have lower fees than Wisconsin’s current fees. While Wisconsin’s program fees are collected from a small number of licensees (as little as 1 licensee for some programs), these critical programs have impacts and benefits across animal health, animal industries, and public health.

The proposed updates to subchapter I and the appendices are specific to Wisconsin rules. Surrounding state animal health programs are comparable to those in Wisconsin. Programs for important diseases in adjacent states are similar to Wisconsin, as all are based on federal standards.

Iowa

CVI Forms: Iowa recently began offering VET CVI as an option in 2024. VET CVI is a mobile application paid for through a subscription fee by the state of Iowa that allows for free electronic submission of CVIs by accredited veterinarians for both large and small animals. In Iowa, paper CVIs are: \$100 per 100 interstate CVIs, \$25 per 50 intrastate CVIs, \$25 per 50 dog and cat certificates, \$25 per 25 native swine farm to farm, and \$50 per 50 slaughter affidavits. Iowa also allows accredited veterinarians to use electronic CVIs developed by private companies, following a standardized messaging scheme, and paid for by the accredited veterinarian, as does Wisconsin.

Intermediate Handling Facilities: There is no equivalent facility in Iowa.

Disease Certifications: Illinois, Iowa, Michigan, and Minnesota use a different method of administering swine brucellosis and pseudorabies programs through Commuter Agreements, which do not have a fee, although producers must pay for testing and other criteria. The Illinois, Iowa, Michigan, and Minnesota state costs for administering the program are recovered through other funding, and not through fees. Ohio, South Dakota, and Indiana also use Commuter Agreements.

EIA Rest: There is no EIA retest fee in Iowa.

Equine Quarantine Stations: There are no equine quarantine stations in Iowa.

Feed Lots: In Iowa, feedlots are regulated by the Iowa Department of Natural Resources, and there are no related animal health regulations.

Medical Separation: In Iowa, all medical separation is handled on an individual case-by-case basis.

NPIP: In Iowa, the NPIP program is managed by a non-state entity, the North Central Poultry Association. The Iowa Department of Agriculture do not have any program fees for NPIP participation.

Farm-Raised Deer: In Iowa, state funds are used to cover the costs of program management.

Fish Farms: In Iowa, the fee for an aquaculture unit license is \$30 for residents and \$66 for nonresidents. These fees can be found in Iowa Code 571—15.10(483A). In Iowa, aquaculture units, as defined in Iowa code Ch 481A, are managed by the Iowa Department of Natural Resources. Iowa code Ch 481A also describes inspection requirements pertaining to units with bait and for certain importations. This is in contrast the Wisconsin's program which requires inspections of all type 2 and type 3 fish farms.

Michigan

CVI Forms: Michigan is not authorized to charge for paper CVIs and currently offers CVIs at no charge. Michigan is currently offering CVIs developed out of Adobe and resulting in a pdf, at no cost to the state or accredited veterinarians, but states have experienced challenges with updates and the pdf does not offer all the advantages of approved electronic CVIs. Michigan plans to begin offering VET CVI soon. VET CVI is a mobile application paid for through a subscription fee by the state of Michigan that allows for free electronic submission of CVIs by accredited veterinarians for both large and small animals. Michigan also allows accredited veterinarians to use electronic CVIs developed by private companies, following a standardized messaging scheme, and paid for by the accredited veterinarian, as does Wisconsin.

Intermediate Handling Facilities: There is no equivalent facility in Michigan.

Disease Certifications: In Michigan, there are no fees associated with cattle programs. Tuberculosis and Brucellosis accreditation/certification is done by the USDA Veterinary Service office. There are only 3 TB accredited-free herds and no Brucellosis certified herds. Midwest states near Wisconsin (Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and South Dakota) mainly address pseudorabies and swine brucellosis tracking and interstate movement using Swine Production Health Plans (9CFR §71.19 (g) and (h)), commonly referred to as Commuter Agreements. Commuter Agreements involve the producers, their veterinarians, and state and federal regulatory agencies, and require multiple signatures. There is no fee for Commuter Agreements, although producers must pay for testing and other criteria, and state costs are recovered through other funding. The participating states have more swine than Wisconsin, and

the staffing and funding to manage larger swine activities. Currently, Wisconsin only has 3 herds that have Qualified Pseudorabies Negative and Validated Brucellosis-Free herd certification statuses.

EIA Rest: There is no EIA retest fee in Michigan.

Equine Quarantine Stations: There are no equine quarantine stations in Michigan.

Feed Lots: In Michigan, there is no feed lot license.

Medical Separation: In Michigan, all medical separation is handled on an individual case-by-case basis, and there are no additional fees.

NPIP: In Michigan, the NPIP program is managed by a non-state entity, the Michigan Allied Poultry Industries. The Michigan Department of Agriculture and Rural does not have any program fees for NPIP participation.

Farm-Raised Deer: In Michigan, the Michigan Department of Agriculture and Rural Development pays the Michigan State University Veterinary Diagnostic Laboratory directly for CWD testing of privately-owned cervids, and also pays vets on a fee-for-service basis to take and submit CWD samples; these activities are funded through state general funds. The Michigan Department of Natural Resources manages the other aspects of deer farm activities and collects associated fees. Farms pay a fee of either \$450 or \$750 every 3 years for their license renewal. New farms pay this license fee plus a \$250 non-refundable application fee and either a \$250 or \$500 inspection fee. The difference between the higher and lower fees is determined by whether the farm is under or over 40 acres. Farms must also pay a \$100 modification fee for things such as inspection of an expansion of the facility. The portion of the program under Michigan's DNR was designed to have roughly 50% of the cost of the program covered by renewal fees and 50% from General Game and Fish Funds via federal government license match dollars. There are a few farms, mostly hobby farms with 1-2 animals, that were grandfathered in with lower fees than other farms and a different management process when the fee structure was adopted in 2004.

Fish Farms: In Michigan, the Michigan Department of Agriculture and Rural Development collects a fee for licensing, which includes an initial inspection of the facility. A facility registration is \$100 for a new facility and \$75 for a renewal. A research permit is \$250 for a new permit and \$100 for a renewal. Wisconsin does not have a research fee for fish farms and Wisconsin's Department of Natural Resources Scientific Research License has an exemption for fish. There is no fee for fish importation and no fee for annual inspections. Annual income from fees totals less than \$3,000. Most of the program administration costs are covered by an annual appropriation from the legislature. Michigan's aquaculture fees can be found in Michigan Act 199 Section 286.877.

Minnesota

CVI Forms: Minnesota was not authorized to charge for paper CVIs, and is no longer offering paper CVIs. Minnesota is offering CVIs developed out of Adobe and resulting in a pdf, at no

cost to the state or accredited veterinarians, but states have experienced challenges with updates and the pdf does not offer all the advantages of approved electronic CVIs. Minnesota also allows accredited veterinarians to use electronic CVIs developed by private companies, following a standardized messaging scheme, and paid for by the accredited veterinarian, as does Wisconsin.

Intermediate Handling Facilities: In Minnesota, slaughter only handling facilities require an annual permit but have no fee.

Disease Certifications: Midwest states near Wisconsin (Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and South Dakota) mainly address pseudorabies and swine brucellosis tracking and interstate movement using Swine Production Health Plans, commonly referred to as Commuter Agreements. Commuter Agreements involve the producers, their veterinarians, and state and federal regulatory agencies, and require multiple signatures. There is no fee for Commuter Agreements, although producers must pay for testing and other criteria, and state costs are recovered through other funding. The participating states have more swine than Wisconsin, and the staffing and funding to manage larger swine activities. Currently, Wisconsin only has 3 herds that have Qualified Pseudorabies Negative and Validated Brucellosis-Free herd certification statuses.

EIA Rest: There is no EIA retest fee in Minnesota.

Equine Quarantine Stations: There are no equine quarantine stations in Minnesota.

Feed Lots: In Minnesota, feed lots are licensed by the Minnesota Department of Agriculture and the Minnesota Pollution Control Agency, and not the Minnesota Board of Animal Health.

Medical Separation: In Minnesota, all medical separation is handled on an individual case-by-case basis, and there are no additional fees.

NPIP: In Minnesota, the NPIP program is managed by the Minnesota Board of Animal Health as described in Minnesota Administrative Rules 1520.5200. Minnesota does not charge any fees for application, permitting, or inspection, and covers the cost of the antigen used for annual breeder flock testing, as well as testing if any samples need to go to the lab. Flock owners may need to pay fees for an authorized poultry testing agent for time testing a flock. All NPIP program management and oversight is covered through Minnesota state funding. Wisconsin also does not have a fee for permitting or inspections however, all costs associated with annual testing are covered by program participants.

Farm-Raised Deer: In Minnesota, the owner must pay an annual inspection fee for each herd as follows: 1) \$500 if the owner manages the herd for profit or monetary gain and engages in transactions or exchanges for consideration, including sale, barter, the offer to sell, or possession with the intent to sell; 2) \$500 if the owner sells the ability to shoot the herd animals in the herd; 3) \$500 if the herd consists of more than one species; or 4) \$250 for all other herds. Minnesota also charges reinspection fees related to fencing violations. If a fence deficiency is detected during an inspection, the facility must be reinspected at least once in the subsequent three months. The farmed Cervidae owner must pay a reinspection fee equal to one-half the applicable annual

inspection fee for each reinspection related to a fence violation. Depending on whether the producer is registered as commercial or hobbyist, the fee would be \$250 or \$125, respectively. The fee is assessed for each trip required to inspect the fence until it is back in compliance. The fees do not come anywhere close to covering program expenses; the remaining expenses come from the operating budget provided by the annual funding from the state.

Fish Farms: In Minnesota, the Minnesota Department of Natural Resources issues a five-year license. The fee is \$210 per year for an aquatic farm or private fish hatchery license with sales more than \$200. The fee is \$70 per year for a private fish hatchery license with sales less than \$200. There is a \$300 fee for the initial inspection of all licensed facilities, and a \$300 fee for the initial inspection of each public wetland (rearing pond) to be added to the license. This is in contrast to Wisconsin where license renewals are done annually and inspection fees, required for all type 2 and type 3 fish farms, are included in the license fee. The aquarium facility license fee is \$90. Wisconsin does not have a distinct fee for aquariums licensed as a fish farm. There are no importation or stocking fees in Minnesota. The inspection fee and fish health inspection prices are set by commissioner order at a rate to cover the cost of the inspection. Minnesota's aquaculture fees can be found in Minnesota Statute 17.4988.

Illinois

CVI Forms: In Illinois, paper CVIs are \$30. Illinois has begun using VET CVI.. VET CVI is a mobile application paid for through a subscription fee by the state of Illinois that allows for free electronic submission of CVIs by accredited veterinarians for both large and small animals. Illinois also allows accredited veterinarians to use electronic CVIs developed by private companies, following a standardized messaging scheme, and paid for by the accredited veterinarian, as does Wisconsin.

Intermediate Handling Facilities: There is no equivalent facility in Illinois.

Disease Certifications: Midwest states near Wisconsin (Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and South Dakota) mainly address pseudorabies and swine brucellosis tracking and interstate movement using Swine Production Health Plans, commonly referred to as Commuter Agreements. Commuter Agreements involve the producers, their veterinarians, and state and federal regulatory agencies, and require multiple signatures. There is no fee for Commuter Agreements, although producers must pay for testing and other criteria, and state costs are recovered through other funding. The participating states have more swine than Wisconsin, and the staffing and funding to manage larger swine activities. Currently, Wisconsin only has 3 herds that have Qualified Pseudorabies Negative and Validated Brucellosis-Free herd certification statuses.

EIA Rest: There is no EIA retest fee in Illinois.

Equine Quarantine Stations: There are no equine quarantine stations in Illinois.

Feed Lots: In Illinois, there is no feed lot license.

Medical Separation: In Illinois, they offer an inspection similar to this, but they do not define it in rule and they do not charge fees for most of their services.

NPIP: In Illinois, the NPIP program is managed by the Illinois Department of Agriculture as authorized by the Poultry Inspection Act [510 ILCS 85]. There are no direct fees from the state, and the NPIP program is funded by the General Revenue Fund.

Farm-Raised Deer: In Illinois, the entire farm-raised deer program is funded through general revenue; there are no additional fees associated with a deer farm license or registration.

Fish Farms: In Illinois, the Illinois Department of Natural Resources collects a \$50.50 aquaculture permit fee as described in Illinois Administrative Code Section 870.30. There is no fee for fish importation. Aquaculture permits shall be available for inspection by the Department (Illinois Department of Natural Resources) upon request for no additional fee. Most of the program costs are covered by other funding sources.

Summary of Factual Data and Analytical Methodologies

The program revenue (PR) appropriation (appropriated by Wis. Stat. § 20.115 (2) (ha)) does not have adequate revenue to recover costs. The appropriation is projected to have a negative cash balance at the end of Fiscal Year 2025. The appropriation includes the programs in this proposed rule, which are contained in Admin. Code. ch. ATPC 10. The appropriation also includes programs contained in Admin. Code ch. ATPC 12, which are being evaluated under a separate statement of scope (SS 015-24).

Based on current projections for the timeline of the rule process, the proposed rule would become effective by the middle of Fiscal Year 2027. The cash balance of the appropriation is projected to be -\$1,159,000 at the beginning of Fiscal Year 2027. The table below shows the financial status of the full appropriation (includes both ch. ATPC 10 and ch. ATPC 12 programs).

Program Revenue Appropriation Financial Status (20.115 (2) (ha))

	FY24 Actuals	FY25 Estimates	FY26 Estimates	FY27 Estimates
Beginning Cash Balance	471,417	343,848	(380,161)	(1,159,144)
Total Revenue	385,622	375,476	375,476	375,476
FTE Salaries	755,363	787,110	826,466	859,525
LTE Salaries	32,649	10,234	10,746	11,176
Fringe	343,495	334,104	350,809	364,841
Supplies & Services	491,989	350,836	368,378	383,113
SEG Funding (20.115 (2) (q))	(483,758)	(382,800)	(401,940)	(418,018)
GPR Funding (20.115 (2) (a))	(626,547)	-	-	-
Total Expenses	513,191	1,099,485	1,154,459	1,200,637
Net Income	(127,569)	(724,009)	(778,983)	(825,161)
Ending Cash Balance	343,848	(380,161)	(1,159,144)	(1,984,305)

In past years, there was funding available in a related general program revenue (GPR) appropriation (appropriated by Wis. Stat. § 20.115 (2) (a)) to help cover the costs of these programs. That funding is no longer available due to increased costs in the GPR appropriation, as well as decreased federal funding for programs that now need to be funded by the GPR appropriation. There has also been a decrease in the PR appropriation's program revenue in recent years. A portion of these program costs is supported by a related segregated fund revenue (SEG) appropriation (appropriated by Wis. Stat. § 20.115 (2) (q)), as shown in the table above.

Expenses in the PR appropriation, and this fee analysis, only include program costs, such as licensing, inspection, and program management. The expenses do not include costs related to disease responses. For example, the fee analysis does not include staff activities related to positive detections of tuberculosis or chronic wasting disease. Disease response activities, such as quarantining, depopulating, testing, and surveillance are funded by the GPR appropriation.

The Department is not able to reduce expenditures to the level of current revenues without resulting in a failure to fulfill statutory requirements. Pursuant to Wis. Stat. chs. 93 and 95, the Department is responsible for determining and employing the most efficient and practical means for the prevention, suppression, control, and eradication of communicable diseases among animals, to protect the health of animals and humans in this state. This important work also prevents losses to livestock and animal industries.

With regards to the programs included in this fee rule proposal, the Department is also required to register and regulate farm-raised deer keepers and fish farm operators. The Department may also furnish CVI forms to veterinarians, perform inspections, certifications, and testing of animals, issue permits to and regulate approved feed lots, and promulgate rules to NPPI. These programs are critical for animal health, human health, and animal industries.

Most fees in this rule were last increased in 2008 and 2009 (CR 07-061) and have not been increased in the sixteen or seventeen years since.

The following table shows the financial breakdown by each program. The left side shows each program, the fees within each program, the number of years in the license cycle, and the quantity of licensees or charges. The middle section shows the current fee amounts and an annual revenue total. The right side shows the rule proposal, including the percentage change, the proposed fee amount, and an annual revenue total. Underneath the fees for each program is a summary of the program revenue, SEG funding, expense, and gain or loss of each program.

ATCP 10 Program Fees

Program Area	Fee Description	Interval (Years)	Quantity	Current		Proposed		
				Current Fee	Annual Total	% Change	Proposed Fee	Annual Total
CVI Forms	CVI Inter-state Movement Form	NA	11,537	5.60	64,607	204%	17.00	196,129
	CVI Inter-state Movement Form Continuation	NA	618	1.00	618	400%	5.00	3,090
	CVI Intra-state Movement Form	NA	20,781	0.60	12,469	108%	1.25	25,976
	Program Revenue:				77,694			225,195
	SEG Funding:				-			-
Intermediate Handling Facilities	Expense:				173,557			173,557
	Gain(Loss):				(95,863)			51,638
	Intermediate Handling Facilities	1	-	140.00	-	871%	1,360.00	-
	Late Fee: Intermediate Handling Facilities	NA	-	28.00	-	871%	272.00	-
	Program Revenue:				-		Revenue:	-
Disease Certifications	SEG Funding:				-		SEG Funding:	-
	Expense:				-		Expense:	-
	Gain(Loss):				-		Gain(Loss):	-
	Certification: Bruc-Free Bovine Herd	1	15	50.00	750	60%	80.00	1,200
	Certification: Bruc-Free Swine Herd	1	3	50.00	150	60%	80.00	240
	Certification: Bruc FRD Herd	3	10	150.00	500	60%	240.00	800
	Certification: Bruc-Free Sheep Flock	1	-	50.00	-	60%	80.00	-
	Certification: Bruc-Free Goat Herd	1	-	50.00	-	60%	80.00	-
	Certification: TB-Free Bovine Herd	2	16	100.00	800	60%	160.00	1,280
	Certification: TB FRD Herd	3	25	150.00	1,250	60%	240.00	2,000
Equine Infectious Anemia Retest	Certification: TB-Free Goat Herd	1	-	50.00	-	60%	80.00	-
	Certification: Pseudorabies	1	3	50.00	150	60%	80.00	240
	Program Revenue:				3,600		Revenue:	5,760
	SEG Funding:				-		SEG Funding:	-
	Expense:				4,355		Expense:	4,355
Equine Quarantine Stations	Gain(Loss):				(755)		Gain(Loss):	1,405
	Equine Infectious Anemia Retest	NA	-	25.00	-	-100%	-	-
	Program Revenue:				-		Revenue:	-
	SEG Funding:				-		SEG Funding:	-
	Expense:				-		Expense:	-
Feed Lots	Gain(Loss):				-		Gain(Loss):	-
	Import Permit: Equines at Risk	NA	29	100.00	2,900	325%	425.00	12,325
	Permit: Equine Quarantine Station	1	1	100.00	100	1900%	2,000.00	2,000
	Program Revenue:				3,000		Revenue:	14,325
	SEG Funding:				4,777		SEG Funding:	4,777
Medical Separation	Expense:				17,217		Expense:	17,217
	Gain(Loss):				(9,440)		Gain(Loss):	1,885
	Permit: Approved Import Feed Lot	1	1	140.00	140	646%	1,045.00	1,045
	Late Fee: Approved Import Feed Lot	NA	-	28.00	-	646%	209.00	-
	Program Revenue:				140		Revenue:	1,045
National Poultry Improve Plan	SEG Funding:				345		SEG Funding:	345
	Expense:				1,239		Expense:	1,239
	Gain(Loss):				(753)		Gain(Loss):	152
	Inspection: Medical Separation	NA	2	400.00	800	139%	955.00	1,910
	Program Revenue:				800		Revenue:	1,910
National Poultry Improve Plan	SEG Funding:				-		SEG Funding:	-
	Expense:				1,626		Expense:	1,626
	Gain(Loss):				(826)		Gain(Loss):	284
	Training: Blood Sample Collection	5	26	25.00	130	0%	25.00	130
	NPIP: Non-Breeding, Specialty Exhibition	1	12	40.00	480	50%	60.00	720
	NPIP: Non-Breeding, Includes Game	1	7	60.00	420	50%	90.00	630
	NPIP: Breeding Flock, 1-200	1	201	40.00	8,040	New	95.00	19,095
	NPIP: Breeding Flock, 201-1,000	1	60	80.00	4,800	106%	165.00	9,900
	NPIP: Breeding Flock, 1,001-5,000	1	5	100.00	500	135%	235.00	1,175
	NPIP: Breeding Flock, 5,001-10,000	1	2	200.00	400	133%	465.00	930
National Poultry Improve Plan	NPIP: Breeding Flock, 10,001+	1	9	400.00	3,600	133%	930.00	8,370
	Reinspection: NPIP	NA	-	-	-	New	465.00	-
	Program Revenue:				18,370		Revenue:	40,950
	SEG Funding:				-		SEG Funding:	-
	Expense:				34,596		Expense:	34,596
National Poultry Improve Plan	Gain(Loss):				(16,226)		Gain(Loss):	6,354

Program Area	Fee Description	Interval (Years)	Quantity	Current		Proposed		
				Current Fee	Annual Total	% Change	Proposed Fee	Annual Total
Farm-Raised Deer	Registration: License, Not Enrolled, <=15 Deer	1	87	85.00	7,395	-100%	-	-
	Registration: License, Enrolled <=15 Deer	1	40	162.50	6,500	-100%	-	-
	Registration: License, >15 Deer	1	108	325.00	35,100	-100%	-	-
	Registration: Location, Not Enrolled, <=15 Deer	1	95	85.00	-	482%	495.00	47,025
	Registration: Location, Not Enrolled, 16-99 Deer	1	40	325.00	-	257%	1,160.00	46,400
	Registration: Location, Not Enrolled, 100-199 Deer	1	19	325.00	-	614%	2,320.00	44,080
	Registration: Location, Not Enrolled, >=200 Deer	1	14	325.00	-	792%	2,900.00	40,600
	Registration: Location, Enrolled, <=15 Deer	1	45	162.50	-	509%	990.00	44,550
	Registration: Location, Enrolled, 16-99 Deer	1	36	325.00	-	365%	1,510.00	54,360
	Registration: Location, Enrolled, 100-199 Deer	1	3	325.00	-	829%	3,020.00	9,060
	Registration: Location, Enrolled, >=200 Deer	1	5	325.00	-	1149%	4,060.00	20,300
	Late Fee: Not Enrolled, <=15 Deer	NA	8	17.00	136	482%	99.00	792
	Late Fee: Not Enrolled, 16-99 Deer	NA	3	65.00	195	257%	232.00	696
	Late Fee: Not Enrolled, 100-199 Deer	NA	1	65.00	65	614%	464.00	464
	Late Fee: Not Enrolled, >=200 Deer	NA	1	65.00	65	792%	580.00	580
	Late Fee: Enrolled, <=15 Deer	NA	1	32.50	33	509%	198.00	198
	Late Fee: Enrolled, 16-99 Deer	NA	3	65.00	195	365%	302.00	906
	Late Fee: Enrolled, 100-199 Deer	NA	1	65.00	65	829%	604.00	604
	Late Fee: Enrolled, >=200 Deer	NA	1	65.00	65	1149%	812.00	812
	Surcharge: Not Enrolled, <=15 Deer	NA	3	250.00	750	98%	495.00	1,485
	Surcharge: Not Enrolled, 16-99 Deer	NA	2	250.00	500	364%	1,160.00	2,320
	Surcharge: Not Enrolled, 100-199 Deer	NA	1	250.00	250	828%	2,320.00	2,320
	Surcharge: Not Enrolled, >=200 Deer	NA	-	250.00	-	1060%	2,900.00	-
	Surcharge: Enrolled, <=15 Deer	NA	1	250.00	250	296%	990.00	990
	Surcharge: Enrolled, 16-99 Deer	NA	1	250.00	250	504%	1,510.00	1,510
	Surcharge: Enrolled, 100-199 Deer	NA	-	250.00	-	1108%	3,020.00	-
	Surcharge: Enrolled, >=200 Deer	NA	-	250.00	-	1524%	4,060.00	-
	Reinspection: Not Enrolled, <=15 Deer	NA	1	150.00	150	210%	465.00	465
	Reinspection: Not Enrolled, 16-99 Deer	NA	1	150.00	150	210%	465.00	465
	Reinspection: Not Enrolled, 100-199 Deer	NA	1	150.00	150	210%	465.00	465
	Reinspection: Not Enrolled, >=200 Deer	NA	1	150.00	150	210%	465.00	465
	Reinspection: Enrolled, <=15 Deer	NA	-	150.00	-	210%	465.00	-
	Reinspection: Enrolled, 16-99 Deer	NA	-	150.00	-	210%	465.00	-
	Reinspection: Enrolled, 100-199 Deer	NA	-	150.00	-	210%	465.00	-
	Reinspection: Enrolled, >=200 Deer	NA	-	150.00	-	210%	465.00	-
	Certificate: Hunting Ranch	10	61	500.00	3,050	538%	3,190.00	19,459
	CWD Test Sample Collector	5	100	50.00	1,000	250%	175.00	3,500
Program Revenue:				56,464		Revenue: 344,871		
SEG Funding:				115,223		SEG Funding: 115,223		
Expense:				411,649		Expense: 411,649		
Gain(Loss):				(239,963)		Gain(Loss): 48,445		

Program Area	Fee Description	Interval (Years)	Quantity	Current		Proposed		
				Current Fee	Annual Total	% Change	Proposed Fee	Annual Total
Fish Farms	Registration: Type 1, 1 License	1	1,950	37.50	73,125	153%	95.00	185,250
	Registration: Type 1, 2+ Licenses	1	82	50.00	4,100	190%	145.00	11,890
	Registration: Type 2/3, 1 License	1	96	125.00	12,000	272%	465.00	44,640
	Registration: Type 2/3, 2-5 Licenses	1	19	125.00	2,375	428%	660.00	12,540
	Registration: Type 2/3, 6-10 Licenses	1	8	150.00	1,200	423%	785.00	6,280
	Registration: Type 2/3, 11-20 Licenses	1	-	200.00	-	423%	1,045.00	-
	Registration: Type 2/3: 21+ Licenses	1	2	300.00	600	423%	1,570.00	3,140
	Late Fee: Type 1, 1 License	1	288	7.50	2,160	153%	19.00	5,472
	Late Fee: Type 1, 2+ Licenses	1	4	10.00	40	190%	29.00	116
	Late Fee: Type 2/3, 1 License	1	8	25.00	200	272%	93.00	744
	Late Fee: Type 2/3, 2-5 Licenses	1	2	25.00	50	428%	132.00	264
	Late Fee: Type 2/3, 6-10 Licenses	1	-	30.00	-	423%	157.00	-
	Late Fee: Type 2/3, 11-20 Licenses	1	-	40.00	-	423%	209.00	-
	Late Fee: Type 2/3: 21+ Licenses	1	-	60.00	-	423%	314.00	-
	Surcharge: Type 1, 1 License	1	5	37.50	188	153%	95.00	475
	Surcharge: Type 1, 2+ Licenses	1	1	50.00	50	190%	145.00	145
	Surcharge: Type 2/3, 1 License	1	1	125.00	125	272%	465.00	465
	Surcharge: Type 2/3, 2-5 Licenses	1	-	125.00	-	428%	660.00	-
	Surcharge: Type 2/3, 6-10 Licenses	1	-	150.00	-	423%	785.00	-
	Surcharge: Type 2/3, 11-20 Licenses	1	-	200.00	-	423%	1,045.00	-
	Surcharge: Type 2/3: 21+ Licenses	1	-	300.00	-	423%	1,570.00	-
	Reinspection: Type 2/3, 1 License	NA	-	150.00	-	210%	465.00	-
	Reinspection: Type 2/3, 2-5 Licenses	NA	-	150.00	-	210%	465.00	-
	Reinspection: Type 2/3, 6-10 Licenses	NA	-	150.00	-	210%	465.00	-
	Reinspection: Type 2/3, 11-20 Licenses	NA	-	150.00	-	210%	465.00	-
	Reinspection: Type 2/3: 21+ Licenses	NA	-	150.00	-	210%	465.00	-
	Import Permit: Fish	NA	6	90.00	540	194%	265.00	1,590
	Program Revenue:				96,753		Revenue:	273,011
	SEG Funding:				89,114		SEG Funding:	89,114
	Expense:				319,601		Expense:	319,601
	Gain(Loss):				(133,734)		Gain(Loss):	42,525

In addition to increases to fee amounts, the fee proposals also include other changes. The Department currently offers a CVI inter-state movement continuation form for additional pages beyond the standard form, which is provided at a discounted fee compared to the standard form. The proposal adds this continuation form into the rule language.

The current equine infectious anemia retest fee is eliminated, because it has not been used in recent years. This is consistent with Department policy for other species. The Department does not charge for retests for any other diseases.

To address an unintentional gap, a new fee category is created for NPIP breeding flocks with 1-200 birds. Entities this fee applies to have most likely previously been checking a different box on the application form for the non-breeding specialty exhibition. A reinspection fee is created for NPIP, since all other programs charge for reinspection. This fee appropriately puts the cost of reinspection onto the specific entities needing reinspection, rather than distributing the cost among all NPIP participants.

Fees for farm-raised deer are changed from a license to a location. Currently, there are registrations with one license and multiple locations. Additional locations take as much staff time to register, inspect, and regulate as a separate registration. The farm-raised deer registration fees

are also broken down into more categories to more accurately reflect the staff time to register, inspect, and regulate farms of different sizes and the additional work specific to farms enrolled in the Chronic Wasting Disease Herd Status Program. Surcharges for applicants who operated without a farm-raised deer registration are updated to equal the registration fee, consistent with the fish farm program and the dog seller program (ch. ATCP 16). This change also makes the surcharge more appropriate to the size of the farm, as the current surcharge is higher than some registration fees and lower than others.

For fish farms, the type 2/3 registration category for 1-5 licenses is broken into two categories: 1 license and 2-5 licenses.

Both current and proposed late fees are 20% of the applicable license fee, which is set by Wis. Stat. § 93.21 (5) (b).

For the purposes of the fee analysis, the SEG funding is distributed to the programs that would require the greatest fee increases, and among those programs is distributed based on the proportion of expense in each program. The SEG is distributed this way to reduce the highest fee increases by as much as possible, given the available funding.

The following table shows the total for fees in ch. ATCP 10.

ATCP 10 Proposal Estimates

	Current	Proposed	Change
Program Revenue	256,820	907,067	650,247
SEG Funding	209,460	209,460	-
Expense	963,839	963,839	-
Gain(Loss)	(497,560)	152,688	650,247

The proposed fees would ensure recovery of annual program costs and would gradually eliminate the projected negative cash balance over a period of years. Without the proposed fee increase, the appropriation would operate in a negative cash balance until a different change occurs, such as the creation of an alternative funding source or a statutory change. The Department would report the negative cash balance to the Joint Committee on Finance.

Neighboring states primarily fund these types of programs through GPR, therefore they have lower fees than Wisconsin's current fees. While Wisconsin's program fees are collected from a small number of licensees (as little as 1 licensee for some programs), these critical programs have impacts and benefits across animal health, animal industries, and public health.

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

The proposed rule would impact veterinarians who purchase CVIs, operators of intermediate handling facilities (there are currently none), producers who enroll their herds or flocks in disease certifications, an equine quarantine station and horse owners who import horses, feed lot operators,

entities pursuing medical separation, poultry owners enrolled in the voluntary NPIP program, farm-raised deer keepers, and fish farm operators. The proposed rule would impact:

- 33,000 CVIs purchased by veterinarians per year
- 0 intermediate handling facilities currently
- 72 herd certifications for bovine, swine, and farm-raised deer herds
- 0 entities impacted by the equine infectious anemia retest fee in recent years
- 1 equine quarantine station and 29 horses imported per year
- 1 feed lot
- 2 entities requesting medical separation per year
- 296 poultry flocks participating in NPIP and 26 blood sample collection trainees per year
- 235 farm-raised deer registrations (at 257 locations), including 61 hunt ranches, and 100 CWD test sample collector trainees per year
- 2,157 fish farm registrations and 6 fish import permits per year

The proposed rule would also impact animal health, animal industries, and public health. While Wisconsin's program fees are collected from a small number of licensees, these critical programs have impacts and benefits across animal health, animal industries, and public health.

The Department held a preliminary public hearing on the statement of scope on March 28, 2024, with comments accepted through April 1, 2024. In addition to publication in the Administrative Register, the Department also sent an email notice to licensees on March 18, 2024. The public hearing was a hybrid, combining in-person attendance at the DATCP building and remotely via zoom, with both internet access and telephone access.

Fiscal Estimate and Economic Impact Analysis

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on Small Business

The proposed rule modifies and increases fees for CVI forms, intermediate handling facilities, disease certifications, equine quarantine stations, feed lots, medical separation, NPIP, farm-raised deer, and fish farms. The proposed rule would also eliminate the current fee for equine infectious anemia retests.

Most or all affected entities are small businesses, pursuant to the definition under Wis. Stat. § 227.485 (2) (c). The economic impact could be significant for individual entities. Pursuant to Wis. Stat. § 227.22 (2) (e), the rule applies to small businesses on the first day of the 3rd month commencing after the date of publication of the rule. Based on current projections for the timeline of the rules process, the proposed rule would become effective for all entities by the middle of Fiscal Year 2027 (approximately November 2026).

The following table shows the quantity of licensees or charges, the number of years in the license cycle, the current and proposed fee amounts, the dollar change, and the percentage change.

ATCP 10 Fee Proposals

Program Area	Fee Description	Interval (Years)	Quantity	Current Fee	Proposed Fee	\$ Change	% Change
CVI Forms	CVI Inter-state Movement Form	NA	11,537	5.60	17.00	11.40	204%
	CVI Inter-state Movement Form Continuation	NA	618	1.00	5.00	4.00	400%
	CVI Intra-state Movement Form	NA	20,781	0.60	1.25	0.65	108%
Intermediate Handling Facilities	Intermediate Handling Facilities	1	-	140.00	1,360.00	1,220.00	871%
	Late Fee: Intermediate Handling Facilities	NA	-	28.00	272.00	244.00	871%
Disease Certifications	Certification: Bruc-Free Bovine Herd	1	15	50.00	80.00	30.00	60%
	Certification: Bruc-Free Swine Herd	1	3	50.00	80.00	30.00	60%
	Certification: Bruc FRD Herd	3	10	150.00	240.00	90.00	60%
	Certification: Bruc-Free Sheep Flock	1	-	50.00	80.00	30.00	60%
	Certification: Bruc-Free Goat Herd	1	-	50.00	80.00	30.00	60%
	Certification: TB-Free Bovine Herd	2	16	100.00	160.00	60.00	60%
	Certification: TB FRD Herd	3	25	150.00	240.00	90.00	60%
	Certification: TB-Free Goat Herd	1	-	50.00	80.00	30.00	60%
EIA Retest	Equine Infectious Anemia Retest	NA	-	25.00	-	(25.00)	-100%
	Equine Quarantine Stations	NA	29	100.00	425.00	325.00	325%
Feed Lots	Permit: Equine Quarantine Station	1	1	100.00	2,000.00	1,900.00	1900%
	Permit: Approved Import Feed Lot	1	1	140.00	1,045.00	905.00	646%
Medical Separation	Late Fee: Approved Import Feed Lot	NA	-	28.00	209.00	181.00	646%
	Inspection: Medical Separation	NA	2	400.00	955.00	555.00	139%
National Poultry Improve Plan	Training: Blood Sample Collection	5	26	25.00	25.00	-	0%
	NPIP: Non-Breeding, Specialty Exhibition	1	12	40.00	60.00	20.00	50%
	NPIP: Non-Breeding, Includes Game	1	7	60.00	90.00	30.00	50%
	NPIP: Breeding Flock, 1-200	1	201	40.00	95.00	55.00	138%
	NPIP: Breeding Flock, 201-1,000	1	60	80.00	165.00	85.00	106%
	NPIP: Breeding Flock, 1,001-5,000	1	5	100.00	235.00	135.00	135%
	NPIP: Breeding Flock, 5,001-10,000	1	2	200.00	465.00	265.00	133%
	NPIP: Breeding Flock, 10,001+	1	9	400.00	930.00	530.00	133%
	Reinspection: NPIP	NA	-	-	465.00	465.00	New

Program Area	Fee Description	Interval (Years)	Quantity	Current Fee	Proposed Fee	\$ Change	% Change
Farm-Raised Deer	Registration: License, Not Enrolled, <=15 Deer	1	87	85.00	-	(85.00)	-100%
	Registration: License, Enrolled <=15 Deer	1	40	162.50	-	(162.50)	-100%
	Registration: License, >15 Deer	1	108	325.00	-	(325.00)	-100%
	Registration: Location, Not Enrolled, <=15 Deer	1	95	85.00	495.00	410.00	482%
	Registration: Location, Not Enrolled, 16-99 Deer	1	40	325.00	1,160.00	835.00	257%
	Registration: Location, Not Enrolled, 100-199 Deer	1	19	325.00	2,320.00	1,995.00	614%
	Registration: Location, Not Enrolled, >=200 Deer	1	14	325.00	2,900.00	2,575.00	792%
	Registration: Location, Enrolled, <=15 Deer	1	45	162.50	990.00	827.50	509%
	Registration: Location, Enrolled, 16-99 Deer	1	36	325.00	1,510.00	1,185.00	365%
	Registration: Location, Enrolled, 100-199 Deer	1	3	325.00	3,020.00	2,695.00	829%
	Registration: Location, Enrolled, >=200 Deer	1	5	325.00	4,060.00	3,735.00	1149%
	Late Fee: Not Enrolled, <=15 Deer	NA	8	17.00	99.00	82.00	482%
	Late Fee: Not Enrolled, 16-99 Deer	NA	3	65.00	232.00	167.00	257%
	Late Fee: Not Enrolled, 100-199 Deer	NA	1	65.00	464.00	399.00	614%
	Late Fee: Not Enrolled, >=200 Deer	NA	1	65.00	580.00	515.00	792%
	Late Fee: Enrolled, <=15 Deer	NA	1	32.50	198.00	165.50	509%
	Late Fee: Enrolled, 16-99 Deer	NA	3	65.00	302.00	237.00	365%
	Late Fee: Enrolled, 100-199 Deer	NA	1	65.00	604.00	539.00	829%
	Late Fee: Enrolled, >=200 Deer	NA	1	65.00	812.00	747.00	1149%
	Surcharge: Not Enrolled, <=15 Deer	NA	3	250.00	495.00	245.00	98%
	Surcharge: Not Enrolled, 16-99 Deer	NA	2	250.00	1,160.00	910.00	364%
	Surcharge: Not Enrolled, 100-199 Deer	NA	1	250.00	2,320.00	2,070.00	828%
	Surcharge: Not Enrolled, >=200 Deer	NA	-	250.00	2,900.00	2,650.00	1060%
	Surcharge: Enrolled, <=15 Deer	NA	1	250.00	990.00	740.00	296%
	Surcharge: Enrolled, 16-99 Deer	NA	1	250.00	1,510.00	1,260.00	504%
	Surcharge: Enrolled, 100-199 Deer	NA	-	250.00	3,020.00	2,770.00	1108%
	Surcharge: Enrolled, >=200 Deer	NA	-	250.00	4,060.00	3,810.00	1524%
	Reinspection: Not Enrolled, <=15 Deer	NA	1	150.00	465.00	315.00	210%
	Reinspection: Not Enrolled, 16-99 Deer	NA	1	150.00	465.00	315.00	210%
	Reinspection: Not Enrolled, 100-199 Deer	NA	1	150.00	465.00	315.00	210%
	Reinspection: Not Enrolled, >=200 Deer	NA	1	150.00	465.00	315.00	210%
	Reinspection: Enrolled, <=15 Deer	NA	-	150.00	465.00	315.00	210%
	Reinspection: Enrolled, 16-99 Deer	NA	-	150.00	465.00	315.00	210%
	Reinspection: Enrolled, 100-199 Deer	NA	-	150.00	465.00	315.00	210%
	Reinspection: Enrolled, >=200 Deer	NA	-	150.00	465.00	315.00	210%
	Certificate: Hunting Ranch	10	61	500.00	3,190.00	2,690.00	538%
	CWD Test Sample Collector	5	100	50.00	175.00	125.00	250%

Program Area	Fee Description	Interval (Years)	Quantity	Current Fee	Proposed Fee	\$ Change	% Change
Fish Farms	Registration: Type 1, 1 License	1	1,950	37.50	95.00	57.50	153%
	Registration: Type 1, 2+ Licenses	1	82	50.00	145.00	95.00	190%
	Registration: Type 2/3, 1 License	1	96	125.00	465.00	340.00	272%
	Registration: Type 2/3, 2-5 Licenses	1	19	125.00	660.00	535.00	428%
	Registration: Type 2/3, 6-10 Licenses	1	8	150.00	785.00	635.00	423%
	Registration: Type 2/3, 11-20 Licenses	1	-	200.00	1,045.00	845.00	423%
	Registration: Type 2/3: 21+ Licenses	1	2	300.00	1,570.00	1,270.00	423%
	Late Fee: Type 1, 1 License	1	288	7.50	19.00	11.50	153%
	Late Fee: Type 1, 2+ Licenses	1	4	10.00	29.00	19.00	190%
	Late Fee: Type 2/3, 1 License	1	8	25.00	93.00	68.00	272%
	Late Fee: Type 2/3, 2-5 Licenses	1	2	25.00	132.00	107.00	428%
	Late Fee: Type 2/3, 6-10 Licenses	1	-	30.00	157.00	127.00	423%
	Late Fee: Type 2/3, 11-20 Licenses	1	-	40.00	209.00	169.00	423%
	Late Fee: Type 2/3: 21+ Licenses	1	-	60.00	314.00	254.00	423%
	Surcharge: Type 1, 1 License	1	5	37.50	95.00	57.50	153%
	Surcharge: Type 1, 2+ Licenses	1	1	50.00	145.00	95.00	190%
	Surcharge: Type 2/3, 1 License	1	1	125.00	465.00	340.00	272%
	Surcharge: Type 2/3, 2-5 Licenses	1	-	125.00	660.00	535.00	428%
	Surcharge: Type 2/3, 6-10 Licenses	1	-	150.00	785.00	635.00	423%
	Surcharge: Type 2/3, 11-20 Licenses	1	-	200.00	1,045.00	845.00	423%
	Surcharge: Type 2/3: 21+ Licenses	1	-	300.00	1,570.00	1,270.00	423%
	Reinspection: Type 2/3, 1 License	NA	-	150.00	465.00	315.00	210%
	Reinspection: Type 2/3, 2-5 Licenses	NA	-	150.00	465.00	315.00	210%
	Reinspection: Type 2/3, 6-10 Licenses	NA	-	150.00	465.00	315.00	210%
	Reinspection: Type 2/3, 11-20 Licenses	NA	-	150.00	465.00	315.00	210%
	Reinspection: Type 2/3: 21+ Licenses	NA	-	150.00	465.00	315.00	210%
	Import Permit: Fish	NA	6	90.00	265.00	175.00	194%

The Department's Regulatory Review Coordinator may be contacted by:

Email at Bradford.Steine1@wisconsin.gov

Telephone at (608) 504-0370

The Regulatory Flexibility Analysis is attached.

Department Contact Person

Angela Fisher
Division of Animal Health
Department of Agriculture, Trade and Consumer Protection
P.O. Box 8911
Madison, WI 53708-8911
(608) 224-5051
angela.fisher1@wisconsin.gov

Place Where Comments are to Be Submitted and Deadline for Submission:

Comments must be received on or before October 15, 2025 to be included in the record of rule-making proceedings. Submit comments:

By mail to:
Angela Fisher

Division of Animal Health
Department of Agriculture, Trade and Consumer Protection
P.O. Box 8911
Madison, WI 53708-8911
By email to: angela.fisher1@wisconsin.gov

RULE TEXT

SECTION 1. ATPC 10.01 (9), (11), (15), and (18) are repealed.

SECTION 2. ATPC 10.01 (22) (intro.) is amended to read:

ATPC 10.01 (22) (intro.) “Certified ~~brucellosa~~ brucella ovis-free flock” means a flock of sheep that is certified by one of the following:

SECTION 3. ATPC 10.01 (27m) is amended to read:

ATPC 10.01 (27m) “Commercial swine” means a domestic hog, including a domestic hog kept as a pet, but does not include members of the family suidae included under s. NR 16.11 (3).

SECTION 4. ATPC 10.01 (31) and (36) are repealed.

SECTION 5. ATPC 10.01 (38) is amended to read:

ATPC 10.01 (38) “Exotic disease” means any communicable, contagious, or infectious disease not known to exist in ~~livestock, fish, or poultry~~ domestic animals in Wisconsin.

SECTION 6. ATPC 10.01 (44) is amended to read:

ATPC 10.01 (44) “Federal bureau” means the animal and plant health inspection service of ~~USDA the U.S. department of agriculture~~, or any other unit of ~~USDA the U.S. department of agriculture~~ that is vested with authority to administer federal laws and regulations relating to animal disease control.

SECTION 7. ATPC 10.01 (48), (51), (53), (54), (66), and (68m) are repealed.

SECTION 8. ATPC 10.01 (70) (a) is amended to read:

19 **ATCP 10.01 (70) (a)** The national uniform ear tagging system developed by the federal
20 bureau ~~in veterinary services memorandum no. 578.12, revised March 15, 2011.~~ For species
21 other than sheep and goats, the number consists of 8 or 9 digits, with the first 2 digits being the
22 state of origin's 2 digit code, followed by 2 or 3 letters, and then 4 numbers. For a bovine animal,
23 only a 9 digit number is acceptable for use. For a sheep or goat, only an 8 digit number is
24 acceptable for use, with the first 2 digits consisting of the state of origin's 2 digit postal
25 abbreviation, followed by 2 letters or 1 letter and 1 number, and then 4 numbers.

26 SECTION 9. ATCP 10.01 (70) (a) (Note) is repealed and recreated to read:

27 **ATCP 10.01 (70) (a) (Note)** The national uniform eartagging system, developed under 9 CFR
28 86.1, is further explained in a U.S. department of agriculture document titled "Animal Disease
29 Traceability Official Animal Identification Device Standards (OAIDs)" accessible at:
30 <https://www.aphis.usda.gov/sites/default/files/animal-id-device-standards.pdf>.

31 SECTION 10. ATCP 10.01 (71) (a) is amended to read:

32 **ATCP 10.01 (71) (a)** For bovine, ~~an official ear tag attached to the animal.~~ any of the
33 following:

34 SECTION 11. ATCP 10.01 (71) (a) 1. and 2. are created to read:

35 **ATCP 10.01 (71) (a) 1.** If applied prior to November 5, 2024, an official ear tag as defined
36 under sub. (70).

37 **2.** If applied on or after November 5, 2024, an official ear tag as defined under sub. (70) that
38 is able to be read both visually and electronically.

39 SECTION 12. ATCP 10.01 (71) (c) 1. is amended to read:

40 **ATCP 10.01 (71) (c) 1.** A written or graphic description ~~by a licensed and accredited~~
41 ~~veterinarian~~ sufficient to identify the individual equine including all of the following:

SECTION 13. ATCP 10.01 (71) (c) 4. is created to read:

ATCP 10.01 (71) (c) 4. Other identification approved by the department.

SECTION 14. ATCP 10.01 (86) is repealed.

SECTION 15. ATCP 10.01 (90) is amended to read:

ATCP 10.01 (90) “Slaughtering establishment” means a facility to slaughter animals that is licensed and inspected by the department or ~~USDA~~ the U.S. department of agriculture.

“Slaughtering establishment” includes all premises used in connection with the slaughter operator including an approved intermediate handling facility approved under s. ATCP 10.07 (5).

SECTION 16. ATCP 10.01 (114) is repealed.

SECTION 17. ATCP 10.025 (1) is amended to read:

ATCP 10.025 (1) Any person requesting medical separation for premises under this chapter, including under ss. ATC 10.07 (4) (a) 5., 10.46 (1) (f), (5) (c) and (d), and 10.61 (5m), shall pay a nonrefundable fee of ~~\$400~~ \$955 for each day, or portion of a day, needed to complete the inspection.

SECTION 18. ATCP 10.03 (2m) is created to read:

ATCP 10.03 (2m) A person collecting a sample for the purposes of testing for a disease identified in ch. ATCP 10 Appendix A or B shall record any official individual identification. If the animal has no official individual identification, the person who collects the test sample shall apply an official individual identification to any livestock, other than fish, or shall use another appropriate identified for other non-livestock animals, prior to collecting the test sample.

SECTION 19. ATCP 10.03 (3) is amended to read:

ATCP 10.03 (3) A person may make a report under sub. (1) or (2) by telephone, by email, by fax, or by any other effective means of communication that ensures that the report will reach the

department within the applicable time limit set forth in this section. The reported information shall include official individual identification, ~~if required under this chapter~~, the species, age, sex, and breed of the animal possibly infected with the disease, the address of the farm, and the premises code, if any. If the report is not initially in writing, the person shall confirm the report in writing by mail, e-mail, or fax within 10 days.

SECTION 20. ATCP 10.03 (7) is amended to read:

If the state veterinarian determines that a new disease is reportable under sub. (1) or (2) because it presents a threat to animals or humans residing in this state, ~~he or she~~ the state veterinarian may issue an order to make the disease reportable within one or ten days until the new disease is published in ch. ATCP 10 Appendix A or B.

SECTION 21. ATCP 10.06 (3) (b) is amended to read:

ATCP 10.06 (3) (b) A Wisconsin certified veterinarian may obtain Wisconsin certificate of veterinary inspection forms from the department. There is a fee of ~~\$5.60~~ \$17 for each interstate movement form, \$5 for each interstate movement form continuation sheet, and ~~\$0.60~~ \$1.25 for each intrastate movement form.

SECTION 22. ATCP 10.06 (6) (a) and (b) are amended to read:

ATCP 10.06 (6) (a) If this chapter requires a certificate of veterinary inspection to accompany animals imported to this state, the veterinarian who signs the certificate shall file copies with the ~~chief livestock~~ state animal health official in the state of origin within 7 calendar days after issuance. The ~~chief livestock~~ state animal health official shall file the certificate with the department within 7 calendar days of receipt. If the state of origin does not have a ~~chief livestock~~ state animal health official that submits certificates of veterinary inspection for a

particular species, the veterinarian who signs the certificate shall file copies with the department within 7 days after issuance.

(b) Whenever a Wisconsin certified veterinarian issues an interstate certificate of veterinary inspection for export or intrastate movement of Wisconsin animals, the veterinarian shall file a copy of the certificate with the department within 7 calendar days after issuance. If the animals are being exported, the department shall file a copy of the certificate with the ~~chief livestock~~ state animal health official of the state of destination within 7 days after receipt.

SECTION 23. ATCP 10.07 (1) (b) (Note) is amended to read:

ATCP 10.07 (1) (b) (Note) Whenever the state veterinarian imposes additional import requirements under par. (b), the department will determine whether those import requirements have general application. If the requirements have general application, the department will adopt an emergency rule and promulgate a permanent rule adopting the requirements.

If the import requirements under par. (b) do not have general application, they constitute an order under s. 93.07 (10), Stats. A person affected by the order may request a hearing under s. 227.42, Stats., and ch. ATCP 1.

Whenever additional import requirements under par. (b) affect imports from an entire state or a substantial portion of a state, the department will notify the ~~chief state animal health officer~~ official in the affected state.

SECTION 24. ATCP 10.07 (5) (c) 3. is amended to read:

ATCP 10.07 (5) (c) 3. The application shall include a nonrefundable fee of ~~\$140~~ \$1,360. 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 25. ATCP 10.07 (5) (f) 9. a., b., and c. are amended to read:

110 **ATCP 10.07 (5) (f) 9. a.** A record of each animal shipment received, including the date of
111 receipt, the number of animals in the shipment, the name and address of the shipper, the name
112 and address from which the shipment originated, any official individual identification or official
113 back tag of any animal in the shipment, any documents related to any animal in the shipment,
114 and the movement permit number issued under par. (h).

115 **b.** A record of each animal leaving the facility, including the date the animal left, the number
116 of animals included in the truckload, the name and address of the shipper, the name and address
117 of the person receiving the animals, any official individual identification or official back tag of
118 any animal in the truckload, and the movement permit number issued under par. (h).

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

123 SECTION 26. ATCP 10.07 (5) (h) is amended to read:

124 **ATCP 10.07 (5) (h) *Movement permit application.*** To obtain a movement permit, a facility
125 operator shall submit an application on a form provided by the department. The application shall
126 be submitted to the department before any animals listed in the permit application are delivered
127 to the facility. The application shall include the name and street address of the certified
128 intermediate livestock handling facility accepting delivery of the animal shipment, the breed ~~and~~
129 or class of animals in the shipment, the quantity of animals in the shipment, the name and street
130 address of the origin of the shipment, the name and street address of the slaughtering
131 establishment destination for the shipment, and the name and address of the shipper. The
132 operator of the facility may make the application by fax or email. The permit shall be evidenced

by a unique movement permit number. The department may issue the movement permit number in paper, verbal, or electronic form. The movement permit number shall be recorded on the movement permit by the department or the facility operator, as applicable.

SECTION 27. ATCP 10.08 (2) (intro.) is amended to read:

ATCP 10.08 (2) CONTAGIOUS OR INFECTIOUS DISEASES. Except as provide in sub. (3), no person may sell or move any animal that is infected with or exposed to any ~~of the following contagious or infectious diseases~~ disease identified in ch. ATCP 10 Appendix A, or any animal that the department has classified as a suspect or reactor for any ~~of the following contagious or infectious diseases~~ disease identified in ch. ATCP 10 Appendix A. Animals infected with or exposed to other contagious or infectious diseases, not listed in this subsection, may be quarantined at the discretion of the department under s. ATCP 10.89 and other provisions of this chapter.

SECTION 28. ATCP 10.08 (2) (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (L), (m), (n), (o), (p), (q), (r), (s), and (Note) are repealed.

SECTION 29. ATCP 10.08 (4) is amended to read:

ATCP 10.08 (4) REMOVING LIVESTOCK FROM SLAUGHTER ESTABLISHMENTS. No person may remove any livestock animal from a slaughtering establishment after the animal has been off-loaded at the slaughtering establishment unless the animal is removed under a special permit issued by the state veterinarian. The state veterinarian shall grant or deny a permit application within 5 business days after ~~he or she~~ the state veterinarian receives a complete application.

SECTION 30. ATCP 10.12 (1) is amended to read:

ATCP 10.12 (1) CERTIFICATION. The department may certify a herd of cattle as a brucellosis-free herd if the herd qualifies for that certification under the brucellosis uniform methods and rules. Every certification application shall include a nonrefundable fee of ~~\$50~~ \$80 for an annual certification. To maintain the herd certification, a herd owner shall comply with applicable requirements under the brucellosis uniform methods and rules.

SECTION 31. ATCP 10.14 (1) is amended to read:

ATCP 10.14 (1) CERTIFICATION. The department may certify a herd of bovine animals as an accredited tuberculosis-free herd if the herd qualifies for that certification under the tuberculosis uniform methods and rules. Every certification application shall include a nonrefundable application fee of ~~\$100~~ \$160 for a 2-year certification. The department may prorate the fee for certifications less than 2 years. To maintain the certification, a herd owner shall comply with applicable requirements under the tuberculosis uniform methods and rules.

SECTION 32. ATCP 10.22 (9) (b) is amended to read:

ATCP 10.22 (9) (b) *Permit application.* To obtain an approved import feed lot permit, a feed lot operator shall submit an application on a form provided by the department. The application shall identify the location of the 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 feed lot's livestock premises code under ch. ATCP 17. The application shall include a nonrefundable fee of ~~\$140~~ \$1,045. The department shall grant or deny a permit application within 30 days after a complete application is filed with the department.

SECTION 33. ATCP 10.27 (1), (2), and (3) are amended to read:

ATCP 10.27 (1) QUALIFIED PSEUDORABIES NEGATIVE HERD. The department may certify a herd of swine as a qualified pseudorabies negative herd if the herd qualifies for that

certification under the pseudorabies national eradication standards. Every certification application shall include a nonrefundable fee of ~~\$50~~ \$80 for each year of certification. To maintain the certification, the herd owner shall comply with applicable requirements under the pseudorabies national eradication standards.

(2) QUALIFIED PSEUDORABIES NEGATIVE GROW-OUT HERD. The department may certify a herd of swine as a qualified pseudorabies negative grow-out herd if the herd qualifies for that certification under the pseudorabies national eradication standards. Every certification application shall include a nonrefundable fee of ~~\$50~~ \$80 for each year of certification. To maintain the certification, the herd owner shall comply with applicable requirements under the pseudorabies national eradication standards.

(3) FEEDER SWINE PSEUDORABIES MONITORED HERD. The department may certify a herd of swine as a feeder swine pseudorabies monitored herd if the herd qualifies for that certification under the pseudorabies national eradication standards. Every certification application shall include a nonrefundable fee of ~~\$50~~ \$80 for each year of certification. To maintain the certification, the herd owner shall comply with applicable requirements under the pseudorabies national eradication standards.

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

ATCP 10.29 (1) CERTIFICATION. The department may certify a herd of swine as a validated brucellosis-free herd if the herd qualifies for that certification under the brucellosis uniform methods and rules. Every certification application shall include a nonrefundable fee of ~~\$50~~ \$80 for each year of certification. To maintain the herd certification, the herd owner shall comply with applicable requirements under the brucellosis uniform methods and rules.

SECTION 35. ATCP 10.35 (5) (a) is amended to read:

201 **ATCP 10.35 (5) (a)** The department shall retest an animal quarantined under sub. (4) (a) if,
202 within 10 days after the quarantine notice is served, the owner of the quarantined animal files a
203 written retest request with the department ~~and pays a retest fee of \$25~~. A retest request does not
204 stay a quarantine notice under sub. (4) (a).

205 SECTION 36. ATCP 10.37 (1) (a) 2. is amended to read:

206 **ATCP 10.37 (1) (a) 2.** The applicant pays a nonrefundable ~~\$100~~ \$965 permit fee and the
207 department issues a permit under s. ATCP 10.07 (2) authorizing the import shipment. A copy of
208 the permit shall accompany the shipment.

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

210 **ATCP 10.37 (3) (g)** A nonrefundable annual permit fee of ~~\$100~~ \$965.

211 SECTION 38. ATCP 10.41 (5) (a), (b), and (c) are amended to read:

212 **ATCP 10.41 (5) (a)** ~~\$40~~ \$60 if the flock includes no more than 200 breeders or consists
213 solely of specialty breeds, other than breeds commonly raised for meat or egg production, and
214 the flock owner raises the birds primarily for exhibition.

215 **(b)** ~~\$40~~ \$60 if the flock owner does not hatch or collect eggs, and obtains stock solely from
216 flocks enrolled in the national poultry improvement plan.

217 **(c)** ~~\$60~~ \$90 if the flock includes farm-raised game birds, the flock owner does not hatch or
218 collect eggs, and the flock owner obtains stock solely from flocks enrolled in the national poultry
219 improvement plan.

220 SECTION 39. ATCP 10.41 (5) (d) 1., 2., 3., and 4. are renumbered 2., 3., 4., and 5. and
221 amended to read:

222 **ATCP 10.41 (5) (d) 2.** ~~\$80~~ \$165 if the flock includes more than 200 but no more than 1,000
223 breeders.

224 3. ~~\$100~~ \$235 if the flock includes more than 1,000 breeders, but no more than 5,000 breeders.

225 4. ~~\$200~~ \$465 if the flock includes more than 5,000 breeders, but no more than 10,000
226 breeders.

227 5. ~~\$400~~ \$930 if the flock includes more than 10,000 breeders.

228 SECTION 40. ATCP 10.41 (5) (d) 1. is created to read:

229 **ATCP 10.41 (5) (d) 1.** **ATCP 10.41 (5) (d)** \$95 if the flock includes no more than 200
230 breeders.

231 SECTION 41. ATCP 10.41 (8) is created to read:

232 **ATCP 10.41 (8) REINSPECTIONS.** (a) The department may charge, to the holder of an
233 enrollment under this section, a reinspection fee of \$465 for a reinspection that the department
234 makes to determine whether that person has corrected a previous violation of this chapter noted
235 on a previous inspection report. The department may not charge a reinspection fee under this
236 subsection for a routine or regularly scheduled inspection, or for an inspection that is required
237 under this chapter.

238 (b) A reinspection fee under par. (a) is payable when the reinspection is completed, and is due
239 upon written demand from the department. The department may issue a demand for payment
240 when it issues a re-enrollment application form to the flock owner.

241 SECTION 42. ATCP 10.46 (7) (a) 1. (intro.) is amended to read:

242 **ATCP 10.46 (7) (a) 1. (intro.)** ~~Except as specified under par. (ab), a~~ A nonrefundable annual
243 fee of ~~\$85.00~~ \$495 for each location if the herd at that location includes no more than 15 farm-
244 raised deer and the following criteria are met:

245 SECTION 43. ATCP 10.46 (7) (a) 1. (intro.) (Note) is repealed.

246 SECTION 44. ATCP 10.46 (7) (a) 1e., 1m., and 1s. are created to read:

247 **ATCP 10.46 (7) (a) 1e.** A nonrefundable annual fee of \$1,160 for each location if the herd at
248 that location includes at least 16 and no more than 99 farm-raised deer, and the herd meets all of
249 the criteria under sub. 1.

250 **1m.** A nonrefundable annual fee of \$2,320 for each location if the herd at that location
251 includes at least 100 and no more than 199 farm-raised deer, and the herd meets all of the criteria
252 under sub. 1.

253 **1s.** A nonrefundable annual fee of \$2,900 for each location if the herd at that location includes
254 at least 200 farm-raised deer, and the herd meets all of the criteria under sub. 1.

255 SECTION 45. ATCP 10.46 (7) (a) 2. is amended to read:

256 **ATCP 10.46 (7) (a) 2.** ~~Except as specified under par. (ac), a~~ A nonrefundable annual fee of
257 ~~\$162.50~~ \$990 for each location if the herd at that location includes no more than 15 farm-raised
258 deer, and the herd does not meet all of the criteria under subd. 1.

259 SECTION 46. ATCP 10.46 (7) (a) 2. (Note) is repealed.

260 SECTION 47. ATCP 10.46 (7) (a) 3. is amended to read:

261 **ATCP 10.46 (7) (a) 3.** ~~Except as specified under par. (ad), a~~ A nonrefundable annual fee of
262 ~~\$325~~ \$1,510 for each location if the herd at that location includes ~~more than 15~~ at least 16 and no
263 more than 99 farm-raised deer, and the herd does not meet all of the criteria under sub. 1.

264 SECTION 48. ATCP 10.46 (7) (a) 3. (Note) is repealed.

265 SECTION 49. ATCP 10.46 (7) (a) 3g. and 3r. are created to read:

266 **ATCP 10.46 (7) (a) 3g.** A nonrefundable annual fee of \$3,020 for each location if the herd at
267 that location includes at least 100 and no more than 199 farm-raised deer, and the herd does not
268 meet all of the criteria under sub. 1.

3r. A nonrefundable annual fee of \$4,060 for each location if the herd at that location includes at least 200 farm-raised deer, and the herd does not meet all of the criteria under sub. 1.

SECTION 50. ATCP 10.46 (7) (c) is amended to read:

ATCP 10.46 (7) (c) An applicant shall pay a registration fee surcharge ~~of \$250~~ equal to the amount of the applicable registration fee under par. (a) if the department determines that, within 365 days prior to submitting the complete registration application under sub. (6), the applicant kept farm-raised deer at any location without a required registration certificate that identifies that location. 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 51. ATCP 10.46 (14) (a) is amended to read:

ATCP 10.46 (14) (a) The department may charge, to the holder of a registration under sub. (1), a reinspection fee of ~~\$150~~ \$465 for a reinspection that the department makes to determine whether that person has corrected a previous violation of this chapter noted on a previous inspection report. The department may not charge a reinspection fee under this subsection for a routine or regularly scheduled inspection, or for an inspection that is required under this chapter.

SECTION 52. ATCP 10.47 (3) (b) 4. is amended to read:

ATCP 10.47 (3) (b) 4. A nonrefundable fee of ~~\$500~~ \$3,190.

SECTION 53. ATCP 10.49 (1m) is amended to read:

ATCP 10.49 (1m) CERTIFICATION FEE. Every application for certification under sub. (1) or (4) shall include a nonrefundable application fee of ~~\$150~~ \$240 for a 3-year certification. This fee may be prorated for certification of less than 3 years.

SECTION 54. ATCP 10.51 (2m) is amended to read:

291 **ATCP 10.51 (2m)** Every application for certification under sub. (1), (2), or (4) shall include a
292 nonrefundable application fee of ~~\$150~~ \$240 for a 3-year certification. The department may
293 prorate the fee for certification of less than 3 years.

294 SECTION 55. ATCP 10.52 (4) (ag) is amended to read:

295 **ATCP 10.52 (4) (ag)** For persons eligible under par. (a) 1. and 4. For qualification as a test
296 sample collector under this subsection, an application shall include a nonrefundable application
297 fee of ~~\$50~~ \$175. The application fee is waived for persons eligible under par. (a) 2. and 3. All
298 qualifications under this subsection expire on June 30, 2018, and every fifth year thereafter.
299 Except as authorized under par. (ar), a person eligible as an employee of a farm-raised deer
300 keeper may only be qualified by the department to perform sample collection for the employing
301 farm-raised deer keeper, and may not collect test samples for any other farm-raised deer keeper.
302 A person may reapply to be a qualified test sample collector after expiration by successfully
303 completing a chronic wasting disease test sample collection training approved by the department,
304 and submitting a nonrefundable application fee of ~~\$50~~ \$175.

305 SECTION 56. ATCP 10.61 (7) (a) 1. and 2. are amended to read:

306 **ATCP 10.61 (7) (a) 1.** A nonrefundable fee of ~~\$37.50~~ \$95 for a type 1 fish farm, or a total
307 nonrefundable fee of ~~\$50~~ \$145 for 2 or more type 1 fish farms.

308 **2.** A nonrefundable fee of \$465 for a type 2 or type 3 fish farm, or a total nonrefundable fee of
309 ~~\$125~~ \$660 for up to more than 1 but not more than 5 type 2 or type 3 fish farms, \$150 \$785 for
310 more than 5 but not more than 10 type 2 or type 3 fish farms, ~~\$200~~ \$1,045 for more than 10 but
311 not more than 20 type 2 or type 3 fish farms, and ~~\$300~~ \$1,570 for more than 20 type 2 or type 3
312 fish farms.

313 SECTION 57. ATCP 10.61 (13) (a) is amended to read:

ATCP 10.61 (13) (a) The department may charge, to the holder of a registration under this section, a reinspection fee of ~~\$150~~ \$465 for a reinspection that the department makes to determine whether that person has corrected a previous violation of this chapter noted on a previous inspection report. The department may not charge a reinspection fee under this subsection for a routine or regularly scheduled inspection, or for an inspection that is required under this chapter.

SECTION 58. ATCP 10.62 (4) (a) 2. is amended to read:

ATCP 10.62 (4) (a) 2. A nonrefundable fee of ~~\$90~~ \$265.

SECTION 59. ATCP 10.68 (2m) is amended to read:

ATCP 10.68 (2m) Every application for certification under sub. (1) or certification re-issuance under sub. (2) shall include a nonrefundable fee of ~~\$50~~ \$80 for each year of certification.

SECTION 60. ATCP 10.73 (2m) is amended to read:

ATCP 10.73 (2m) Every application for certification under sub. (1) or certification re-issuance under sub. (2) shall include a nonrefundable fee of ~~\$50~~ \$80.

SECTION 61. ATCP 10.74 (1m) is amended to read:

ATCP 10.74 (1m) Every application for certification under sub. (1) shall include a nonrefundable fee of ~~\$50~~ \$80 for each year of certification.

SECTION 62. ATCP 10 Appendix A is amended to read:

Chapter ATCP 10

APPENDIX A

Diseases Reported Within One Day

African horse sickness

337 African swine fever

338 Akabane (Simbu serogroup viruses)

339 Anthrax (Bacillus anthracis)

340 Arenavirus

341 Avian influenza (including all domestic species, both avian and non-avian)

342 ~~B-Virus Infection~~

343 Bovine Spongiform Encephalopathy

344 Brucellosis

345 Chronic wasting disease

346 Classical swine fever

347 Contagious bovine pleuropneumonia (Mycoplasma mycoides mycoides)

348 Contagious Equine Metritis (Taylorella equigenitalis)

349 Crimean Congo hemorrhagic ~~disease~~ fever

350 Dourine (Trypanosoma equiperdum)

351 ~~Equine encephalomyelitis (Eastern, Western or Venezuelan)~~

352 Epizootic lymphangitis (Histoplasma capsulatum var farciminosum)

353 Equine infectious anemia

354 ~~Equine influenza~~

355 ~~Exotic Newcastle disease~~

356 Filovirus Infection

357 ~~Foot and mouth~~ Foot-and-mouth disease

358 Glanders (~~Farcy~~) (Burkholderia mallei)

359 ~~Hendravirus~~ Hendra virus

360	<u>Herpes B Virus</u>
361	Japanese encephalitis
362	Lumpy skin disease
363	Melioidosis (<u>Burkholderia pseudomallei</u>)
364	New world screwworm (<i>Cochliomyia hominivorax</i>)
365	Old world screwworm (<i>Chrysomya bezziana</i>)
366	Nipah virus infection
367	Nairobi sheep disease <u>virus</u>
368	Orthopoxvirus infection
369	Peste des petits ruminants
370	Plague (<u>Yersinia pestis</u>)
371	Pseudorabies (Aujeszky's disease)
372	Pullorum disease (<u>Salmonella pullorum</u>)
373	Rabies
374	Rift Valley fever
375	Rinderpest
376	Scrapie (<u>Transmissible spongiform encephalopathy (TSE) of sheep and goats</u>)
377	Sheep pox and goat pox
378	Surra (<i>Trypanosoma evansi</i>)
379	Swine influenza
380	Swine vesicular disease
381	Tuberculosis (<u>MTBC, Mycobacterium tuberculosis complex</u>)
382	Tularemia (<u>Francisella tularensis</u>)

383 Variant swine influenza

384 Vesicular conditions including vesicular stomatitis, vesicular exanthema, and Seneca Valley
385 virus/Seneca virus A (SVA)

386 Virulent Newcastle disease

387 Any disease that is a foreign or exotic disease to Wisconsin

388 SECTION 63. ATCP 10 Appendix B is amended to read:

389 **Chapter ATCP 10**

390 **APPENDIX B**

391 **Diseases Reported Within 10 Days**

392 **Multiple species diseases**

393 Bluetongue

394 Echinococcosis/hydatidosis

395 Epizootic hemorrhagic disease

396 Heartwater (Ehrlichia ruminantium)

397 Influenza virus (see also Appendix A for other reportable influenza types)

398 ~~Leptospirosis~~

399 ~~Mange~~

400 ~~Paratuberculosis also known as Johne's Disease~~ (Mycobacterium avium paratuberculosis)

401 Psoroptic mange

402 Q Fever (Coxiellosis, Coxiella burnetti)

403 **Fish diseases**

404 Epizootic hematopoietic necrosis

405 Infectious hematopoietic necrosis

- 406 Infectious salmon anemia
- 407 Epizootic ulcerative syndrome (EUS) (Infection with *Aphanomyces invadans*)
- 408 Gyrodactylosis (*Gyrodactylus salaris*)
- 409 Infection with salmonid alphavirus
- 410 Koi herpesvirus disease
- 411 Largemouth bass virus
- 412 Oncorhynchus masou virus disease
- 413 Proliferative kidney disease
- 414 Red sea bream iridoviral disease
- 415 Spring viremia of carp
- 416 *Streptococcus iniae*
- 417 Viral hemorrhagic septicemia
- 418 Whirling disease (*Myxobolus cerebralis*)
- 419 White sturgeon iridovirus
- 420 **Sheep and goat diseases**
- 421 Caprine Arthritis and Encephalitis virus
- 422 Contagious agalactia (~~mycoplasma~~ Mycoplasma)
- 423 Contagious caprine pleuropneumonia (Mycoplasma)
- 424 Enzootic abortion of ewes (~~ovine chlamydiosis~~ Chlamydia abortus)
- 425 ~~Maedi-visna~~
- 426 Ovine epididymitis (*Brucella ovis*)
- 427 Ovine progressive pneumonia (Maedi-visna)
- 428 Ovine pulmonary adenomatosis or adenocarcinoma (Jaagsiekte sheep retrovirus)

- 429 Salmonellosis (~~S.~~ Salmonella abortusovis)
- 430 Sheep foot rot
- 431 **Swine diseases**
- 432 Atrophic rhinitis of swine (Bordetella bronchiseptica, Pasteurella multocida)
- 433 Enterovirus encephalomyelitis, Teschen disease, Talfan disease (Picornaviridae: Teschovirus
- 434 A & B, Sapelovirus A, Enterovirus G)
- 435 Porcine epidemic diarrhea virus (~~PED~~ PEDv)
- 436 Porcine cysticercosis (Taenia solium)
- 437 Porcine delta coronavirus (PDCoV)
- 438 Porcine reproductive and respiratory syndrome
- 439 ~~Swine influenza~~
- 440 Swine dysentery
- 441 Swine enteric coronavirus disease (SECD)
- 442 Transmissible gastroenteritis (TGE)
- 443 Trichinellosis/Trichinosis (Trichinella spiralis and other Trichinella spp.)
- 444 ~~Vesicular exanthema~~
- 445 **Bee diseases**
- 446 ~~Acariosis~~ Acarapisosis of bees (Acarapis woodi)
- 447 American foulbrood
- 448 European foulbrood
- 449 Nosemosis ~~of bees~~ /Nosema disease
- 450 Small hive beetle infestation
- 451 Varroosis (Varroa mites)

452 **Lagomorph diseases**

453 Myxomatosis

454 Rabbit hemorrhagic disease

455 **Cattle diseases**

456 Bovine anaplasmosis

457 Bovine babesiosis

458 ~~Bovine spongiform encephalopathy~~

459 Bovine cysticercosis

460 Bovine genital campylobacteriosis

461 Bovine viral diarrhea (BVD)

462 Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis

463 Dermatophilosis

464 Enzootic bovine leukosis/bovine leukemia virus (BLV)

465 Hemorrhagic septicemia

466 Malignant catarrhal fever

467 Theileriosis

468 ~~Trichomonosis~~ Trichomoniasis (Tritrichomonas foetus)

469 Trypanosomosis (~~tsetse-borne~~ tsetse-transmitted)

470 **Equine diseases**

471 Equine encephalomyelitis (Eastern, Western or Venezuelan)

472 ~~Equine herpesvirus (Equine Herpes Myeloencephalopathy)~~ Equine herpes virus

473 Equine piroplasmosis

474 Equine viral arteritis

475 Horse pox

476 Pigeon Fever (Corynebacterium pseudotuberculosis)

477 Strangles (Streptococcus equi equi)

478 West Nile Virus

479 **Avian diseases**

480 Avian infectious bronchitis

481 Avian infectious encephalomyelitis

482 Avian infectious laryngotracheitis

483 Avian mycoplasmosis (M. gallisepticum, M. meleagridis, M. synoviae)

484 Avian tuberculosis (Mycobacterium spp.)

485 Duck virus enteritis

486 Duck virus hepatitis

487 Fowl cholera (Pasteurella multocida)

488 Ornithosis (psittacosis) (Chlamydia psittaci)

489 Paramyxovirus infections of poultry other than Newcastle disease

490 ~~Psittacosis~~

491 Salmonellosis

492 Fowl pox

493 Fowl typhoid (Salmonella gallinarum)

494 Marek's disease

495 ~~Mycoplasma meleagridis~~

496 Infectious bursal disease (Gumboro disease)

497 Turkey rhinotracheitis (avian metapneumovirus)

498	Mollusc diseases
499	<u>Abalone herpes virus</u>
500	Haplosporidiosis (H. nelsoni or H. costale)
501	Bonamiosis
502	Marteiliosis
503	Mikrocytosis (Mikrocytos mackini)
504	Perkinsosis
505	Infection with Xenohalictis californiensis
506	Infection with abalone herpes virus
507	Crustacean Diseases
508	Taura syndrome
509	White spot disease
510	Necrotising hepatopancreatitis (Candidatus Hepatobacterpenaei) (NHP, early mortality
511	syndrome)
512	Yellowhead (Infection with Yellowhead virus genotype 1)
513	Infectious hypodermal and haematopoietic necrosis
514	Crayfish plague (Aphanomyces astaci)
515	Infectious myonecrosis
516	White tail disease
517	Acute hepatopancreatic necrosis disease (V.parahemolyticus pVA-1 plasmid)
518	Diseases of other animal species
519	Canine Influenza
520	<u>Batrachochytrium dendrobatidis</u>

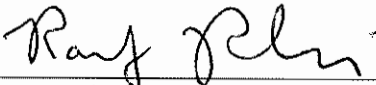
521 Leishmaniasis
522 ~~Infection with Batrachochytrium dendrobatidis~~
523 ~~Infection with ranavirus~~
524 Hantavirus
525 Ranavirus

526 EFFECTIVE DATE. This rule is effective on the first day of the month commencing after the
527 date of publication, as provided under Wis. Stat. § 227.22 (2) (intro.). The rule applies to small
528 businesses on the first day of the 3rd month commencing after the date of publication of the rule,
529 as provided under Wis. Stat. § 227.22 (2) (e).

(END OF RULE TEXT)

Dated this 7 day of August 2025

WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION


By: Randy Romanski, Secretary