

Wisconsin Department of Agriculture, Trade and Consumer Protection

Regulatory Flexibility Analysis

Rule Subject: Animal disease and movement, including fees, and affecting small businesses
Adm. Code Reference: ATCP 10
Rules Clearinghouse #:
DATCP Docket #: 22-R-12

Rule Summary

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 ATPC 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 ATPC 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.

Small Businesses Affected

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.

Reporting, Bookkeeping and other Procedures

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.

Professional Skills Required

The proposed rule does not create any new professional skills requirements.

Accommodation for Small Business

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).

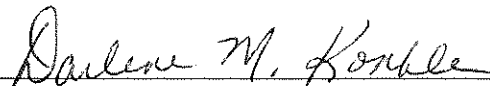
Conclusion

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).

Dated this 10th day of June, 2025.

WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By 
Darlene Konkle, DVM, MS, DACVIM
State Veterinarian and Division Administrator
Division of Animal Health