

identification of that goat, if any. If a goat has no official individual identification when received by an animal dealer or market operator, the animal dealer or market operator shall immediately identify that goat with an official individual identification if that identification is required under § ATCP 10.77.

(5) Under § ATCP 12.06(1m)(c), Wis. Admin. Code, the records of an animal market operator and an animal dealer shall include each animal's official individual identification number, if official identification is required under chs. ATCP 10 or 12. If the animal has no official individual identification and is not required to bear official individual identification under ch. ATCP 10 or 12, the record shall identify the species, age, and sex of the animal.

(6) A proposed rule (CR 25-058) would amend § ATCP 12.06(1m)(c), Wis. Admin. Code, to instead require that the records of an animal market operator and an animal dealer shall include each animal's official individual identification number, if official identification is required under chs. ATCP 10 or 12, except when any of the following apply:

1. Shipment to slaughter occurs or when the animal is purchased for another licensed animal dealer who retains the record.
2. The animal is a sheep or goat and the scrapie flock identification number issued by the U.S. department of agriculture is recorded.

(7) The proposed rule (CR 25-058) would remove from § ATCP 12.06(1m)(c) the requirement that if the animal has no official individual identification and is not required to bear official individual identification under chs. ATCP 10 or 12, the record shall identify the species, age, and sex of the animal. The proposed rule would instead create § ATCP 12.06(1m)(cm), which would require that the records of an animal market operator and an animal dealer shall include the species, age or age class, approximate weight if the animal is a bovine, and sex of the animal.

(8) The proposed final draft rule (CR 25-058) was approved by the DATCP Board on January 29, 2026, and by the Governor on February 26, 2026, The final rule was submitted to the Legislative Reference Bureau (LRB) on March 2, 2026, for publication in the Register. The rule is effective on the first day of the third month commencing after the date of publication, as provided under § 227.22(2)(e), Wis. Stat. At the time of this waiver, the final rule has not yet been published.

(9) On December 31, 2024, John Kane (Raising Kane Farms, Inc., Animal Dealer License Number 252766) requested that the Division of Animal Health waive § ATCP 12.05(4) and (6) regarding individual identification of sheep and goats. Raising Kane Farms is a slaughter-only dealer. Animals that Raising Kane Farms procures all go to slaughter. When producers bring animals, Raising Kane Farms requests the scrapie flock identification number as well as the individual animal identification numbers and records those numbers. When buying livestock at auctions or through another livestock dealer, the facilities purchased from make sure animals are tagged but do not furnish the individual tag numbers. The process of reading tags is challenging. Grabbing 1,000 to 2,000 little goats or 200-pound sheep in all weather can be dangerous and time consuming, as well as economically unfeasible. When procuring livestock, Raising Kane Farms

adds a scrapie tag to any animal missing a tag and records that number. Existing record systems have allowed for successful traces in the past.

(10) In addition to the requestor, there are likely other animal dealers and animal markets who have similar circumstances.

(11) A waiver from records requirements under §§ ATCP 12.05(4) and (6) and 12.06(1m)(c), Wis. Admin. Code, is reasonable and necessary, consistent with the objectives of ch. ATCP 12, Wis. Admin. Code, and would not conflict with state statutes, if any of the following apply:

- a) Shipment to slaughter occurs.
- b) The animal is purchased for another licensed animal dealer who retains the record.
- c) The animal is a sheep or goat and the scrapie flock identification number issued by the U.S. Department of Agriculture is recorded.

CONCLUSIONS OF LAW

(1) This waiver does not conflict with any other provisions of ch. ATCP 12, Wis. Admin. Code.

(2) This waiver does not conflict with any requirements under ch. 95, Wis. Stats.

(3) Pursuant to § ATCP 12.09, Wis. Admin. Code, the Department may grant a written waiver from a requirement under ch. ATCP 12, Wis. Admin. Code, as the Department finds that the waiver is reasonable and necessary, is consistent with the objectives of ch. ATCP 12, Wis. Admin. Code, and will not conflict with state law.

(4) This Order contains the Department's findings, as required for a waiver, under § ATCP 12.09, Wis. Admin. Code.

(5) Pursuant to § ATCP 12.09, Wis. Admin. Code, Findings of Fact (1) through (13), and subject to terms, the Department may waive records requirements under §§ ATCP 12.05(4) and (6) and 12.06(1m)(c), Wis. Admin. Code.

ORDER

NOW, THEREFORE, it is ordered, pursuant to § ATCP 12.09, Wis. Admin. Code, that:

(1) The Department grants a waiver from the requirement under § ATCP 12.05(4), Wis. Admin. Code, that whenever an animal dealer or animal market operator receives any sheep, the animal dealer or animal market operator shall immediately record the official individual identification of that sheep, if any of the following apply:

- a. Shipment to slaughter occurs.

- b. The animal is purchased for another licensed animal dealer who retains the record.
- c. The animal is a sheep or goat and the scrapie flock identification number issued by the U.S. Department of Agriculture is recorded.

(2) Pursuant to § ATCP 12.05(4), Wis. Admin. Code, if a sheep has no official individual identification when received by an animal dealer or animal market operator, the animal dealer or animal market operator shall immediately identify that sheep with an official individual identification if that identification is required under § ATCP 10.70, Wis. Admin. Code.

(3) The Department grants a waiver from the requirement under § ATCP 12.05(6), Wis. Admin. Code, that whenever an animal dealer or animal market operator receives any goats, the animal dealer or market operator shall immediately record the official individual identification of that goat, if any of the following apply:

- a. Shipment to slaughter occurs.
- b. The animal is purchased for another licensed animal dealer who retains the record.
- c. The animal is a sheep or goat and the scrapie flock identification number issued by the U.S. Department of Agriculture is recorded.

(4) Pursuant to § ATCP 12.05(6), Wis. Admin. Code, if a goat has no official individual identification when received by an animal dealer or market operator, the animal dealer or market operator shall immediately identify that goat with an official individual identification if that identification is required under § ATCP 10.77, Wis. Admin. Code.

(5) The Department grants a waiver from the requirement under § ATCP 12.06(1m)(c), Wis. Admin. Code, that the records of an animal market operator and an animal dealer shall include each animal's official individual identification number, if official identification is required under chs. ATCP 10 or 12, Wis. Admin. Code, if any of the following apply:

- a. Shipment to slaughter occurs.
- b. The animal is purchased for another licensed animal dealer who retains the record.
- c. The animal is a sheep or goat and the scrapie flock identification number issued by the U.S. Department of Agriculture is recorded.

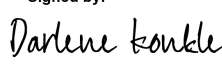
(6) This waiver will remain in effect until the first day of the third month commencing after the date of publication of the final rule (CR 25-058), unless rescinded earlier by order of the State Veterinarian, or unless additional information requires the Department to reassess the grant of the waiver.

(7) This order may be appealed in writing within 30 days of the date of the order to be reviewed by following the procedures to request an informal hearing or a contested case hearing in Wis. Stat. § 227.42, and Wis. Admin. Code §§ ATCP 1.03(3) and 1.06, and HA 1.04(3).

4/6/2026 | 3:19 PM CDT

Dated this ____ day of _____, 2026

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

Signed by:
By: 
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Darlene Konkle, DVM, MS, DACVIM
State Veterinarian