



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

DATE: April 20, 2026

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Randy Romanski, Secretary
Darlene Konkle, DVM, MS, DACVIM, Administrator, Division of Animal Health

SUBJECT: ATCP 10, Bovine Identification

PRESENTED BY: Angela Fisher, Program and Policy Analyst, Division of Animal Health
Gretchen May, DVM, Veterinary Program Manager, Division of Animal Health

REQUESTED ACTION:

At the May 7, 2026, Board meeting, the Department will request approval of either the attached proposed statement of scope or, if required by JCRAR, a notice of preliminary hearing and comment period for the statement of scope, regarding Wis. Admin. Code ch. ATCP 10 (Bovine Identification).

EXECUTIVE SUMMARY:

- *Stage of the rules process:* Board approval of statement of scope or, if required by JCRAR, a notice of preliminary hearing and comment period for the statement of scope.
- *Overall purpose of the rulemaking:* The purpose of the rulemaking is to consider more closely aligning bovine identification requirements in Wis. Admin. Code ch. ATCP 10 with federal regulations.
- *Main Points:* Due to a federal rule change that went into effect in November 2024, the Department proposes considering modification to Wis. Admin. Code ch. ATCP 10 to more closely align the bovine identification requirements with the federal regulations.
- *When the Board last saw this rule:* This is the first time the Board is seeing this rule.
- *The next step in the rulemaking process:* If required by JCRAR, a preliminary hearing and comment period for the statement of scope will be held. Otherwise, if the Board approves the statement of scope, the Department will begin evaluating the rule for the development of a hearing draft.

SUMMARY:

The Department requests approval of the proposed statement of scope or, if required by the Joint Committee for Review of Administrative Rules (JCRAR), a notice of preliminary hearing and comment period for the statement of scope, regarding Wis. Admin. Code ch. ATCP 10, relating to bovine identification. This is the first time the Board is seeing this rule.

Due to a federal rule change that went into effect in November 2024, the Department proposes considering modification to Wis. Admin. Code ch. ATCP 10 to more closely align the bovine identification requirements with the federal regulations. This could include considering bovine animal import requirements, certificate of veterinary inspection requirements, necessary definitions, official individual identification application, and

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record keeping requirements. Without the proposed rule, the rule language would continue to be inconsistent with federal regulations. The Department would continue to report the rule to the Joint Committee for Review of Administrative Rules during the biennial review of rules, as required by Wis. Stat. § 227.29(1).

The Governor approved the statement of scope on April 17, 2026. The statement of scope will be published in the Administrative Register on April 27, 2026.

JCRAR may require a preliminary public hearing and comment period for the statement of scope, within 10 days after the statement of scope was published. At this time, JCRAR has not required a preliminary public hearing and comment period for this statement of scope, but JCRAR may do so through May 7, 2026.

At the May 7, 2026, DATCP Board meeting, the Department will request approval of either the statement of scope or a notice of preliminary hearing and comment period, depending on whether JCRAR requires a preliminary hearing and comment period or not.

If the Board approves the statement of scope, the Department will begin evaluating the rule for the development of a hearing draft.

Statement of Scope

Department of Agriculture, Trade and Consumer Protection

Rule No.: ATCP 10

Relating to: Bovine Identification

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

Not applicable.

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to consider more closely aligning bovine identification requirements in Wis. Admin. Code ch. ATCP 10 with federal regulations.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Existing Policies Relevant to the Rule:

Wis. Admin. Code ch. ATCP 10 includes bovine identification requirements under sub chs. I and III.

Federal regulations must be followed for interstate movements of animals. A federal rule change related to bovine identification went into effect in November 2024. The updated federal regulations for interstate shipment now require dairy steers to have official individual identification recorded on the interstate certificate of veterinary inspection (CVI) (9 CFR § 86.4(b)(1)(iii)(B) and § 86.5(c)(7)). All dairy cattle, including dairy steers, are required to have official identification for interstate movements (9 CFR § 86.4(b)(1)(iii)(B)). Federal regulations define dairy cattle as "...all cattle, regardless of age or sex or current use, that are of a breed(s) or offspring of a breed used to produce milk or other dairy products for human consumption..." (9 CFR § 86.1 "Dairy cattle").

Wis. Admin. Code ch. ATCP 10 does not currently align with federal regulations. For example, Wis. Admin. Code § ATCP 10.22(1)(a)1.a. exempts steers from the requirement to include official individual identification on the CVI for import into the state, with the exception that steers "imported for rodeos, recreational events, shows, or exhibitions" do require official individual identification per § ATCP 10.22(1)(a)1.b. The Department identified Wis. Admin. Code § ATCP 10.22(1)(a)1.a. as a conflicting rule under Wis. Stat. § 227.29(1)(d). This item was included in the report submitted to the Joint Committee for Review of Administrative Rules pursuant to Wis. Stat. § 227.29(1) in March 2025. The Department proposes to undertake rulemaking to consider more closely aligning Wis. Admin. Code ch. ATCP 10 with federal regulations.

New Policies Proposed to be Included in the Rule and Analysis of Policy Alternatives:

Due to a federal rule change that went into effect in November 2024, the Department proposes considering modification to Wis. Admin. Code ch. ATCP 10 to more closely align the bovine identification requirements with the federal regulations. This could include considering bovine animal import requirements, CVI requirements, necessary definitions, official individual identification application, and record keeping requirements. Without the proposed rule, the rule language would continue to be inconsistent with federal regulations. The Department would continue to report the rule to the Joint Committee for Review of Administrative Rules during the biennial review of rules, as required by Wis. Stat. § 227.29(1).

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Wis. Stat. § 95.20, authorizes the Department to prohibit or regulate the import or movement of animals as follows:

Wis. Stat. § 95.20 Import and movement of animals.

The department may prohibit or regulate the importing of animals into this state or the movement of animals within this state if the department has reasonable grounds to believe that regulation or prohibition is necessary to prevent the introduction or spread of a disease in this state that threatens the health of animals or of humans.

Wis. Stat. § 95.45 (4) (c) authorizes the Department to promulgate rules related to certificates of veterinary inspection as follows:

Wis. Stat. § 95.45 (4) (c)

The department may promulgate rules to impose requirements on the form, issuance, and filing of certificates of veterinary inspection.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The Department estimates that it will use approximately 200 hours to develop this rule.

6. List with description of all entities that may be affected by the proposed rule:

Entities that may be affected by the proposed rule include: bovine producers, animal markets, animal dealers, and anyone else who imports bovine animals. Veterinarians who officially identify bovine animals may also be affected.

Since federal regulations already must be followed for interstate movements, the proposed rule to consider aligning Wis. Admin. Code ch. ATCP 10 more closely with federal regulations should not have a significant impact to affected entities.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

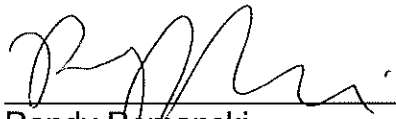
The Department administers animal disease control programs in cooperation with the United States Department of Agriculture – Animal and Plant Health Inspection Service (USDA APHIS). The proposed rule would not conflict with any federal standards and may align Wis. Admin. Code ch. ATCP 10 more closely with the existing requirements of 9 CFR 86.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

Affected entities include small businesses, pursuant to the definition under Wis. Stat. § 227.114(1). The overall anticipated economic impact is anticipated to be minor, because this rule would potentially align Wis. Admin. Code ch. ATCP 10 with existing federal regulations under 9 CFR 86.

Contact Person: Angela Fisher (Angela.Fisher1@wisconsin.gov); Phone (608) 224-5051

Signed this 7th day of April 2026



Randy Romanski
Secretary
State of Wisconsin Department of Agriculture,
Trade and Consumer Protection



Tony Evers

Office of the Governor | State of Wisconsin

April 17, 2026

By Electronic Mail Only

Dear Secretaries and Agency Heads:

On this day, I approved the following permanent statements of scope pursuant to Wis. Stat. § 227.135(2):

- A statement of scope by the Department of Justice, submitted April 2, 2026, relating to handgun transfers (Wis. Admin. Code ch. Jus 10); and
- A statement of scope by the Department of Agriculture, Trade and Consumer Protection, submitted April 16, 2026, relating to fair packaging and labeling, selling commodities by weight, measure, or count, and weights and measures (Wis. Admin. Code chs. ATCP 90-92); and
- A statement of scope by the Department of Agriculture, Trade and Consumer Protection, submitted April 16, 2026, relating to bovine identification (Wis. Admin. Code ch. ATCP 10).

On this day, I approved the following permanent and emergency statements of scope pursuant to Wis. Stat. § 227.135(2):

- A statement of scope by the Department of Safety and Professional Services, submitted April 14, 2026, relating to real property appraiser qualification criteria (Wis. Admin. Code chs. SPS 85-87).

On this day, I approved the following proposed administrative rules pursuant to Wis. Stat. § 227.185, and, hereby, direct their finalization and filing with the Legislative Reference Bureau pursuant to Wis. Stat. § 227.20:

- A proposed rule by the Controlled Substances Board, submitted April 10, 2026, relating to scheduling seven fentanyl-related substances (Wis. Admin. Code ch. CSB 2.012); and
- A proposed rule by the Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers Examining Board, submitted April 15, 2026, relating to certificates of authorization (Wis. Admin. Code ch. A-E 2.03 (5)).

Please direct any questions about this letter to my policy director, Jacob Pankratz.

Sincerely,

A handwritten signature in black ink that reads "Tony Evers". The signature is written in a cursive, flowing style.

Tony Evers
Governor

cc: Mel Barnes, chief legal counsel (mel.barnes@wisconsin.gov)
Jacob Pankratz, policy director (jacob.pankratz@wisconsin.gov)
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