State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Bradley M. Pfaff, Secretary

DATE: July 1, 2019

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Bradley Pfaff, Secretary
Darlene Konkle, DVM, MS, DACVIM, Acting State Veterinarian, Division of Animal Health

SUBJECT: Animal Diseases and Movement and Animal Markets, Dealers, and Truckers, chs. ATCP 10 and 12, Wis. Admin. Code (Final Draft Rule)

PRESENTED BY: Darlene Konkle, DVM, MS, DACVIM, Acting State Veterinarian, Division of Animal Health

REQUESTED ACTION:

At the July 10, 2019, Board meeting, the Department of Agriculture, Trade and Consumer Protection (DATCP) will ask the DATCP Board to approve a final draft rule relating to Animal Disease and Movement and Animal Markets, Dealers, and Truckers, under chs. ATCP 10 and 12, Wis. Admin. Code.

SUMMARY:

Wis. Admin. Code ch. ATCP 10 specifies requirements relating to animal diseases and movement, and Wis. Admin. Code ch. ATCP 12 specifies requirements for animal truckers, markets and dealers. This proposed rule makes the following modifications:

Definitions

Some definitions have been updated to reflect appropriate terminology.

Equine infectious anemia test (EIA). The current rule requires the EIA test to be conducted in a laboratory approved by the department *or* the federal bureau. The proposed rule requires an EIA test to be conducted in a laboratory approved by the department *and* the federal bureau.

Feed lot. The proposed rule creates this definition as a facility at which feeder cattle are assembled for feeding prior to slaughter.

Farm-raised deer keeper. The proposed rule adds "Farm-raised deer keeper" to the current definition of "Keeper of farm-raised deer" as both terms are used throughout Wis. Admin. Code ch. ATCP 10.

Livestock. The proposed rule clarifies that the term applies to South American camelids (llama, alpaca, vicuna, and guanaco) and not all camelids.

Slaughtering establishment. The current rule specifies that a slaughtering establishment must be licensed by the department or subject to inspection by the USDA, which is not accurate. The proposed rule specifies that a facility must be both licensed and inspected and the licensing and inspection may be by either by the department or USDA. The proposed definition also encompasses an *approved* intermediate livestock handling facility if the latter is affiliated with a slaughtering establishment.

Tuberculosis test. The current rule specifies the tests that may be used for Tuberculosis. The proposed rule specifies that a post axillary Tuberculosis test may be used for all camelids (not just South American camelids) but not for exotic ruminants.

The proposed rule replaces the definition term "Axillary tuberculosis test" with "Post axillary tuberculosis test" to accurately define the test to be used when testing camelids for Tuberculosis.

Wild deer disease control area. The proposed rule creates this definition to mean a CWD-affected area designated by the DNR under Wis. Admin. Code ch. NR 10 or other disease area affecting wild cervid designated by the DNR or the department.

Medical Separation

Currently, medical separation provisions are listed under farm-raised deer and fish farms, respectively, as these are the species for which medical separation is most requested. The current rule requires fencing and facilities to be adequate to maintain separation of animals at all times. Current medical separation inspection fees are $200 for farm-raised deer and $400 for fish farms. The $400 fee more accurately reflects the cost involved with these inspections.

The proposed rule creates a new section relating to medical separation of *any* species. The proposed rule reflects the federal requirement that fencing and facilities must maintain at least 30 feet of separation at all times for bovine animals and farm-raised deer. Medical separation fees are $400 for each day (or portion of a day) needed to complete the inspection. Also see medical separation requirements for Federally Approved Livestock Marketing Facilities, below.

Both the current and the proposed rule specify that no inspection is required for the renewal of an existing medically separated premises if the department has previously inspected the premises for medical separation, and there have been no changes in registration, licensure, certification, ownership, or use of premises.

Disease Reporting

Appendices A and B list diseases that must be reported to the department within one day or 10 days, respectively. The proposed rule updates the diseases listed in these appendices.

The proposed rule requires that a person who reports a disease listed under either of the appendices must include the official individual identification of the animal tested. If the animal has no official individual identification, the person collecting the test sample must apply such identification to livestock (other than fish) or another appropriate identifier for other non-livestock animals. Identification must be applied prior to collecting the test sample.

The proposed rule specifies that if the state veterinarian determines that a new disease is reportable because it presents a threat to animals or humans in the state, he or she may issue an order to make the disease reportable within one or ten days.

The proposed rule requires that test samples for Brucellosis, Johne's disease, pseudorabies, Tuberculosis, chronic wasting disease, and viral hemorrhagic septicemia, be submitted to a laboratory approved by the department.

Wisconsin Certified Veterinarians

The current rule specifies requirements for a veterinarian to automatically become a Wisconsin certified veterinarian. It also specifies reasons for decertification. The proposed rule requires Wisconsin certified veterinarians to follow accreditation standards under 9 CFR 160-162 or risk suspension or revocation of Wisconsin certification. The proposed language clarifies the department's authority, thereby allowing the department to take swift action if a veterinarian does not follow accreditation standards. This authority is not new, but it will allow the department to be more responsive when action is needed.

Brucellosis Testing and Control

The current rule specifies Brucellosis testing and control requirements under bovine, farm-raised deer, and swine portions of the rule. The proposed rule creates a new, general section relating to Brucellosis testing and control that applies to *all* animals and deletes the Brucellosis provisions currently related to bovine, farm-raised deer, and swine.

Tuberculosis Testing and Control

The current rule lists most of the provisions relating to Tuberculosis testing and control in a general Tuberculosis testing and control section as it pertains to all animals. The current rule also lists Tuberculosis requirements under bovine and farm-raised deer portions of the rule. The proposed rule will consolidate all the Tuberculosis testing and control requirements into the general Tuberculosis testing and control section.

Certificate of Veterinary Inspection (CVI)

The current rule requires the number, species, breed, sex, and age of animals included in a shipment to be listed on the CVI. The proposed rule requires that the purpose of movement also be listed on the CVI.

The current rule requires the veterinarian that signed the CVI for imported animals to file copies with the department and the chief livestock health official in the state of origin within 7 days after movement. The proposed rule reflects federal requirements by requiring the veterinarian to file copies with the chief livestock health official in the state of origin within 7 calendar days of issuance and requires the chief livestock health official (rather than the veterinarian) to file the certificate with the department within 7 calendar days of receipt. If the state of origin does not have a chief livestock health official who submits certificates of veterinary inspection for a particular species, the veterinarian who signs the certificate must file copies with the department within 7 calendar days after issuance.

The current rule requires a Wisconsin certified veterinarian who issues a CVI for export or intrastate movement of Wisconsin animals to file copies with the department within 7 days after the export or intrastate movement. If the animals are being exported, the veterinarian must also file a copy of the CVI with the chief livestock health official of the state of destination. The proposed rule reflects federal requirements by requiring the veterinarian to file copies with the department within 7 calendar days after issuance. If the animals are being exported, the department (rather than the veterinarian) must file a copy of the CVI with the chief livestock health official of the state of destination within 7 calendar days of issuance.

Federally Approved Livestock Marketing Facilities

The current rule requires federally approved livestock marketing facilities to meet certain requirements in order to qualify as such a market. The proposed rule also requires these facilities to:

- Be licensed as a Class A animal market.
- Be medically separated.
- Test animals for specified diseases prior to import.

Intermediate Livestock Handling Facility Certification

The current rule specifies requirements to be approved as an intermediate livestock handling facility under bovine imports. The proposed rule moves these requirements to the general import section because these facilities may handle a variety of imported species, including bovine. The proposed rule also specifies that the department will grant or deny an intermediate livestock handling facility certificate within 60 days after a complete application is filed and charge a nonrefundable fee of $140 for the certificate. The certificate will expire June 30, annually. The proposed rule specifies the reasons for which a certificate may be denied, suspended, or revoked; allows the department to make certificates conditional; and requires that animals imported to a certified handling facility be tested for diseases specified under the rule prior to import.

Tuberculosis-Free Herd Certification

The current rule allows a herd of bovines, farm-raised deer, and goats to be certified as tuberculosis-free. The proposed rule clarifies that all commingled species must be of comparable tuberculosis status or risk suspension or revocation of certification.

Johne's Disease Certified Veterinarians

The current rule requires that veterinarians recertify for Johne's risk assessment or management plans (RAMPs) and Johne's vaccination every five years, and pay an initial and renewal fee of $50. The proposed rule eliminates the renewal requirement and the fee for initial certification.

Bovine Identification

The current rule specifies slaughter identification requirements under Wis. Admin. Code ch. ATCP 10 that differ slightly from the requirements under Wis. Admin. Code ch. ATCP 12. The proposed rule will make the provisions the same, including deleting the requirement of where a back tag must be placed.

Swine Slaughter Identification

The current rule requires a slaughtering establishment operator to apply (if the swine does not already have it) an official back tag, premises identification number ear tag, or other approved slaughter identification if the animal does not already have official identification. The following information must be recorded: The animal's identification, date of receipt, name and address of the person from whom the animal was received, and the swine's class.

The proposed rule will require a slaughtering establishment to apply identification to swine only if the animal does not pass the inspection process completed by state or federal inspectors or if the animal is tested for disease at the facility. Information must be recorded only if the animal is required to have identification applied.

The current rule requires that slaughtering establishments record the date identification was applied to the swine, if applicable, or a note that the swine already had identification upon arrival. The proposed rule no longer requires this information to be recorded.

Bovine Animal and Goat Imports

The current rule specifies bovine and goat import requirements. Except bovine animals and goats going directly to slaughter, no person may import a bovine animal or goat originating from a tuberculosis modified accredited state or a modified accredited zone in a state which has split multiple tuberculosis statuses (as determined by USDA) unless that person meets certain requirements.

One of those requirements is to obtain an import permit which will require the owner of a bovine animal or goat imported from a tuberculosis modified accredited state to have the animals tested for tuberculosis. The proposed rule clarifies that this provision pertains to owners of bovine animals and goats imported from a modified accredited zone as well.

Swine Disease Testing

Diseases to be tested. The current rule requires that swine be tested for Porcine Reproductive and Respiratory Syndrome (PRRS) and the Swine Enteric Coronavirus Disease (SECD) within 90 days prior to movement into or within Wisconsin.

The proposed rule requires swine to be tested for Porcine Epidemic Diarrhea virus (PEDv) rather than SECD. Testing for SECD includes testing for the Porcine Deltacoronavirus (PDCoV), Transmissible Gastroenteritis (TGE), and PEDv. At the time the rule requirements were originally developed, the United States Department of Agriculture (USDA) required reporting of PEDv and PDCoV. However, recently, the USDA discontinued the required reporting of these diseases. Although no longer required to be reported, PEDv remains a devastating disease in swine, causing diarrhea and vomiting, and death of 50-100 percent of infected piglets. Thus, the proposed rule will require that swine continue to be tested for PEDv. While harmful, PDCoV and TGE are not nearly as damaging, so testing for these diseases will no longer be required. Since the current rule became effective, all of the SECD positive cases for which herd plans have been developed have been for weak positive for PDCoV. It has also been found that birds carry their own Delta coronaviruses that can interfere/cross-react with the swine tests. There is no cost effective or reasonable test for producers to differentiate between the avian and porcine viruses. The state veterinarian granted an order waiving requirements for PDCoV testing on March 27, 2018.

Number of swine tested in pooled samples. The current rule specifies requirements for pooled sample testing of swine for PRRS and SECD. Again, except for PEDv, swine will no longer be tested for the diseases that fall under SECD. Currently, if using the method of collecting a pooled sample of swine by hanging a cotton rope in a group of swine:

- Herds with less than 150 swine must have one pooled sample of swine collected and tested. The number of swine to be pooled for samples is determined by the owner in consultation with the herd veterinarian.
- Herds with 150 or more swine must have three pooled samples of at least five swine collected and tested.

The proposed rule maintains the testing requirements for herds with less than 150 swine, but changes the requirements for testing herds with 150 or more swine as follows:

- Herds with 150 to 299 swine must have two pooled samples of swine collected and tested.
- Herds with 300 or more swine must have three pooled samples of swine collected and tested.
- The number of swine to be pooled for samples in either scenario must be determined by the owner in consultation with the herd veterinarian.

Imports. The current rule requires that swine imported to Wisconsin, with some exceptions, test negative for PRRS and the SECD within 90 days prior to import. Swine that test positive or that are not tested may be imported to Wisconsin with an import permit. Upon arrival to Wisconsin, the swine imported and/or swine at the premises will be quarantined until a herd plan is developed by a Wisconsin certified, accredited, licensed veterinarian and approved by the department.

The proposed rule:

- Allows the herd plan to be developed by an accredited veterinarian in another state, but the plan must still be approved by the department.
- Exempts swine imported to a licensed animal market from having to test for PRRS and PEDv (formerly SECD) prior to import if all swine on the market premises the day of sale are shipped directly to slaughter. However, under this scenario, the swine must still be accompanied by a CVI unless going to a federally approved livestock market.
- Clarifies that swine imported directly to a federally approved livestock marketing facility do not have to get an import permit if there is a negative PRRS and PEDv (formerly SECD) test from the swine's herd of origin conducted within 90 days prior to movement.

Movement within Wisconsin. For intrastate movement, the current rule requires that documentation of negative PRRS and SECD test reports be made available to the department upon request. The proposed rule requires test reports of PRRS and PEDv to be made available at the time of sale as well as to the department upon request.

The current rule provides PRRS and SECD testing exemptions for swine moving intrastate. The proposed rule adds an exemption for commercial swine moving directly to an animal market if all the swine on the market premises the day of the sale are shipped directly to slaughter.

The current rule requires the exhibitor of commercial exhibition swine that originate from Wisconsin and return to Wisconsin after an exhibition in another state to notify the department before returning to Wisconsin. The proposed rule exempts exhibitors from providing this notification if the out-of-state exhibition organizer requires all participating swine to have originated from herds that have tested negative for PRRS and PEDv (formerly SECD) within 90 days prior to the event.

Also see swine information under "**Fairs and Exhibitions.**"

Equine Infectious Anemia (EIA)

The current rule requires, with some exceptions, EIA testing when purchasing, selling, or transferring ownership of any equine animal. EIA testing is not required when:

- An equine animal is *consigned* to an animal dealer or market, or *sold* to an animal market operator for sale directly to slaughter, or
- The dealer/market has the animal tested for EIA within 10 days after the animal is received/purchased.

The provisions relating to markets are unclear, and the usage of the term *consigned* for animal dealers (and markets) versus *sold* for market operators is confusing. Also, markets are required to remove animals from the premises within 4 days of receipt (unless awaiting test results). Thus, it is not permissible for markets to wait 10 days to test an animal.

The proposed rule will clarify that EIA testing is not required when an equine animal is consigned or sold as follows:

- To an animal dealer, provided the animal dealer ships the animal directly to slaughter or has the animal tested for EIA within 10 days after its consignment or sale to the dealer, or arrival at the premises. Until the negative EIA test results are obtained, the dealer may not consign, sell, or move the animal from the premises or allow the animal to commingle with other animals.
- To an animal market, provided that the animal market operator ships the animal directly to slaughter or has the animal tested for EIA within 4 days after it arrives at the premises. Until the negative EIA test results are obtained, an equine animal may not leave the premises or be commingled with any other animal.

Equine Animal Imports

The current rule specifies equine import requirements. With some exceptions, no person may import an equine animal unless the animal has tested negative on an equine infectious anemia test (EIA) conducted within a certain timeframe.

One of those exceptions is to obtain an import permit which will allow the animal to be imported if samples are collected from the animal prior to import, and the animal is confined to the premises and not commingled upon import until negative test results are received. The proposed rule deletes this exception.

Poultry and Farm-Raised Game Birds

Enrollment requirements. The current rule requires poultry and eggs used for breeding, hatching, or exhibition to originate from a certified flock or be individually tested for certain diseases. A certified flock includes a flock enrolled in the national poultry improvement plan (NPIP), a Wisconsin tested flock, or a Wisconsin associate flock.

The proposed rule will no longer require persons to enroll their flock in a Wisconsin tested flock or Wisconsin associate flock with the department. Instead, a flock owner must provide documentation of being a Wisconsin tested flock or Wisconsin associate flock by completing a department approved form that requires certain

information to be listed. This new form will include the same information as the application currently used to apply for flock certification from the department. The Wisconsin tested flock form will be valid for one year from the date the disease testing was conducted. The Wisconsin associate flock form will be valid as long as all birds or eggs introduced to the flock are acquired directly from a Wisconsin tested flock, a Wisconsin associate flock, or a flock enrolled in the National Poultry Improvement Plan.

The proposed rule requires that poultry and eggs exhibited at fairs or poultry shows (rather than those used for breeding, hatching and exhibitions) to either: reside in a flock that is certified under NPIP; have a completed, valid Wisconsin tested flock form or Wisconsin associate flock form; or be an individual sexually mature bird tested for certain diseases.

The current rule requires a person who sells poultry or eggs from certified flocks (or individually tested birds) to provide a copy of the flock certification (or individual bird test) to the buyer and to report the sale to the department.

The proposed rule requires these persons to provide a copy of a current NPIP flock certification, a Wisconsin tested flock form, a Wisconsin associate flock form, or individual bird tests to the buyer and to maintain poultry sale information (rather than report the information to the department). Sale information must be maintained for at least 3 years and be made available to the department for inspection and copying upon request.

The current rule provides an alternative method for youth exhibiting poultry at county fairs. The proposed rule deletes this provision as it is rarely, if ever, used.

National Poultry Improvement Plan (NPIP). The current rule specifies that the department may certify a flock as U.S. pullorum typhoid clean or Mycoplasma gallisepticum clean, or both, according to standards set forth in the national poultry improvement plan.

The proposed rule deletes this provision as it is already described under the NPIP standards and does not need to be repeated in the rule.

The current rule establishes fees to be paid for enrollment in the program and is ambiguous as to when the $40 fee or the $80 fee applies. The proposed rule clarifies that the $40 fee applies to a flock consisting of not more than 200 breeders, and the $80 fee applies to a flock consisting of more than 200 but not more than 1,000 breeders.

The proposed rule specifies that the department *may*, rather than *shall*, inspect enrolled flocks and take other actions as appropriate, based on plan requirements.

Poultry Imports. The current rule requires that live poultry, eggs used for hatching, farm-raised game birds, and farm-raised game bird eggs used for hatching that are imported to Wisconsin be accompanied by a federal bureau form VS 9-3 or a valid certificate of veterinary inspection. These documents must certify that the

birds/eggs originate from flocks meeting specified requirements or a plan that the department determines to be equivalent to Wisconsin requirements.

The proposed rule requires a person who imports poultry to keep the federal bureau form VS 9-3 or certificate of veterinarian inspection (whichever is applicable) for at least three years, and to make them available to the department for inspection and copying upon request.

The proposed rule replaces the term *originate* with *are directly imported from* to clarify that the document accompanying the birds/eggs must certify the most recent location from which the birds were imported and not the original location from which the birds were purchased. Also, the proposed rule eliminates the equivalent plan as determined by the department as it has never been used.

The current rule prohibits the import of turkey poults from hatcheries that hatch eggs, other than turkey eggs. It also prohibits the import of started poultry, other than turkey poults, from hatcheries that hatch turkey eggs. The proposed rule eliminates this prohibition as it cannot be justified based on disease risk.

Farm-Raised Deer

Farm-raised deer herd registration. The current rule specifies that no person may keep farm-raised deer at any location in this state unless the department has issued a current annual farm-raised deer herd registration certificate authorizing the person to keep farm-raised deer at that location. There is an exception for persons who own less than 50% of a farm-raised deer or group of farm-raised deer, if certain requirements are met. The proposed rule eliminates this exemption, as it is not being used. The proposed rule creates two new exemptions as follows:

- Licensed animal dealers who purchase farm-raised deer from a keeper whose herd is currently registered, and who move those deer directly to slaughter, are not required to obtain a farm-raised deer herd registration, if certain requirements are met. One such requirement mandates the dealer to keep certain records for that deer, including chronic wasting disease test results.
- Temporary farm-raised deer exhibits, if certain requirements are met.

When applying for a farm-raised deer herd registration certificate, an applicant must include a breakdown by species, age, and sex of the farm-raised deer in the herd. The proposed rule requires only the breakdown of species of deer to be included on the application while eliminating the breakdown by age and sex.

The proposed rule allows a farm-raised deer keeper to maintain ownership of a deer that is moved to another premises as long as the owner at the new premises has a valid farm-raised deer herd registration certificate, and movement requirements are met. In addition, certain records must be kept by both parties, as follows:

- A person who receives a farm-raised deer but does not own the deer must keep records relating to deer that enter the herd, leave the herd, escape, are killed, etc. He or she must test the deer for CWD upon death and keep those CWD test results for at least 5 years.
- A person who provides a farm-raised deer to another premises (including a hunting ranch), but who retains ownership of the deer, must keep records relating to that deer leaving the herd and when that deer dies, is killed, or slaughtered. He or she must also keep the CWD test results for at least 5 years.

Prohibitions. The current rule prohibits persons keeping farm-raised deer from commingling deer with bovine animals on the same premises, building, enclosure, or vehicle unless all the animals go to slaughter. The proposed rule will allow these animals to be on the same premises without having to send them all to slaughter if one of the following requirements is met:

- The herds of the two species are medically separated.
- The herds of both species are certified by the department as accredited Tuberculosis-free.
- The herds of both species meet the testing requirements to become a TB qualified herd, and the animal to be moved has been classified negative to an official TB test that was conducted within 90 days prior to the date of movement for farm-raised deer and 60 days prior to the date of movement for bovine animals. If the herd test was administered and the herd qualified (within 90 days prior to the date of movement for farm-raised deer and 60 days prior to the date of movement for bovine animals), the animal to be moved does not require an additional individual test.

The proposed rule creates the following prohibitions:

- Prohibits a keeper from intentionally releasing farm-raised deer to the wild or taking no action to prevent escapes.
- Prohibits a keeper from feeding or baiting in a manner that may attract wild deer to the fence of the farm-raised deer herd.

Chronic Wasting Disease Testing (CWD). The current rule specifies requirements for farm-raised deer to be tested for CWD. The proposed rule also requires a farm-raised deer keeper whose herd is enrolled in the CWD herd status program, and who moves a deer to another location owned by the keeper, to test that deer for CWD upon death.

The current rule requires a person who is qualified to collect a CWD test sample to label the test sample with the animal's official individual identification, or if the official individual identification is not available, with the back tag, official slaughter identification, or carcass tag. The proposed rule changes the term "carcass tag" to "dead tag" for consistency throughout the rule. It also requires that all identification tags and numbers from the animal accompany the test sample.

The current rule requires a person who is qualified to collect a CWD test sample to submit a CWD sample to a veterinarian within 2 business days. The proposed rule allows that submission to occur within 9 calendar days after the farm-raised deer dies or is killed or slaughtered. The proposed rule clarifies that a veterinarian who accepts the CWD sample must submit the sample to an approved laboratory within 10 days *of receipt*.

The current rule allows the department to disqualify a person from collecting CWD test samples, including a veterinarian. The proposed rule clarifies that if a veterinarian is disqualified from taking CWD test samples, he or she will not be allowed to accept or submit CWD test samples.

Farm-Raised Deer Identification. The current rule specifies farm-raised deer identification requirements under the "Farm-raised deer; chronic wasting disease herd status program" section of the rule. The proposed rule moves the identification requirements to the "Farm-raised deer; identification" section of the rule as it is a more logical area to look for identification requirements. The cross-references relating to farm-raised deer identification requirements throughout the rule have been changed to reference its new location.

The current rule requires farm-raised deer in herds enrolled in the chronic wasting disease herd status program to have two individual identifications. One must be an official individual identification, and the second identification must be either an official individual identification or individual identification unique to the herd.

Under federal law, a person may not apply an official individual identification to any animal that already has an official individual identification, except that: An "840" tag may be applied to an animal that has a national uniform ear tagging system ear tag; a brucellosis vaccination tag may be applied when vaccinating an animal for brucellosis (although this would not apply to farm-raised deer); or an official individual identification may be applied as approved by the department.

The proposed rule has been modified to meet federal requirements. Thus, whenever a farm-raised deer is required to have two individual identifications, one must be an official individual identification, and the second must be an individual identification unique to the herd or an official individual identification that meets one of the following:

- It was applied prior to the effective date of this rule.
- An "840" tag was applied to an animal that has a national uniform ear tagging system ear tag.
- An official individual identification as approved by the department.

A person who applies additional official individual identification specified above must keep a record of the existing and newly applied official identification numbers.

CWD Herd Status Program Suspension. The current rule allows the department to suspend enrollment in the CWD herd status program under certain circumstances. The proposed rule adds to the list of reasons enrollment

may be suspended: A farm-raised deer keeper who fails to renew (maintain) his or her farm-raised deer herd registration.

The current rule has a note that no live farm-raised deer may be moved from a herd while a suspension is in effect. The proposed rule includes that language as part of the official rule, rather than a note.

Certificates of Veterinary Inspection for Farm-Raised Deer. The current rule specifies that farm-raised deer may not be imported to or moved within Wisconsin (with some exceptions) without a certificate of veterinary inspection (CVI). The CVI must include the official individual identification of the farm-raised deer. The proposed rule requires the CVI to list two individual identifications of each farm-raised deer.

Fish Farms

The current rule refers to the federal bureau when identifying fish or fish eggs of a species susceptible to viral hemorrhagic septicemia. The department is now responsible for identifying these species of fish or fish eggs. The proposed rule reflects this change and includes a note as to how to find the list of susceptible species.

To apply for a fish farm registration, the current rule requires a fish farm operator to submit an application to the department on a form provided by the department. The proposed rule, in accordance with Wis. Stat. § 29.733 (1h), requires a person applying for an initial fish farm registration certificate to first contact the Wisconsin Department of Natural Resources to determine whether a natural waterbody permit must be obtained.

The current rule requires that, in most cases, fish imported to Wisconsin be accompanied by a health certificate and requires fish imported for certain purposes be accompanied by an import permit. The current rule implies that health certificates only have to be kept as records if they accompany an import permit. The proposed rule clarifies that all health certificates and import permits must be kept as records.

The current rule requires a person importing fish to a registered fish farm (unless the fish are imported from another fish farm) to have an import permit issued by the department. The proposed rule requires an import permit for this situation only when fish or fish eggs harvested from the wild are imported to a registered fish farm.

The current rule requires that a valid health certificate must accompany fish that are found to be susceptible to viral hemorrhagic septicemia (VHS) and that are moved from a type 3 fish farm to any other location in this state. The proposed rule allows movement of VHS susceptible fish between type 3 fish farms without a health certificate.

Dog and Cat Imports

The current rule prohibits the import of a dog or cat unless the animal has a current rabies vaccination. The proposed rule also prohibits the following:

- Brucella Canis Requirement. No person may import a sexually intact dog for breeding, and no dog seller or dog facility operator licensed under Wis. Admin. Code ch. ATCP 16, may import a sexually intact dog without obtaining a negative test for Brucella canis completed within 30 days prior to the import using a test method approved by the department. If the dog is less than six weeks old, it must be accompanied by its dam, and the dam must have documentation meeting the requirement under this subdivision.
- Heartworm Test Requirement. No dog seller or dog facility operator licensed under Wis. Admin. Code ch. ATCP 16 may import a dog without obtaining a negative heartworm test completed within 6 months of the import using a test approved by the department. If the dog is less than six weeks old, it must be accompanied by its dam, and the dam must have documentation meeting the requirement under this subdivision.

The proposed rule requires that the certificate of veterinary inspection (CVI) that accompanies any imported dog must document the Brucella canis and heartworm information, if applicable, with a negative Brucella canis test and/or a negative heartworm test.

The proposed rule also requires the CVI of any imported dog to include a statement that the dog has no known prior positive heartworm test, or, if the dog had a prior positive heartworm test, that the dog received appropriate treatment protocol as recommended by the American Heartworm Society and list the treatment dates.

The current rule specifies that a CVI is not necessary when a dog is imported for treatment or returning home from treatment if certain requirements are met. The proposed rule specifies that cats do not need a CVI for these purposes either.

Fairs and Exhibitions

The current rule specifies requirements relating to organizers of fairs and exhibitions. It also specifies requirements for a licensed veterinarian that more properly should be the responsibility of the organizer.

The proposed rule makes it clear that the organizer of a fair or exhibition (rather than a veterinarian) must ensure that all exhibitors comply with rule requirements, including:

- Movement and exhibition of animals, including documentation to show compliance with import requirements, disease testing and other health requirements of Wis. Admin. Code ch. ATCP 10.
- Exhibitor information and the official ID (or if not applicable, the identification) of the animals exhibited.

The current rule requires an exhibitor to provide appropriate and reliable documentation to show that the animals were lawfully imported or moved to the fair or exhibition, if requested by the organizer of the fair or exhibition. The proposed rule requires the exhibitor to provide this information regardless of whether it is requested by the organizer.

The current rule requires an exhibitor to identify the animals exhibited. The proposed rule requires the exhibitor to provide official individual identification, if required, of the animal exhibited.

The current rule provides PRRS and SECD testing exemptions for swine participating at a fair or exhibition if the swine go directly to slaughter from that fair or exhibition. The proposed rule adds a testing exemption for swine that participate at a fair or exhibition if moved directly to an animal market if all the swine on the market premises the day of the sale are shipped directly to slaughter. The proposed rule will require fair or exhibition organizers of these "terminal" events to keep records relating to the swine movement.

Enforcement

The current rule allows the department to issue an order quarantining animals for certain purposes. The proposed rule creates an additional purpose to "protect the health of animals located in this state and of humans residing in this state, relating to the importation, movement, and care of animals and their products, the disinfection of suspected localities and articles, and the disposition of animals, as the department determines are necessary."

The current rule requires proof of service by staff whenever a quarantine is issued to a person having custody or control of the quarantined animals. Proof of service must be an affidavit or certified mail return receipt. The proposed rule requires a certificate of personal service or certified mail return receipt (instead of an affidavit) as proof of service.

The proposed rule allows the department to issue an emergency quarantine order that will affect a particular geographical location, county, counties, or the entire state in the event of a national, state, or regional animal disease outbreak. As with current quarantines, persons adversely affected by this quarantine may request a hearing to review the quarantine order.

The current rule allows the department to issue a temporary animal hold order if there is reason to believe the animal has been illegally moved or exposed to a disease. The proposed rule deletes the section relating to animal hold orders as they are rarely used, and quarantines may be issued for the same purpose.

The current rule specifies prohibited conduct. The proposed rule adds that no person may:

- Misrepresent to any person the age of any animal.

- Falsify, remove, alter, or tamper with any official identification or official back tag, regardless of how current rule may be interpreted to allow such action.
- Fail or refuse to permit reasonable access by the department to a premises to review certain records, documents, and any other records required under this chapter.
- Prevent the department from taking records off site for copying if deemed necessary for efficiency.
- Apply official individual identification to any animal that already has an official individual identification except under certain specified circumstances.

The current rule also prohibits the commingling of different livestock species other than different species of fish, poultry, camelids, or ratites during transit. The proposed rule also allows the commingling of sheep and goats or different species of South American camelids (rather than camelids).

The current rule prohibits the commingling of bovine animals and farm-raised deer unless all the animals go to slaughter at some point. The proposed rule will allow bovine animals and farm-raised deer to be on the same premises and not be sent to slaughter, if certain conditions are met. See "Prohibitions" under "Farm-Raised Deer Herd Registration" for more information.

Animal Truckers, Markets and Dealers

The current rule lists requirements relating to animal truckers, markets, and dealers under both ch. ATCP 10 and ch. ATCP 12. The proposed rule deletes some of the duplicated requirements from ch. ATCP 10 and includes a note to clarify that animal trucker, market, and dealer requirements are under ch. ATCP 12.

The current rule requires animal market operators to remove animals from the animal market within 4 days after they enter the market. However, some markets have personal livestock on the market premises which do not have to be moved. The proposed rule requires that animal markets clearly separate market animals from any other livestock on the premises and clarifies that market animals must be removed from the market within 4 days after entry.

The current rule requires animal markets and dealers to comply with certain requirements. The proposed rule adds compliance with federal traceability requirements when moving cattle interstate or releasing cattle for interstate movement. This requirement is not new but will allow the department to be more responsive when action is needed.

The current rule specifies requirements for moving and testing swine for Porcine Reproductive and Respiratory Syndrome (PRRS) and the Porcine Epidemic Diarrhea virus (PEDv) under ch. ATCP 10. The proposed rule modifies ch. ATCP 12 to require animal market operators and dealers to notify potential buyers of any swine that test positive for PRRS or the PEDv before selling those swine. Market operators and dealers must also keep records of PRRS and PEDv test results and herd plan numbers, when those swine are required to have them.

The current rule exempts a licensed meat establishment that buys livestock solely for slaughter at the meat establishment from getting an animal dealer license. The proposed rule changes the term, "licensed meat establishment", to "slaughtering establishment", as that is the correct terminology to be used.

The current rule prohibits animal market operators from delivering livestock or wild animals to an unlicensed animal trucker if the operator knows or has reason to know the animal trucker is unlicensed. The proposed rule also prohibits animal market operators from delivering to an unlicensed animal dealer.

The current rule prohibits animal truckers from causing or permitting different species of animals to be commingled on the same animal transport vehicle or enclosure. The proposed rule allows the commingling of different species of animals if the animals are of comparable size and do not pose a known disease threat to the other species.

The current rule lists general prohibitions for animal truckers, markets and dealers. The proposed rule prohibits a person from refusing to permit access to a premises or vehicle to an authorized agent of the department.

The current rule requires an animal trucker who receives any bovine or swine for sale or shipment to slaughter to immediately identify the animals with an official back tag and record the back tag number if the animal is not already identified. The proposed rule exempts an animal trucker from this requirement if the trucker: 1) Picks up bovine animals/swine from a farm premises and takes the bovine animal/swine directly to a slaughtering establishment, and 2) The bovine animals/swine are not commingled with animals picked up from other farms.

The current rule requires an animal dealer or market operator who receives swine to immediately record the official individual identification of that swine or to apply such identification if the swine does not already have it. The proposed rule exempts market swine from having to be identified with official individual identification unless shipment to slaughter does not occur. Market swine is defined as either a barrow which is a castrated boar, or a gilt which is a female that has not reproduced, that are sold to go directly to a slaughtering establishment.

The current rule requires an animal dealer or market operator who receives farm-raised deer to identify the deer with an official individual identification if it does not already have it. The proposed rule deletes this requirement as current rule requires any farm-raised deer that is moved to have two individual identifications (one of which must be official identification) before it may be moved. Thus, the animal dealer or market operator should never have to apply identification.

The current rule requires animal market operators, dealers, or truckers to keep a copy of any certificate of veterinary inspection that accompanied the animal. The proposed rule clarifies that the CVI must be kept if it was required to accompany the animal.

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

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

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

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

Public Hearings and Summary of Public Comments

Written comments were received during the economic impact analysis comment period from June 29, 2018, through August 29, 2019. The department held a public hearing in Eau Claire on December 10, 2018, in Appleton on December 12, 2018, and in Madison on December 18, 2018. Following these public hearings, the hearing record remained open until January 10, 2019 for additional written comments.

The department received four comments or registrations during the public hearings and 58 unique written comments. Comments broke down in the following categories:

One comment supported the proposed rule's requirements for brucellosis testing for breeding dogs entering Wisconsin from other states.

One comment requested eliminating the current requirement to submit brucellosis vaccination records to the department. ATCP 10.10, Wis. Admin. Code, requires a veterinarian to file a vaccination report with the department within 30 days after the veterinarian performs the vaccination in order for the animal to qualify as an official brucellosis vaccinate. This reporting is required by Wis. Stat. § 95.46 (2) and therefore cannot be changed as a part of this rule draft.

Comments Related to AZA and ZAA

Three comments requested that the department include Zoological Association of America (ZAA) accredited facilities in the exemptions that currently apply to Association of Zoos and Aquariums (AZA) accredited facilities. There is currently one ZAA accredited facility and five AZA accredited facilities in Wisconsin. The tables below list the current exemptions for AZA accredited facilities under Wis. Admin. Code ch. ATCP 10, general information regarding the accreditation process of each organization, and the accreditation standards of each organization with regards to animal disease management.

Table 1. Current DATCP Rule Exemptions for AZA Accredited Facilities

Exemption	Additional Information
Wis. Admin. Code ss. ATCP 10.01 (37) and 10.87: excludes AZA accredited facilities from the definition of "exhibition" and the associated requirements.	"Exhibition" means an organized fair, swap meet, rodeo, trail ride, show, or other organized event at which animals owned by different persons are brought together from different premises and exhibited on the same premises. "Exhibition" does not include any of the following: (a) An animal market. (b) An exhibition operated by an institution accredited by the association of zoos and aquariums. (c) A wild animal exhibition operated pursuant to a permit from the Wisconsin department of natural resources. A premises with animals owned by a single person would not be an exhibition.
Wis. Admin. Code s. ATCP 10.01 (42) excludes AZA accredited facilities from the definition of "farm-raised deer" and the associated requirements.	Farm-raised deer, and other cervids, are susceptible to tuberculosis and brucellosis, both of which are zoonotic diseases that can pass from animals to humans. Farm-raised deer, and other cervids, are also susceptible to chronic wasting disease (CWD). Wis. Stat. s. 95.55 and Wis. Admin. Code Ch. 10 Subchapter VII establish requirements relating to farm-raised deer. These requirements include, but are not limited to, registration, fencing requirements, CWD testing requirements, and requirements for movement.
Wis. Admin. Code s. ATCP 10.56 (1) (b) exempts AZA accredited facilities from certificate of veterinary inspection requirements for in-state movement of farm-raised deer.	Farm-raised deer, and other cervids, are susceptible to tuberculosis and brucellosis, both of which are zoonotic diseases that can pass from animals to humans. Farm-raised deer, and other cervids, are also susceptible to chronic wasting disease (CWD).
Wis. Admin. Code s. ATCP 10.82 (3) (b) exempts AZA accredited facilities from tuberculosis import testing requirements for exotic ruminants.	Tuberculosis is a zoonotic disease, which means it can pass from animals to humans and vice versa.
Wis. Admin. Code s. ATCP 10.82 (4) (b) exempts AZA accredited facilities from brucellosis import testing requirements for exotic ruminants.	Brucellosis is a zoonotic disease, which means it can pass from animals to humans and vice versa.
Wis. Admin. Code s. ATCP 10.84 (4) (b) exempts AZA accredited facilities from wild animal import prohibitions if the department issues a permit. (prairie dogs and the following rodents from Africa: tree squirrels, rope squirrels, dormice, Gambian giant pouched rat, brush-tailed porcupine, and striped mice)	In 2003, a shipment of tree squirrels, dormice, Gambian giant pouched rat, brush-tailed porcupine, and striped mice were imported to the US from Africa. Some of the animals were infected with monkeypox and passed the virus to prairie dogs while at an animal vendor. The prairie dogs were sold as pets prior to developing signs of infection. Monkeypox is a zoonotic disease, which means it can pass from animals to humans. There were 37 confirmed cases of monkeypox in humans after contact with the infected prairie dogs. The CDC advised potentially exposed individuals to

	get the smallpox vaccine. (https://www.cdc.gov/poxvirus/monkeypox/outbreak.html)
Wis. Admin. Code s. ATCP 10.86 (3) exempts AZA accredited facilities from tuberculosis import testing requirements for elephants.	Tuberculosis is a zoonotic disease, which means it can pass from animals to humans and vice versa.

Table 2. General Information Regarding the Accreditation Process

Accreditation Process	**AZA** Quotations below are from: https://www.aza.org/becoming-accredited	**ZAA** Quotations below are from: http://zaa.org/accreditation
Initiating the accreditation process	"Every candidate for accreditation fills out a detailed questionnaire which includes copies of their policies, procedures, records, lists, and reports."	"Submit the completed ZAA Accreditation Application with required attachments and photographs."
Accrediting body	"AZA carefully selects the expert Accreditation Commission members who evaluate each zoo and aquarium. These experts are leaders in their fields and have many years of experience and education in zoo and aquarium operations, animal management, and veterinary medicine. There are twelve experts on the Accreditation Commission."	ZAA has an accrediting committee to evaluate applications. The ZAA website does not indicate the number or types of members on the accrediting committee.
Accreditation inspection	"After the Accreditation Commission studies the application, a team of inspectors visit the zoo or aquarium in person. Each team includes at least one veterinarian along with animal and operations experts. The inspectors spend several long days at the zoo or aquarium visiting every area, interviewing staff, checking records, and examining the physical facilities and the animal collection. The inspectors then write a detailed report about everything they saw and evaluated and submit it to the Accreditation Commission."	"Inspections are performed by the accreditation inspection team of two of more individuals. Re-accreditation of members in good standing requires one or more inspectors. The site inspections will be conducted at the expense of the applicant. The inspectors are chosen by the accreditation committee chair. The applicant has the right of refusal for any inspector."
Accreditation approval	"The Accreditation Commission meets twice a year to consider all candidates for accreditation. They examine the application, the supporting documents submitted by the zoo or aquarium, the inspection team's report, and any information and comments received from outside organizations and individuals. The zoo or aquarium's senior officials must go to the Accreditation Commission's meeting to answer questions. Finally, the Accreditation Commission decides whether	"The accreditation committee will review the application and site inspection. The applicant may be a). tabled and given a timeframe to correct deficiencies, b). denied, or c). approved as an accredited facility member. Once approved, the applicant will be submitted to the board of directors for approval with a pro simple majority vote."

	or not to grant accreditation. It doesn't matter if an institution is new or was previously accredited, standards are high and not every candidate receives accreditation."	
Maintaining accreditation	"AZA-accredited zoos and aquariums are constantly evolving and standards are continuously being raised. Each zoo or aquarium must keep up with these changes to remain AZA-accredited. And to prove it, they must go through the entire accreditation process every five years."	"The accreditation status is valid for five years. The facility must re-apply for accreditation and have a site inspection before their accreditation expires."

Table 3. Accreditation Standards Regarding Animal Disease Management

Accreditation Standard	**AZA** Quotations below are from: https:/www.speakcdn.com/assets/2332/aza-accreditation-standards.pdf	**ZAA** Quotations below are from: http://www.zaa.org/images/pages/misc/ZAA_Accreditation_Standards.pdf
Veterinary coverage and inspections	"A full-time staff veterinarian is recommended. In cases where such is not necessary because of the number and/or nature of the animals residing there, a consulting/part-time veterinarian must be under written contract to make at least twice monthly inspections of the animals and to respond as soon as possible to any emergencies." (Section 2.1.1.) "So that indications of disease, injury, or stress may be dealt with promptly, veterinary coverage must be available to the animals 24 hours a day, 7 days a week." (Section 2.1.2)	The documented ZAA accreditation standards do not contain requirements for veterinary coverage or veterinary inspections.
Disease prevention	"The veterinary care program must emphasize disease prevention… Preventative medicine programs (vaccinations, TB testing, parasite exams, etc.) must be in force for all of the institution's animals and must be under the direction of a qualified veterinarian." (Section 2.0.2.)	The documented ZAA accreditation standards do not contain requirements for disease testing, zoonotic disease training, or tuberculosis prevention.
Disease outbreak response	"Institutions should be aware of, and prepared for periodic disease outbreaks in wild or other domestic or exotic animal populations that might affect the institution's animals (ex – Avian Influenza, Eastern Equine Encephalitis Virus, etc.). Plans should be developed that outline steps to be taken to protect the institution's animals in these situations." (Section 2.0.3.).	The documented ZAA accreditation standards do not contain requirements for disease outbreak response or preparation.

Quarantines	"The institution must have holding facilities or procedures for the quarantine of newly arrived animals and isolation facilities or procedures for the treatment of sick/injured animals." (Section 2.7.1.) "Written, formal procedures for quarantine must be available and familiar to all paid and unpaid staff working with quarantined animals." (Section 2.7.2)	In regards to fish, "the institution must have holding facilities or procedures for the quarantine of newly arrived animals and isolation facilities or procedures for the treatment of sick/injured animals. Written, formal procedures for quarantine must be available and familiar to all staff working with quarantined animals." (Section IX. 7. a. i.) The documented ZAA accreditation standards do not contain requirements for the quarantine of other (non-fish) animals.
Animals used offsite and in programs	"For animals used in offsite programs and for educational purposes, the institution must have adequate written protocols in place to protect the rest of the animals at the institution from exposure to infectious agents… To protect the health of the animals at the institution, written protocols required above, and their implementation, must include a veterinary risk assessment and veterinary approval." (Section 1.5.5.) "The institution should design facilities, develop animal care protocols and present animals for public contact in ways that minimize this risk (e.g., hand-washing or hand sanitizing stations and signage, where applicable, etc.)." (Section 11.1.2.)	"All wildlife that will be used for contact with the public shall have been evaluated by the exhibitor to insure compatibility with the uses intended. All wildlife shall be exhibited in a manner that prevents injuries to the public and the wildlife. The exhibitor shall take reasonable sanitary precautions to minimize the possibility of disease or parasite transmission which could adversely affect the health or welfare of citizens or wildlife." (Section III. 3. a.) The documented ZAA accreditation standards do not contain requirements for the veterinary oversight of animals at the facility or of animals moving from the facility for exhibition.
Staff and public zoonotic disease prevention	"Training and procedures must be in place regarding zoonotic diseases… Diseases that can be transmitted between animals and humans (Zoonotic disease, zoonoses) present a potential risk for paid and unpaid staff and the visiting public. The institution should design facilities, develop animal care protocols and present animals for public contact in ways that minimize this risk (e.g., hand-washing or hand sanitizing stations and signage, where applicable, etc.). Institutions must train appropriate paid and unpaid staff in methods to prevent zoonotic disease." (Section 11.1.2.). "The institution must have an occupational health and safety program… An effective occupational health and safety program is based on hazard identification and risk assessment. The nature of the program will depend upon animal species, potential hazards, facility design, and workplace activities. The extent and level of participation (e.g. vaccinations, TB testing,	In regards to fish quarantines, "Precautions must be taken to minimize the risk of zoonotic disease to personnel." (Section IX. 7. b. iii.) The documented ZAA accreditation standards do not contain requirements for disease testing, zoonotic disease training, or tuberculosis prevention.

	parasite exams, immunizations, personal protective equipment, etc.) will vary depending upon potential hazard exposure and risk management." (Section 11.1.2.1.) "A tuberculin (TB) testing/surveillance program must be established for appropriate paid and unpaid staff in order to assure the health of both the paid and unpaid staff and the animals." (Section 11.1.3.)	
Secondary animal containment	"Perimeter fencing must be separate from all exhibit fencing or other enclosures, and be of good quality and construction. All facilities must be enclosed by a perimeter fence which is at least 8' in height or by a viable barrier. The fence must be constructed so that it protects the animals in the facility by restricting animals outside the facility and unauthorized persons from going through it or under it and having contact with the animals in the facility, and so that it can function as a secondary containment system for the animals in the facility… There are rare instances where the terrain surrounding the facility provides a viable barrier. The Accreditation Commission will determine what constitutes a "viable barrier" and must approve a waiver. However, most facilities must be enclosed by a perimeter fence. Facilities located in rural areas and which are PPEQ-approved must meet special USDA standards for fencing. Institutions which are entirely enclosed within a building may be exempt from this requirement." (Section 11.8.1.).	"1. Facility requirements for Class I animals… b. The facility shall have a perimeter boundary, including access points, to be designed, constructed, and maintained to discourage unauthorized entry and so far as reasonably practical, as an aid to the confinement of all animals within the perimeter of the institution. The perimeter boundary cannot also act as animal exhibit barrier and must be located at least 3 feet from the primary enclosure. c. The facility shall be bounded by a fence of not less than eight (8) feet in height, constructed of not less than 11 1/2 gauge chain link, or equivalent, to prevent escape from the property of any wildlife that may escape the primary caging. 2. Facility requirements for Class II animals… b. The facility shall have a perimeter boundary, including access points, to be designed, constructed, and maintained to discourage unauthorized entry and so far as reasonably practical, as an aid to the confinement of all animals within the perimeter of the institution. The perimeter boundary cannot also act as animal exhibit barrier and must be located at least 3 feet from the primary enclosure. c. The facility shall be bounded by a fence of not less than eight (8) feet in height, constructed of not less than 11 1/2 gauge chain link, or equivalent, or, as an alternative, a fence of not less than six (6) feet in height, with a 2-foot, 45 degree, inward angle overhang. The inward angle fencing and vertical fencing shall be constructed of 11 1/2 gauge chain link or equivalent. This fencing is to prevent escape from the property of any wildlife that may escape from primary caging. 3. Facilities maintaining Class III wildlife only: a. Facility shall meet same requirements as Class II

		facilities except that the perimeter fence may be 6 foot high with no overhang." (Section II.). The ZAA accreditation standards categorize farm-raised deer as class III animals (Section I.).

The AZA accreditation standards include specific requirements for veterinary oversight and disease prevention and response. The department determined that the AZA accreditation standards provide sufficient requirements to prevent disease transmission and that maintaining the current exemptions for AZA accredited facilities would not pose a risk to public health or livestock commerce.

At this time, the documented ZAA accreditation standards do not contain requirements for the veterinary oversight of animals at the facility or of animals moving from the facility for exhibition. The ZAA accreditation standards do no reference disease testing, zoonotic disease training, or tuberculosis prevention. Facilities with farm-raised deer are required to have secondary containment fencing of only six feet in height. The department determined that current documented ZAA accreditation standards do not include sufficient requirements for veterinary oversight and disease prevention to warrant exempting ZAA accredited facilities from requirements under Wis. Admin. Code ch. ATCP 10.

Due to these findings, the department determined not to change current rule language regarding exemptions for AZA accredited facilities. This determination is consistent with Wis. Stat. § 169.01 (28), which defines a "public zoo or aquarium" as a zoo or aquarium that is operated by the state or by a city, village, or county, or that is an accredited member of the American Zoo and Aquarium Association.

Comments Related to Farm-Raised Deer Enhanced Fencing and Movement Restriction

Three comments and one registrant supported the farm-raised deer enhanced fencing requirements and county movement restrictions. All three comments cited the threat of CWD expansion as the reason for support. Two comments discussed the impact to Tribes of Wisconsin and the Great Lakes, and to traditional lifeways. One comment discussed the impact to deer hunting culture in smaller and northern communities.

Seventeen comments opposed movement restrictions affecting the exhibition of reindeer in unaffected counties. Reindeer owners commented that they keep and breed reindeer specifically for exhibition; therefore, being unable to move from an affected county to an unaffected county would be detrimental to their businesses. Other comments were from events coordinators and/or municipalities that host events where reindeer are present, primarily around Christmas time. The commenters noted that the restriction on movement would limit their ability to have reindeer on display, which in turn might reduce attendance at holiday events, thereby reducing revenues to local businesses.

Thirty-six comments opposed the enhanced fencing requirements. One of these expressed support of alternate types of enhanced fencing or barriers, but not the type of enhanced fencing proposed in the hearing draft.

Eighteen comments opposed the county movement restrictions. Comments opposed to the enhanced fencing requirement and the movement restriction cited the following concepts:

- Economic Impact:
  - Enhanced fencing requirements would impose substantial, if not devastating, costs on farm-raised deer keepers.
  - The cost is not supported by any demonstrated benefit.
  - The cost of enhanced fencing, even electric fencing, would be devastating to farm-raised deer keepers.
  - The electric fence maybe the most affordable, but it will do nothing to stop fence-line contact.
  - Many farm-raised deer keepers would not be able to perform the labor themselves due to a variety of factors, which would add to the cost.
  - The state should assist in paying for the second fence as it will serve to protect captive herd from the wild, and because the rule is not based on clear scientific evidence.
- CWD Research:
  - There is no scientific evidence to support that the rule will have any impact on the spread of CWD among wild or captive deer.
  - Farmers have never observed any fence line contact between farm-raised deer and captive deer.
  - Enhanced fencing and restrictions on movement do not address the larger issue posed by baiting and feeding of deer in the wild or of wild deer carcasses on the landscape.
- Feasibility of Implementation:
  - The 6-inch electric fence requirement will not be feasible because of weeds and snow, and it serves no purpose, but should rather start at least 24 inches from the ground.
  - The compliance date of 90 days after the effective date of the rule is not long enough. Two years may not be enough for some locations with extensive acreages and dense wooded or marsh terrain.
- Movement:
  - Entities that have been enrolled in the CWD herd status program and testing at 100% should be allowed to move deer in commerce without restriction.
  - Farm-raised deer from any area should be allowed to move directly to slaughter, regardless of where the slaughter facility is located.

In response to comments, the department determined to re-evaluate fencing requirements and movement restrictions, and has removed enhanced fencing requirements and county movement restrictions from this rule package.

Comments Related to Other Farm-Raised Deer Rule Draft Proposals

Six comments opposed changing the expiration date for farm-raised deer keeper registrations from March to August. Of these, four stated that they opposed the change because it would include newborn calves in the herd

headcount and two stated that they opposed the change because August is a busier time of year for keepers. The department determined to remove the rule proposal from the final draft.

Four comments discussed the prohibition regarding feeding or baiting in a manner that may attract wild deer to the fence of the farm-raised deer keeper. One comment supported the prohibition. Three comments opposed the prohibition and expressed concerns about if neighbors were to place bait near the keeper's fence. The department determined to keep the proposed rule in the final rule draft. The prohibition is specific to farm-raised deer keepers and does not include actions taken by other persons outside of farm-raised deer premises.

Two comments discussed the prohibition regarding intentionally releasing farm-raised deer to the wild or taking no action to prevent escapes. One comment supported the prohibition and recommended rewording to require keepers to "take all necessary action" to prevent escapes. One comment opposed the prohibition and expressed concerns about weather events. The department determined to keep the proposed rule in the final rule draft.

Four comments opposed including deer slaughtered on the farm, provided that the department conducts an ante mortem inspection and post-mortem inspection, within the 25% CWD testing mandate. Reasons cited included concerns about scheduling, whether there would be an inspection cost, whether deer for the keeper's personal food would be included, and whether deer killed after sustaining an injury would be included. The department determined to remove the rule proposal from the final rule draft.

One comment supported requiring all identification tags and numbers to accompany CWD test samples and one comment opposed this requirement. The department determined to keep this requirement in the final rule draft, as it is necessary to ensure accuracy of CWD test sampling.

One comment, regarding the proposed rule to allow farm-raised deer to commingle with bovine animals without having to send them all to slaughter if requirements are met, expressed concerns that the practice would be overbearing to farmers. The department determined to keep the proposed rule in the final rule draft, as it allows more options for keepers than the current rule and does not increase the risk of disease spread.

One comment opposed requiring a keeper whose herd is enrolled in the CWD herd status program, and who moves a deer to another location owned by the keeper, to test that deer for CWD upon death in accordance with the testing required in ATCP 10.52 (1m) (a), Wis. Admin. Code. The department determined to keep the rule proposal in the final rule draft. Herds enrolled in the CWD herd status program may move deer in state and across state lines. Movement of deer is a high risk activity for disease spread, so it is critical to ensure appropriate testing for enrolled herds.

One comment opposed moving from a note to official rule that no live farm-raised deer may be moved from a herd while a suspension is in effect, and recommended allowing movement if animals leaving are tested at 100%. The department determined to keep the rule proposal in the final rule draft, as movement of animals while a suspension is in effect creates a higher risk for disease spread.

One comment opposed making it a prohibited activity to "prevent the department from taking records off site for copying if deemed necessary for efficiency," and recommended rewording to state that "the department may require copies of all necessary records." The department determined to keep the proposed rule language in the final draft, as it would not be deemed necessary for efficiency to remove records off site for copying if copies are supplied.

One comment expressed concerns about the submission of CWD samples to veterinarians and whether the keeper is responsible for the timing of a veterinarian submitting samples. The current and proposed rules delineate responsibilities for submitting samples by the collector and the veterinarian.

Comments Recommending Further Farm-Raised Deer Rulemaking

Two comments recommended further requirements for farm-raised deer keepers, including:

- Double fencing for all facilities
- Fence inspections annually and after severe weather events
- Specifications to keep fence-lines clear
- Alarms to indicate whether the fence has been breached or gates left open
- Maintaining fencing if CWD is detected until there is an appropriate remediation of the prion-contaminated environment
- All facilities to be enrolled in the CWD herd status program
- Testing 100% of dead captive cervids aged 5 months and over
- Herds with CWD positive tests be humanely depopulated in 30 days
- 100% of cervids sent to slaughter be tested for CWD
- Keeping cevid carcasses separate until CWD status is confirmed
- Carcasses that test positive for CWD be considered unfit for human consumption or animal feed
- Facilities maintain insurance to cover costs of depopulation and carcass disposal in the event CWD is detected
- Moratorium on the transport and import of live cervids and cervid biological materials until an effective live test is developed and approved
- Carcasses from CWD positive facilities be disposed of either within a clay-lined landfill or bio digestion
- Surfaces that come into contact with CWD-contaminated carcasses be cleaned in a manner shown to disinfect CWD prions and/or is permanently segregated

One comment recommended rectal biopsies before animals are sold to another farm or out of state and recommended incorporating genetic testing into the rule.

One comment recommended prohibiting import of cervids from other states.

One comment recommended developing an exit plan for farm-raised deer keepers willing to get out of business.

The department determined that further restrictions, requirements, or rulemaking related to farm-raised deer keepers would not be added to this final rule draft. Recommendations submitted in comments may be further evaluated for consideration in future rule processes.

Response to Clearinghouse Comments

DATCP modified the final draft rule to address all of the Rules Clearinghouse comments, except for comments 2. b., c., and d. and 5. a., which are no longer applicable as the proposed changes have been removed from the final draft in response to public comments.

Comparison with Rules in Adjacent States

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

Summary of Factual Data and Analytical Methodologies

This proposed rule makes minor, technical changes based on the Division's review and use of the rule and does not depend on any complex analysis of data.

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

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

Effect on Small Business

The majority of these rule modifications serve to re-organize the contents, to reflect federal requirements, or to make purely technical changes that have no fiscal effect. The rule modifications that may have an economic impact on small business and the entities that may be affected are as follows:

Animal Health Licensees (Medical Separation)

Upon the effective date of this rule, any person licensed by the division of animal health who wishes to have medical separation of species on their premises will pay $400 for each day (or portion of a day) needed to complete the inspection by the department. Most medical separation inspections are completed within one day. However, the time needed to complete an inspection may vary depending on the number of acres and terrain to be inspected. It is unknown how many entities licensed by the division will request medical separation of their premises.

Currently there are 31 farm-raised deer herds and 3 fish farms that are medically separated. No inspection is required for renewal of an existing license if the department has previously inspected the premises, and there have been no changes. Thus, there will be no fiscal effect to licensees whose premises are currently medically separated.

Owners of Intermediate Livestock Handling Facilities

Upon the effective date of this rule, an entity that imports any livestock (not just bovine) may request certification to become an intermediate livestock handling facility and pay an annual fee of $140. Currently, the department has approved one intermediate livestock handling facility in Wisconsin. This facility will be charged $140 annually for certification as the review process for certification is extensive and there is continuous review of permits and monitoring of the facility throughout the year.

Johne's Disease Certified Veterinarians

Upon the effective date of this rule, veterinarians will no longer be required to recertify, after having been initially certified, for Johne's risk assessment or management plans (RAMPs) and Johne's vaccination. These veterinarians will no longer have to pay an initial fee of $50 for these certifications. This proposal is anticipated to affect approximately 460 veterinarians.

Swine Disease Testing

Upon the effective date of this rule, swine owners and veterinarians will continue to be required to test swine for Porcine Reproductive and Respiratory Syndrome (PRRS) and Porcine Epidemic Diarrhea virus (PEDv) within 90 days prior to movement. However, swine will no longer have to be tested for other diseases that fall under the Swine Enteric Coronavirus Disease (SECD) which includes the Porcine Delta Coronavirus (PDCoV) and Transmissible Gastroenteritis (TGE).

Testing costs will likely be less because currently a multiplex test must be used to screen for PEDv, PDCoV, and TGE. The proposed rule will require only a test for PEDv, so a multiplex test will no longer be necessary. The cost difference between requiring the use of a multiplex versus a single PEDv test is unknown. Also, costs relating to the development of herd plans for swine that test positive for PDCoV will decline. The costs associated with developing a herd plan will vary greatly depending on the location of the swine herd within the state, the type of farm operation, the number of swine in the herd, the amount of time it takes to write the plan, and veterinarian fees. Thus, these costs are indeterminate.

Since the time that the rule became effective on February 1, 2018, 32 herd plans have been developed by veterinarians. Of that total, 16 plans were developed because of PRRS positive swine, and 6 plans were developed because swine were not tested or were anticipating movement. The 10 remaining herd plans were developed because of SECD positive cases. All were due to weak positives for PDCoV. Thus far, the department has not received notice of a positive PEDv herd.

The pigs that have tested positive for PDCoV were not ill and had not shown clinical signs, according to the private practitioners who were involved. It has been found that birds carry their own Delta Corona viruses that can interfere/cross-react with the swine tests. There is not a cost effective or reasonable test that would enable producers to differentiate between the avian and porcine viruses. While destructive, PDCoV is not as devastating as PEDv.

Poultry Producers

Upon the effective date of this rule, only poultry and eggs exhibited at fairs or poultry shows (rather than those used for breeding, hatching, and exhibitions such as egg swap meets) must be acquired directly from a certified flock (namely a flock enrolled in the national poultry improvement plan, a Wisconsin tested flock, or a Wisconsin associate flock) or be an individual bird tested for certain diseases.

The antigen used to conduct individual bird testing costs $200. One bottle of antigen can test up to 1,000 birds. The cost is the same whether testing one bird or 1,000 birds. The proposed rule will reduce or eliminate testing costs for hundreds of poultry producers who attend swap meets or breed or hatch birds.

Farm-Raised Deer Keepers

Farm-Raised Deer and Bovine Animals on the Same Premises. Upon the effective date of this rule, there will be options to allow farm-raised deer and bovine animals to be kept on the same premises without having to send them all to slaughter. Any costs associated with these options are voluntary as the owner of the premises may choose not to keep these two species on the same premises and the owner who chooses to keep both species on the premises may send all to slaughter. For those who choose to move these animals to a place other than slaughter, the rule provides the following options:

- The herds of both species are medically separated. Costs related to medical separation are discussed above.

- The herds of both species are certified by the department as accredited Tuberculosis-free. Tuberculosis-free certification costs include:

    - For farm-raised deer, there will be no additional cost as currently deer must meet Tuberculosis testing requirements (in addition to other requirements) prior to movement.
    - For a herd of bovine animals, $100 for a 2-year Tuberculosis-free certification. All animals in the herd must be tested for Tuberculosis every 2 years. The cost to conduct a whole-herd test will vary depending on a veterinarian's fee, location of the herd, and the number of animals to be tested. Department staff contacted 4 veterinarians in different areas of the state regarding fees charged to conduct Tuberculosis testing. Fees varied greatly in amount and structure. For

instance, one clinic charges $140 per hour regardless of the number of animals to be tested, another charges a $32 trip fee and $4 per head of cattle, while other providers varied on the amount charged per trip and the amount charged per head.

- The herds of both species meet the testing requirements to become a Tuberculosis-qualified herd, and the animal to be moved has been classified negative to an official Tuberculosis test that was conducted prior to the date of movement (90 days for farm-raised deer and 60 days for bovine animals).

  Herds do not have to be certified as Tuberculosis-qualified, but they must meet testing requirements to become a Tuberculosis-qualified herd. Whole herd testing is effective for 365 days. An individual Tuberculosis test must be conducted for the animal that is leaving the herd unless the herd test was conducted prior to the date of movement (within 90 days for farm-raised deer, and 60 days for bovine). Tuberculosis-qualified costs include:

  - For farm-raised deer, there will be no additional cost as currently deer must meet Tuberculosis testing requirements (in addition to other requirements) prior to movement.
  - For a herd of bovine animals, all animals in the herd must be tested. The cost to conduct a whole-herd test will vary depending on a veterinarian's fee, location of the herd, and the number of animals to be tested. The cost for a Tuberculosis test to be conducted for an individual bovine animal will also vary depending on when the whole-herd test was conducted, the veterinarian's fee and location of the herd. As indicated above, costs for Tuberculosis testing can vary widely.

Licensed and Unlicensed Dog Breeders, Licensed Dog Sellers and Licensed Dog Facility Operators

Upon the effective date of this rule, no person may import a sexually intact dog for breeding, and no licensed dog seller or dog facility operator may import a sexually intact dog without obtaining a negative test for Brucella canis on a test approved by the department and completed within 30 days of importation.

There will be no cost to the dog breeder or licensed dog breeder, seller, or dog facility operator if the Brucella canis test is done before the animal is imported to Wisconsin. Otherwise, the importer will have veterinarian costs associated with testing the imported dog. According to inquiries by Department staff to 3 veterinarians in different areas of the state, fees charged for a Brucella canis test ranged from $35 to $92. The total number of imported dogs that are subject to this requirement is unknown.

Upon the effective date of this rule, no licensed dog seller or dog facility operator may import a dog without obtaining a negative heartworm test approved by the department and completed within 6 months of import.

There will be no cost to the licensed dog seller or dog facility operator if the heartworm test is done before the animal is imported to Wisconsin. Otherwise, the importer will have veterinarian costs associated with testing the imported dog. According to inquiries by Department staff to 3 veterinarians in different areas of the state,

fees charged for heartworm test ranged from $16 to $45.75. The total number of dogs imported by licensed dog sellers or dog facility operators is unknown.

Upon the effective date of this rule, the CVI of any dog imported to Wisconsin must have a statement that the dog has no known prior positive heartworm test, or, if the dog had a prior positive heartworm test, the dog received appropriate treatment protocol as recommended by the American Heartworm Society, and the treatment dates must be listed.

These statements are not expected to increase costs to persons importing dogs as a CVI must accompany all imported dogs, and the statement does not require the dog to be tested for heartworm prior to import.

Fairs and Exhibitions

Upon the effective date of this rule, fairs and exhibitions will be responsible for checking exhibitor information rather than hired veterinarians. This will most likely reduce costs to fairs and exhibitions as their staff may now check for exhibitor and movement information, rather than paying a veterinarian to do so.

It is not known how much fairs or exhibitions pay for veterinarians nor how much time veterinarians spend on checking this information on behalf of fairs or exhibitions. Thus, these anticipated cost savings to fairs and exhibitions are indeterminate.

Next Steps

If the Board approves this final draft rule, the Department will submit the final draft rule to the Governor's Office of Regulatory Compliance. If the Governor's office approves the final draft rule, the Department will then submit the rule to the Legislature for legislative committee review. If the Legislature has no objection to the rule, the Department secretary will sign the final rulemaking order and transmit it for publication. The rule will take effect on the first day of the third month following publication.

DATCP Docket No. 17-R-02
Clearinghouse Rule No. 18-085

Final Draft Rule
June 10, 2019

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

The Wisconsin department of agriculture, trade and consumer protection proposes the following permanent rule ***to repeal*** ATCP 10.20 (1) (b), 10.20 (2) (b), 10.21 (2) (b) 5, 10.22 (10), 10.31 (2) (a) 3., 10.36 (4) (a) and (b) and Note, and (e) and Note, 10.40 (1) (a) 1. and 2., 10.40 (1) (c) Note, 10.40 (1) (d) (intro.), 10.40 (1) (d) 2. Note and (g), 10.40 (2) (e), 10.40 (3) (c), 10.40 (4) (b) 3. and (d), 10.40 (5), 10.40 (7) (b) 2 Note, 10.40 (8), 10.41 (4), 10.45 (2) (c), 10.46 (1m), 10.46 (7) (a) 1. c. Note, 10.47 (4m) Note, 10.53 (4) (b) 1. and 2., 10.53 (7) (b) Note, 10.54 (1) (d) and (e), 10.55 (3) (d) Note, 10.56 (3) (d) 2. Note, 10.73 (3) Note, 10.87 (1) (c) 1. and 2., 10.90, 12.05 (1) (a) Note, 12.05 (1) (b) 2. Note, 12.05 (2) (b) 2. first Note; ***to renumber*** ATCP 10.20 (1) (a), 10.20 (2) (a), 10.52 (7); ***to renumber and amend*** 10.31 (1) (a), and 10.89 (2) (title) (intro.) and (a) to (c) and (4) (title) (intro.); ***to consolidate, renumber and amend*** ATCP 10.40 (2) (a) and (b) (intro.), 10.40 (3) (a) and (b) (intro.); ***to amend*** ATCP 10.01 (5), (60) to (62), (90), and (105) (d) and Note, 10.03 (3), 10.04 (1) (title), 10.04 (1) (e), 10.05 (1) (intro.) and (2) (a) 3., 10.055 (3) Note, 10.06 (1) (c) 10., 10.06 (3) (a) Note, (4) (a), and (6) (a), (b) and (c) Note, 10.07 (4) (a) 1., 10.08 (2) (b) Note, (r) Note, and (s) Note, 10.21 (2) (a) (intro.) and 1., 10.22 (1) (b) 1., 10.22 (6) (c) (intro.) and (d) (intro.), 10.26 (4), 10.291 (title), and (1) (intro.), 10.291 (2) (intro.) and (a) 2., 10.291 (2) (c) Note, 10.291 (3), (4) (a) and (5), 10.30 (1) (a) 3. and (b) 3., 10.30 (2) (b) 3., 10.31 (1) (intro.), 10.31 (1) (b), 10.32 (2) (title), (a) and (b), 10.35 (1) (b) 3. and 4., 10.36 (4) (intro.), 10.36 (5) (b) (intro.), 10.40 (title) and (1) (title), (intro.) and (a), 10.40 (1) (b) and (c), 10.40 (1) (d) 1., 10.40 (2) (b) 4. Note, 10.40 (2) (c) (intro.), 10.40 (7) (a) and (b) (intro.) and 1., 10.41 (1), 10.41 (5) (a) and (d) 1., 10.41 (7), 10.42 (1) (a) 1. and 2., 10.46 (1) (a), (d) and (f), 10.46 (2) (c) Note, (3) and (4) (b) 1., 10.46 (5) (b) 2. a., (c) 1., (d), and (e), 10.46 (6) (intro.), (e) and (f), 10.46 (7) (a) 1. (intro.) and b., 10.46 (7) (a) 2. and 3., 10.46 (7) (b), (c) and (d), 10.46 (10) (a) 1. and 6., (am) 1., and (c) 2., 10.46 (11) (c) and (d) 1., 10.46 (12) (d) and Note, (13) (b) and (14) (b), 10.47 (2) (a) and (b), (3) (b) 5., (4) (intro.) and (4m), 10.47 (8) (a), 10.51 (2) (c), 10.52 (3) (c) (intro), 1. and 1m. and 2. a. and b. and (d), 10.52 (4) (b), 10.52 (7m) and (8) (a) 3., 10.53 (2) (d) 4. and (f), 10.53 (4) (a) and (b) (intro.), 10.53 (4) (g) Note and (h), 10.53 (5) (a) 4. and (b) 2., 10.53 (5m) (b) Note, 10.53 (8) (d) Note, 10.53 (11) (c) 1., 10.54 (1) (am) and (c) (intro.), 10.54 (2) (a) and (b) (intro.), 10.55 (1) Note, and (3) (d), 10.55 (3) (e) 1., 10.56 (1) (a) 2. (intro.) and 3., 10.56 (2) (c) and (3) (b), 10.56 (4) (b), 10.61 (5m) (b) and (c), 10.61 (6) (intro.), 10.61 (6m) (b) 6. and 7., 10.61 (7) (f), 10.61 (10) (a) 5., (c) 5., and (13) (b), 10.62 (1) (a) 3., (2) (e) and Note, 10.63 (1) (b) and Note, 10.64 (1) and Note, and (3) (a), 10.645 (intro.) and (2) Note, 10.65 (1), 10.65 (4) (a) (intro.), and 4. and (b) (intro.), 3. and Note, and (c) (intro.), 2. and Note, and (d) 3. Note (intro.), 10.655 (1) (intro.), 10.68 (2) and (2m), 10.73 (2) to (3), 10.76 (2)

(b), (c) (intro.) and (d), 10.80 (3) (a) and (b), 10.82 (3) (a) Note and (b), 10.84 (4) (b) 4., 10.86 (3) (b), 10.87 (1) (a) and (c), 10.87 (2) (b) 2., 3. and 5., 10.89 (3), 10.91 (2), 10.92 (3), (4), (5) (intro.) and (b), (11), and (13), Ch. ATCP 12 second Note, 12.01 (1g) and (25), 12.02 (8) (g), 12.02 (11) (c), 12.03 (2) (d), 12.04 (9) (a), 12.05 (1) (b) 1., 12.05 (2) (a) and (b), 12.05 (5) (a) and (b), 12.06 (1m) (f) and (h), 12.06 (2), 12.08 (4), (5) (intro.) and (b), (6), (8) and (26); ***to repeal and recreate*** ATCP 10.11, 10.13, 10.28, 10.40 (1) (d) 2., 10.42 (1) (b), 10.46 (11) (d) 2., 10.48, 10.50, 10.61 (7) (b), Ch. ATCP 10, Appendices A and B; and ***to create*** ATCP 10.01 (112m), 10.025, 10.03 (7), 10.04 (1) (am), 10.045 (3), 10.052, 10.055 (5) and (6), 10.07 (4) (a) 5. and (bn), 10.07 (5), 10.14 (2) (a) 3., 10.21 (2) (c) Note, 10.291 (2) (a) 3., 10.31 (1) (a) 1. and 2., 10.31 (3) (c) Note, 10.32 (2) (b) 3., 10.40 (2) (b), 10.40 (3) (b), 10.46 (1) (g) and (h), 10.46 (10) (cm), 10.46 (11) (e) and (f), 10.46 (12) (a) 3., 10.47 (8) (c), 10.49 (3) (a) 3., 10.52 (1m) (c) and (d), 10.53 (7) (a) 8., 10.53 (7) (c) and Note, 10.53 (8) (d), 10.54 (3), 10.56 (1) (d) Note, 10.56 (3) (e), 10.61 (6) (d) Note, 10.74 (3) (a) 3., 10.80 (1) (d) to (f) and Note, 10.80 (2m) and (2n), 10.87 (1) (d), 10.89 (1) (a) 3. and (2) (b) and (4) (b), ATCP 10.92 (19), (20), and Note, 12.01 (14), 12.02 (8) (k), (L), and (m), 12.03 (9) (j) and (k), 12.06 (1m) (j) and (k), 12.08 (28), relating to animal disease movement and animal markets, dealers and truckers, and affecting small businesses.

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

Wis. Admin. Code ch. ATCP 10 specifies requirements relating to animal diseases and movement. Wis. Admin. Code ch. ATCP 12 specifies requirements for animal truckers, markets, and dealers. This proposed rule package will modify current animal health rules to provide for clarity and consistency.

The hearing draft associated with this rule package proposed increasing farm-raised deer enhanced fencing requirements and restricting movement based on CWD affected county status. The department has determined to remove changes to farm-raised deer enhanced fencing requirements and movement restrictions from the final rule draft.

Statutes Interpreted

Statutes interpreted: Wis. Stat. §§ 93.06, 93.07, 93.15, 95.20, 95.22, 95.38, 95.42, 95.43, 95.45, 95.55, 95.57, 95.60, 95.68, 95.69, 95.71 and 95.715.

Statutory Authority

Statutory authority: Wis. Stat. §§ 93.06 (1f), (1n), and (1p), 93.07 (1), (2) and (10), 93.15 (1) to (3), 95.20, 95.22 (1) and (2), 95.38 (3), 95.42, 95.43 (1) and (2), 95.45 (4) (c), and (5), 95.55 (2), (3) and (6), 95.57 (1) and (2), 95.60 (3), (4) (c), (4s), (5), and (5m), 95.68 (2m) and (8), 95.69 (2m) and (8), 95.71 (8), and 95.715 (2), and (3).

Explanation of Statutory Authority

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

DATCP has broad authority under Wis. Stat. § 95.20 to prohibit and/or regulate the importing of animals into this state or the movement of animals if there are reasonable grounds to believe it is necessary to prevent the introduction or spread of disease in this state.

DATCP has specific rulemaking authority on reporting animal diseases under Wis. Stat. § 95.22 (2), certificates of veterinary inspection under Wis. Stat. § 95.45 (4) (c), regulation of the farm-raised deer industry under Wis. Stat. § 95.55 (6), regulation of fish farms under Wis. Stat. § 95.60 (3) and (4s), regulation of animal markets under Wis. Stat. § 95.68 (8), regulation of animal dealers under Wis. Stat. § 95.69 (8), regulation of animal truckers under Wis. Stat. § 95.71 (8), and regulation of feed lots under Wis. Stat. § 95.715 (2) (d). DATCP makes and enforces these rules through its Division of Animal Health (Division).

Related Statutes and Rules

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

Plain Language Analysis

Wis. Admin. Code ch. ATCP 10 specifies requirements relating to animal diseases and movement, and Wis. Admin. Code ch. ATCP 12 specifies requirements for animal truckers, markets and dealers. This proposed rule makes the following modifications:

Definitions

Some definitions have been updated to reflect appropriate terminology.

Equine infectious anemia test (EIA). The current rule requires the EIA test to be conducted in a laboratory approved by the department *or* the federal bureau. The proposed rule requires an EIA test to be conducted in a laboratory approved by the department *and* the federal bureau.

Feed lot. The proposed rule creates this definition as a facility at which feeder cattle are assembled for feeding prior to slaughter.

Farm-raised deer keeper. The proposed rule adds "Farm-raised deer keeper" to the current definition of "Keeper of farm-raised deer" as both terms are used throughout Wis. Admin. Code ch. ATCP 10.

Livestock. The proposed rule clarifies that the term applies to South American camelids (llama, alpaca, vicuna, and guanaco) and not all camelids.

Slaughtering establishment. The current rule specifies that a slaughtering establishment must be licensed by the department or subject to inspection by the USDA, which is not accurate. The proposed rule specifies that a facility must be both licensed and inspected and the licensing and inspection may be by either by the department or USDA. The proposed definition also encompasses an *approved* intermediate livestock handling facility if the latter is affiliated with a slaughtering establishment.

Tuberculosis test. The current rule specifies the tests that may be used for Tuberculosis. The proposed rule specifies that a post axillary Tuberculosis test may be used for all camelids (not just South American camelids) but not for exotic ruminants.

The proposed rule replaces the definition term "Axillary tuberculosis test" with "Post axillary tuberculosis test" to accurately define the test to be used when testing camelids for Tuberculosis.

Wild deer disease control area. The proposed rule creates this definition to mean a CWD-affected area designated by the DNR under Wis. Admin. Code ch. NR 10 or other disease area affecting wild cervid designated by the DNR or the department.

Medical Separation

Currently, medical separation provisions are listed under farm-raised deer and fish farms, respectively, as these are the species for which medical separation is most requested. The current rule requires fencing and facilities to be adequate to maintain separation of animals at all times. Current medical separation inspection fees are $200 for farm-raised deer and $400 for fish farms. The $400 fee more accurately reflects the cost involved with these inspections.

The proposed rule creates a new section relating to medical separation of *any* species. The proposed rule reflects the federal requirement that fencing and facilities must maintain at least 30 feet of separation at all times for bovine animals and farm-raised deer. Medical separation fees

are $400 for each day (or portion of a day) needed to complete the inspection. Also see medical separation requirements for Federally Approved Livestock Marketing Facilities, below.

Both the current and the proposed rule specify that no inspection is required for the renewal of an existing medically separated premises if the department has previously inspected the premises for medical separation, and there have been no changes in registration, licensure, certification, ownership, or use of premises.

Disease Reporting

Appendices A and B list diseases that must be reported to the department within one day or 10 days, respectively. The proposed rule updates the diseases listed in these appendices.

The proposed rule requires that a person who reports a disease listed under either of the appendices must include the official individual identification of the animal tested. If the animal has no official individual identification, the person collecting the test sample must apply such identification to livestock (other than fish) or another appropriate identifier for other non-livestock animals. Identification must be applied prior to collecting the test sample.

The proposed rule specifies that if the state veterinarian determines that a new disease is reportable because it presents a threat to animals or humans in the state, he or she may issue an order to make the disease reportable within one or ten days.

The proposed rule requires that test samples for Brucellosis, Johne's disease, pseudorabies, Tuberculosis, chronic wasting disease, and viral hemorrhagic septicemia, be submitted to a laboratory approved by the department.

Wisconsin Certified Veterinarians

The current rule specifies requirements for a veterinarian to automatically become a Wisconsin certified veterinarian. It also specifies reasons for decertification. The proposed rule requires Wisconsin certified veterinarians to follow accreditation standards under 9 CFR 160-162 or risk suspension or revocation of Wisconsin certification. The proposed language clarifies the department's authority, thereby allowing the department to take swift action if a veterinarian does not follow accreditation standards. This authority is not new, but it will allow the department to be more responsive when action is needed.

Brucellosis Testing and Control

The current rule specifies Brucellosis testing and control requirements under bovine, farm-raised deer, and swine portions of the rule. The proposed rule creates a new, general section relating to Brucellosis testing and control that applies to *all* animals and deletes the Brucellosis provisions currently related to bovine, farm-raised deer, and swine.

Tuberculosis Testing and Control

The current rule lists most of the provisions relating to Tuberculosis testing and control in a general Tuberculosis testing and control section as it pertains to all animals. The current rule also lists Tuberculosis requirements under bovine and farm-raised deer portions of the rule. The proposed rule will consolidate all the Tuberculosis testing and control requirements into the general Tuberculosis testing and control section.

Certificate of Veterinary Inspection (CVI)

The current rule requires the number, species, breed, sex, and age of animals included in a shipment to be listed on the CVI. The proposed rule requires that the purpose of movement also be listed on the CVI.

The current rule requires the veterinarian that signed the CVI for imported animals to file copies with the department and the chief livestock health official in the state of origin within 7 days after movement. The proposed rule reflects federal requirements by requiring the veterinarian to file copies with the chief livestock health official in the state of origin within 7 calendar days of issuance and requires the chief livestock health official (rather than the veterinarian) to file the certificate with the department within 7 calendar days of receipt. If the state of origin does not have a chief livestock health official who submits certificates of veterinary inspection for a particular species, the veterinarian who signs the certificate must file copies with the department within 7 calendar days after issuance.

The current rule requires a Wisconsin certified veterinarian who issues a CVI for export or intrastate movement of Wisconsin animals to file copies with the department within 7 days after the export or intrastate movement. If the animals are being exported, the veterinarian must also file a copy of the CVI with the chief livestock health official of the state of destination. The proposed rule reflects federal requirements by requiring the veterinarian to file copies with the department within 7 calendar days after issuance. If the animals are being exported, the department (rather than the veterinarian) must file a copy of the CVI with the chief livestock health official of the state of destination within 7 calendar days of issuance.

Federally Approved Livestock Marketing Facilities

The current rule requires federally approved livestock marketing facilities to meet certain requirements in order to qualify as such a market. The proposed rule also requires these facilities to:

- Be licensed as a Class A animal market.
- Be medically separated.
- Test animals for specified diseases prior to import.

Intermediate Livestock Handling Facility Certification

The current rule specifies requirements to be approved as an intermediate livestock handling facility under bovine imports. The proposed rule moves these requirements to the general import section because these facilities may handle a variety of imported species, including bovine. The

proposed rule also specifies that the department will grant or deny an intermediate livestock handling facility certificate within 60 days after a complete application is filed and charge a nonrefundable fee of $140 for the certificate. The certificate will expire June 30, annually. The proposed rule specifies the reasons for which a certificate may be denied, suspended, or revoked; allows the department to make certificates conditional; and requires that animals imported to a certified handling facility be tested for diseases specified under the rule prior to import.

Tuberculosis-Free Herd Certification

The current rule allows a herd of bovines, farm-raised deer, and goats to be certified as tuberculosis-free. The proposed rule clarifies that all commingled species must be of comparable tuberculosis status or risk suspension or revocation of certification.

Johne's Disease Certified Veterinarians

The current rule requires that veterinarians recertify for Johne's risk assessment or management plans (RAMPs) and Johne's vaccination every five years, and pay an initial and renewal fee of $50. The proposed rule eliminates the renewal requirement and the fee for initial certification.

Bovine Identification

The current rule specifies slaughter identification requirements under Wis. Admin. Code ch. ATCP 10 that differ slightly from the requirements under Wis. Admin. Code ch. ATCP 12. The proposed rule will make the provisions the same, including deleting the requirement of where a back tag must be placed.

Swine Slaughter Identification

The current rule requires a slaughtering establishment operator to apply (if the swine does not already have it) an official back tag, premises identification number ear tag, or other approved slaughter identification if the animal does not already have official identification. The following information must be recorded: The animal's identification, date of receipt, name and address of the person from whom the animal was received, and the swine's class.

The proposed rule will require a slaughtering establishment to apply identification to swine only if the animal does not pass the inspection process completed by state or federal inspectors or if the animal is tested for disease at the facility. Information must be recorded only if the animal is required to have identification applied.

The current rule requires that slaughtering establishments record the date identification was applied to the swine, if applicable, or a note that the swine already had identification upon arrival. The proposed rule no longer requires this information to be recorded.

Bovine Animal and Goat Imports

The current rule specifies bovine and goat import requirements. Except bovine animals and goats going directly to slaughter, no person may import a bovine animal or goat originating from a tuberculosis modified accredited state or a modified accredited zone in a state which has split multiple tuberculosis statuses (as determined by USDA) unless that person meets certain requirements.

One of those requirements is to obtain an import permit which will require the owner of a bovine animal or goat imported from a tuberculosis modified accredited state to have the animals tested for tuberculosis. The proposed rule clarifies that this provision pertains to owners of bovine animals and goats imported from a modified accredited zone as well.

Swine Disease Testing

Diseases to be tested. The current rule requires that swine be tested for Porcine Reproductive and Respiratory Syndrome (PRRS) and the Swine Enteric Coronavirus Disease (SECD) within 90 days prior to movement into or within Wisconsin.

The proposed rule requires swine to be tested for Porcine Epidemic Diarrhea virus (PEDv) rather than SECD. Testing for SECD includes testing for the Porcine Deltacoronavirus (PDCoV), Transmissible Gastroenteritis (TGE), and PEDv. At the time the rule requirements were originally developed, the United States Department of Agriculture (USDA) required reporting of PEDv and PDCoV. However, recently, the USDA discontinued the required reporting of these diseases. Although no longer required to be reported, PEDv remains a devastating disease in swine, causing diarrhea and vomiting, and death of 50-100 percent of infected piglets. Thus, the proposed rule will require that swine continue to be tested for PEDv. While harmful, PDCoV and TGE are not nearly as damaging, so testing for these diseases will no longer be required. Since the current rule became effective, all of the SECD positive cases for which herd plans have been developed have been for weak positive for PDCoV. It has also been found that birds carry their own Delta coronaviruses that can interfere/cross-react with the swine tests. There is no cost effective or reasonable test for producers to differentiate between the avian and porcine viruses. The state veterinarian granted an order waiving requirements for PDCoV testing on March 27, 2018.

Number of swine tested in pooled samples. The current rule specifies requirements for pooled sample testing of swine for PRRS and SECD. Again, except for PEDv, swine will no longer be tested for the diseases that fall under SECD. Currently, if using the method of collecting a pooled sample of swine by hanging a cotton rope in a group of swine:

- Herds with less than 150 swine must have one pooled sample of swine collected and tested. The number of swine to be pooled for samples is determined by the owner in consultation with the herd veterinarian.
- Herds with 150 or more swine must have three pooled samples of at least five swine collected and tested.

The proposed rule maintains the testing requirements for herds with less than 150 swine, but changes the requirements for testing herds with 150 or more swine as follows:

- Herds with 150 to 299 swine must have two pooled samples of swine collected and tested.
- Herds with 300 or more swine must have three pooled samples of swine collected and tested.
- The number of swine to be pooled for samples in either scenario must be determined by the owner in consultation with the herd veterinarian.

Imports. The current rule requires that swine imported to Wisconsin, with some exceptions, test negative for PRRS and the SECD within 90 days prior to import. Swine that test positive or that are not tested may be imported to Wisconsin with an import permit. Upon arrival to Wisconsin, the swine imported and/or swine at the premises will be quarantined until a herd plan is developed by a Wisconsin certified, accredited, licensed veterinarian and approved by the department.

The proposed rule:

- Allows the herd plan to be developed by an accredited veterinarian in another state, but the plan must still be approved by the department.
- Exempts swine imported to a licensed animal market from having to test for PRRS and PEDv (formerly SECD) prior to import if all swine on the market premises the day of sale are shipped directly to slaughter. However, under this scenario, the swine must still be accompanied by a CVI unless going to a federally approved livestock market.
- Clarifies that swine imported directly to a federally approved livestock marketing facility do not have to get an import permit if there is a negative PRRS and PEDv (formerly SECD) test from the swine's herd of origin conducted within 90 days prior to movement.

Movement within Wisconsin. For intrastate movement, the current rule requires that documentation of negative PRRS and SECD test reports be made available to the department upon request. The proposed rule requires test reports of PRRS and PEDv to be made available at the time of sale as well as to the department upon request.

The current rule provides PRRS and SECD testing exemptions for swine moving intrastate. The proposed rule adds an exemption for commercial swine moving directly to an animal market if all the swine on the market premises the day of the sale are shipped directly to slaughter.

The current rule requires the exhibitor of commercial exhibition swine that originate from Wisconsin and return to Wisconsin after an exhibition in another state to notify the department before returning to Wisconsin. The proposed rule exempts exhibitors from providing this notification if the out-of-state exhibition organizer requires all participating swine to have originated from herds that have tested negative for PRRS and PEDv (formerly SECD) within 90 days prior to the event.

Also see swine information under **"Fairs and Exhibitions."**

Equine Infectious Anemia (EIA)

The current rule requires, with some exceptions, EIA testing when purchasing, selling, or transferring ownership of any equine animal. EIA testing is not required when:

- An equine animal is *consigned* to an animal dealer or market, or *sold* to an animal market operator for sale directly to slaughter, or
- The dealer/market has the animal tested for EIA within 10 days after the animal is received/purchased.

The provisions relating to markets are unclear, and the usage of the term *consigned* for animal dealers (and markets) versus *sold* for market operators is confusing. Also, markets are required to remove animals from the premises within 4 days of receipt (unless awaiting test results). Thus, it is not permissible for markets to wait 10 days to test an animal.

The proposed rule will clarify that EIA testing is not required when an equine animal is consigned or sold as follows:

- To an animal dealer, provided the animal dealer ships the animal directly to slaughter or has the animal tested for EIA within 10 days after its consignment or sale to the dealer, or arrival at the premises. Until the negative EIA test results are obtained, the dealer may not consign, sell, or move the animal from the premises or allow the animal to commingle with other animals.
- To an animal market, provided that the animal market operator ships the animal directly to slaughter or has the animal tested for EIA within 4 days after it arrives at the premises. Until the negative EIA test results are obtained, an equine animal may not leave the premises or be commingled with any other animal.

Equine Animal Imports

The current rule specifies equine import requirements. With some exceptions, no person may import an equine animal unless the animal has tested negative on an equine infectious anemia test (EIA) conducted within a certain timeframe.

One of those exceptions is to obtain an import permit which will allow the animal to be imported if samples are collected from the animal prior to import, and the animal is confined to the premises and not commingled upon import until negative test results are received. The proposed rule deletes this exception.

Poultry and Farm-Raised Game Birds

Enrollment requirements. The current rule requires poultry and eggs used for breeding, hatching, or exhibition to originate from a certified flock or be individually tested for certain diseases. A certified flock includes a flock enrolled in the national poultry improvement plan (NPIP), a Wisconsin tested flock, or a Wisconsin associate flock.

The proposed rule will no longer require persons to enroll their flock in a Wisconsin tested flock or Wisconsin associate flock with the department. Instead, a flock owner must provide

documentation of being a Wisconsin tested flock or Wisconsin associate flock by completing a department approved form that requires certain information to be listed. This new form will include the same information as the application currently used to apply for flock certification from the department. The Wisconsin tested flock form will be valid for one year from the date the disease testing was conducted. The Wisconsin associate flock form will be valid as long as all birds or eggs introduced to the flock are acquired directly from a Wisconsin tested flock, a Wisconsin associate flock, or a flock enrolled in the National Poultry Improvement Plan.

The proposed rule requires that poultry and eggs exhibited at fairs or poultry shows (rather than those used for breeding, hatching and exhibitions) to either: reside in a flock that is certified under NPIP; have a completed, valid Wisconsin tested flock form or Wisconsin associate flock form; or be an individual sexually mature bird tested for certain diseases.

The current rule requires a person who sells poultry or eggs from certified flocks (or individually tested birds) to provide a copy of the flock certification (or individual bird test) to the buyer and to report the sale to the department.

The proposed rule requires these persons to provide a copy of a current NPIP flock certification, a Wisconsin tested flock form, a Wisconsin associate flock form, or individual bird tests to the buyer and to maintain poultry sale information (rather than report the information to the department). Sale information must be maintained for at least 3 years and be made available to the department for inspection and copying upon request.

The current rule provides an alternative method for youth exhibiting poultry at county fairs. The proposed rule deletes this provision as it is rarely, if ever, used.

National Poultry Improvement Plan (NPIP). The current rule specifies that the department may certify a flock as U.S. pullorum typhoid clean or Mycoplasma gallisepticum clean, or both, according to standards set forth in the national poultry improvement plan.

The proposed rule deletes this provision as it is already described under the NPIP standards and does not need to be repeated in the rule.

The current rule establishes fees to be paid for enrollment in the program and is ambiguous as to when the $40 fee or the $80 fee applies. The proposed rule clarifies that the $40 fee applies to a flock consisting of not more than 200 breeders, and the $80 fee applies to a flock consisting of more than 200 but not more than 1,000 breeders.

The proposed rule specifies that the department *may*, rather than *shall*, inspect enrolled flocks and take other actions as appropriate, based on plan requirements.

Poultry Imports. The current rule requires that live poultry, eggs used for hatching, farm-raised game birds, and farm-raised game bird eggs used for hatching that are imported to Wisconsin be accompanied by a federal bureau form VS 9-3 or a valid certificate of veterinary inspection. These documents must certify that the birds/eggs originate from flocks meeting specified

requirements or a plan that the department determines to be equivalent to Wisconsin requirements.

The proposed rule requires a person who imports poultry to keep the federal bureau form VS 9-3 or certificate of veterinarian inspection (whichever is applicable) for at least three years, and to make them available to the department for inspection and copying upon request.

The proposed rule replaces the term *originate* with *are directly imported from* to clarify that the document accompanying the birds/eggs must certify the most recent location from which the birds were imported and not the original location from which the birds were purchased. Also, the proposed rule eliminates the equivalent plan as determined by the department as it has never been used.

The current rule prohibits the import of turkey poults from hatcheries that hatch eggs, other than turkey eggs. It also prohibits the import of started poultry, other than turkey poults, from hatcheries that hatch turkey eggs. The proposed rule eliminates this prohibition as it cannot be justified based on disease risk.

Farm-Raised Deer

Farm-raised deer herd registration. The current rule specifies that no person may keep farm-raised deer at any location in this state unless the department has issued a current annual farm-raised deer herd registration certificate authorizing the person to keep farm-raised deer at that location. There is an exception for persons who own less than 50% of a farm-raised deer or group of farm-raised deer, if certain requirements are met. The proposed rule eliminates this exemption, as it is not being used. The proposed rule creates two new exemptions as follows:

- Licensed animal dealers who purchase farm-raised deer from a keeper whose herd is currently registered, and who move those deer directly to slaughter, are not required to obtain a farm-raised deer herd registration, if certain requirements are met. One such requirement mandates the dealer to keep certain records for that deer, including chronic wasting disease test results.
- Temporary farm-raised deer exhibits, if certain requirements are met.

When applying for a farm-raised deer herd registration certificate, an applicant must include a breakdown by species, age, and sex of the farm-raised deer in the herd. The proposed rule requires only the breakdown of species of deer to be included on the application while eliminating the breakdown by age and sex.

The proposed rule allows a farm-raised deer keeper to maintain ownership of a deer that is moved to another premises as long as the owner at the new premises has a valid farm-raised deer herd registration certificate, and movement requirements are met. In addition, certain records must be kept by both parties, as follows:

- A person who receives a farm-raised deer but does not own the deer must keep records relating to deer that enter the herd, leave the herd, escape, are killed, etc. He or she

must test the deer for CWD upon death and keep those CWD test results for at least 5 years.

- A person who provides a farm-raised deer to another premises (including a hunting ranch), but who retains ownership of the deer, must keep records relating to that deer leaving the herd and when that deer dies, is killed, or slaughtered. He or she must also keep the CWD test results for at least 5 years.

Prohibitions. The current rule prohibits persons keeping farm-raised deer from commingling deer with bovine animals on the same premises, building, enclosure, or vehicle unless all the animals go to slaughter. The proposed rule will allow these animals to be on the same premises without having to send them all to slaughter if one of the following requirements is met:

- The herds of the two species are medically separated.
- The herds of both species are certified by the department as accredited Tuberculosis-free.
- The herds of both species meet the testing requirements to become a TB qualified herd, and the animal to be moved has been classified negative to an official TB test that was conducted within 90 days prior to the date of movement for farm-raised deer and 60 days prior to the date of movement for bovine animals. If the herd test was administered and the herd qualified (within 90 days prior to the date of movement for farm-raised deer and 60 days prior to the date of movement for bovine animals), the animal to be moved does not require an additional individual test.

The proposed rule creates the following prohibitions:

- Prohibits a keeper from intentionally releasing farm-raised deer to the wild or taking no action to prevent escapes.
- Prohibits a keeper from feeding or baiting in a manner that may attract wild deer to the fence of the farm-raised deer herd.

Chronic Wasting Disease Testing (CWD). The current rule specifies requirements for farm-raised deer to be tested for CWD. The proposed rule also requires a farm-raised deer keeper whose herd is enrolled in the CWD herd status program, and who moves a deer to another location owned by the keeper, to test that deer for CWD upon death.

The current rule requires a person who is qualified to collect a CWD test sample to label the test sample with the animal's official individual identification, or if the official individual identification is not available, with the back tag, official slaughter identification, or carcass tag. The proposed rule changes the term "carcass tag" to "dead tag" for consistency throughout the rule. It also requires that all identification tags and numbers from the animal accompany the test sample.

The current rule requires a person who is qualified to collect a CWD test sample to submit a CWD sample to a veterinarian within 2 business days. The proposed rule allows that submission to occur within 9 calendar days after the farm-raised deer dies or is killed or slaughtered. The proposed rule clarifies that a veterinarian who accepts the CWD sample must submit the sample to an approved laboratory within 10 days *of receipt.*

The current rule allows the department to disqualify a person from collecting CWD test samples, including a veterinarian. The proposed rule clarifies that if a veterinarian is disqualified from taking CWD test samples, he or she will not be allowed to accept or submit CWD test samples.

Farm-Raised Deer Identification. The current rule specifies farm-raised deer identification requirements under the "Farm-raised deer; chronic wasting disease herd status program" section of the rule. The proposed rule moves the identification requirements to the "Farm-raised deer; identification" section of the rule as it is a more logical area to look for identification requirements. The cross-references relating to farm-raised deer identification requirements throughout the rule have been changed to reference its new location.

The current rule requires farm-raised deer in herds enrolled in the chronic wasting disease herd status program to have two individual identifications. One must be an official individual identification, and the second identification must be either an official individual identification or individual identification unique to the herd.

Under federal law, a person may not apply an official individual identification to any animal that already has an official individual identification, except that: An "840" tag may be applied to an animal that has a national uniform ear tagging system ear tag; a brucellosis vaccination tag may be applied when vaccinating an animal for brucellosis (although this would not apply to farm-raised deer); or an official individual identification may be applied as approved by the department.

The proposed rule has been modified to meet federal requirements. Thus, whenever a farm-raised deer is required to have two individual identifications, one must be an official individual identification, and the second must be an individual identification unique to the herd or an official individual identification that meets one of the following:

- It was applied prior to the effective date of this rule.
- An "840" tag was applied to an animal that has a national uniform ear tagging system ear tag.
- An official individual identification as approved by the department.

A person who applies additional official individual identification specified above must keep a record of the existing and newly applied official identification numbers.

CWD Herd Status Program Suspension. The current rule allows the department to suspend enrollment in the CWD herd status program under certain circumstances. The proposed rule adds to the list of reasons enrollment may be suspended: A farm-raised deer keeper who fails to renew (maintain) his or her farm-raised deer herd registration.

The current rule has a note that no live farm-raised deer may be moved from a herd while a suspension is in effect. The proposed rule includes that language as part of the official rule, rather than a note.

Certificates of Veterinary Inspection for Farm-Raised Deer. The current rule specifies that farm-raised deer may not be imported to or moved within Wisconsin (with some exceptions) without a certificate of veterinary inspection (CVI). The CVI must include the official individual identification of the farm-raised deer. The proposed rule requires the CVI to list two individual identifications of each farm-raised deer.

Fish Farms

The current rule refers to the federal bureau when identifying fish or fish eggs of a species susceptible to viral hemorrhagic septicemia. The department is now responsible for identifying these species of fish or fish eggs. The proposed rule reflects this change and includes a note as to how to find the list of susceptible species.

To apply for a fish farm registration, the current rule requires a fish farm operator to submit an application to the department on a form provided by the department. The proposed rule, in accordance with Wis. Stat. § 29.733 (1h), requires a person applying for an initial fish farm registration certificate to first contact the Wisconsin Department of Natural Resources to determine whether a natural waterbody permit must be obtained.

The current rule requires that, in most cases, fish imported to Wisconsin be accompanied by a health certificate and requires fish imported for certain purposes be accompanied by an import permit. The current rule implies that health certificates only have to be kept as records if they accompany an import permit. The proposed rule clarifies that all health certificates and import permits must be kept as records.

The current rule requires a person importing fish to a registered fish farm (unless the fish are imported from another fish farm) to have an import permit issued by the department. The proposed rule requires an import permit for this situation only when fish or fish eggs harvested from the wild are imported to a registered fish farm.

The current rule requires that a valid health certificate must accompany fish that are found to be susceptible to viral hemorrhagic septicemia (VHS) and that are moved from a type 3 fish farm to any other location in this state. The proposed rule allows movement of VHS susceptible fish between type 3 fish farms without a health certificate.

Dog and Cat Imports

The current rule prohibits the import of a dog or cat unless the animal has a current rabies vaccination. The proposed rule also prohibits the following:

- Brucella Canis Requirement. No person may import a sexually intact dog for breeding, and no dog seller or dog facility operator licensed under Wis. Admin. Code ch. ATCP 16, may import a sexually intact dog without obtaining a negative test for Brucella canis completed within 30 days prior to the import using a test method approved by the department. If the dog is less than six weeks old, it must be accompanied by its dam, and the dam must have documentation meeting the requirement under this subdivision.

- Heartworm Test Requirement. No dog seller or dog facility operator licensed under Wis. Admin. Code ch. ATCP 16 may import a dog without obtaining a negative heartworm test completed within 6 months of the import using a test approved by the department. If the dog is less than six weeks old, it must be accompanied by its dam, and the dam must have documentation meeting the requirement under this subdivision.

The proposed rule requires that the certificate of veterinary inspection (CVI) that accompanies any imported dog must document the Brucella canis and heartworm information, if applicable, with a negative Brucella canis test and/or a negative heartworm test.

The proposed rule also requires the CVI of any imported dog to include a statement that the dog has no known prior positive heartworm test, or, if the dog had a prior positive heartworm test, that the dog received appropriate treatment protocol as recommended by the American Heartworm Society and list the treatment dates.

The current rule specifies that a CVI is not necessary when a dog is imported for treatment or returning home from treatment if certain requirements are met. The proposed rule specifies that cats do not need a CVI for these purposes either.

Fairs and Exhibitions

The current rule specifies requirements relating to organizers of fairs and exhibitions. It also specifies requirements for a licensed veterinarian that more properly should be the responsibility of the organizer.

The proposed rule makes it clear that the organizer of a fair or exhibition (rather than a veterinarian) must ensure that all exhibitors comply with rule requirements, including:

- Movement and exhibition of animals, including documentation to show compliance with import requirements, disease testing and other health requirements of Wis. Admin. Code ch. ATCP 10.
- Exhibitor information and the official ID (or if not applicable, the identification) of the animals exhibited.

The current rule requires an exhibitor to provide appropriate and reliable documentation to show that the animals were lawfully imported or moved to the fair or exhibition, if requested by the organizer of the fair or exhibition. The proposed rule requires the exhibitor to provide this information regardless of whether it is requested by the organizer.

The current rule requires an exhibitor to identify the animals exhibited. The proposed rule requires the exhibitor to provide official individual identification, if required, of the animal exhibited.

The current rule provides PRRS and SECD testing exemptions for swine participating at a fair or exhibition if the swine go directly to slaughter from that fair or exhibition. The proposed rule adds a testing exemption for swine that participate at a fair or exhibition if moved directly to an

animal market if all the swine on the market premises the day of the sale are shipped directly to slaughter. The proposed rule will require fair or exhibition organizers of these "terminal" events to keep records relating to the swine movement.

Enforcement

The current rule allows the department to issue an order quarantining animals for certain purposes. The proposed rule creates an additional purpose to "protect the health of animals located in this state and of humans residing in this state, relating to the importation, movement, and care of animals and their products, the disinfection of suspected localities and articles, and the disposition of animals, as the department determines are necessary."

The current rule requires proof of service by staff whenever a quarantine is issued to a person having custody or control of the quarantined animals. Proof of service must be an affidavit or certified mail return receipt. The proposed rule requires a certificate of personal service or certified mail return receipt (instead of an affidavit) as proof of service.

The proposed rule allows the department to issue an emergency quarantine order that will affect a particular geographical location, county, counties, or the entire state in the event of a national, state, or regional animal disease outbreak. As with current quarantines, persons adversely affected by this quarantine may request a hearing to review the quarantine order.

The current rule allows the department to issue a temporary animal hold order if there is reason to believe the animal has been illegally moved or exposed to a disease. The proposed rule deletes the section relating to animal hold orders as they are rarely used, and quarantines may be issued for the same purpose.

The current rule specifies prohibited conduct. The proposed rule adds that no person may:

- Misrepresent to any person the age of any animal.
- Falsify, remove, alter, or tamper with any official identification or official back tag, regardless of how current rule may be interpreted to allow such action.
- Fail or refuse to permit reasonable access by the department to a premises to review certain records, documents, and any other records required under this chapter.
- Prevent the department from taking records off site for copying if deemed necessary for efficiency.
- Apply official individual identification to any animal that already has an official individual identification except under certain specified circumstances.

The current rule also prohibits the commingling of different livestock species other than different species of fish, poultry, camelids, or ratites during transit. The proposed rule also allows the commingling of sheep and goats or different species of South American camelids (rather than camelids).

The current rule prohibits the commingling of bovine animals and farm-raised deer unless all the animals go to slaughter at some point. The proposed rule will allow bovine animals and farm-

raised deer to be on the same premises and not be sent to slaughter, if certain conditions are met. See "Prohibitions" under "Farm-Raised Deer Herd Registration" for more information.

Animal Truckers, Markets and Dealers

The current rule lists requirements relating to animal truckers, markets, and dealers under both ch. ATCP 10 and ch. ATCP 12. The proposed rule deletes some of the duplicated requirements from ch. ATCP 10 and includes a note to clarify that animal trucker, market, and dealer requirements are under ch. ATCP 12.

The current rule requires animal market operators to remove animals from the animal market within 4 days after they enter the market. However, some markets have personal livestock on the market premises which do not have to be moved. The proposed rule requires that animal markets clearly separate market animals from any other livestock on the premises and clarifies that market animals must be removed from the market within 4 days after entry.

The current rule requires animal markets and dealers to comply with certain requirements. The proposed rule adds compliance with federal traceability requirements when moving cattle interstate or releasing cattle for interstate movement. This requirement is not new but will allow the department to be more responsive when action is needed.

The current rule specifies requirements for moving and testing swine for Porcine Reproductive and Respiratory Syndrome (PRRS) and the Porcine Epidemic Diarrhea virus (PEDv) under ch. ATCP 10. The proposed rule modifies ch. ATCP 12 to require animal market operators and dealers to notify potential buyers of any swine that test positive for PRRS or the PEDv before selling those swine. Market operators and dealers must also keep records of PRRS and PEDv test results and herd plan numbers, when those swine are required to have them.

The current rule exempts a licensed meat establishment that buys livestock solely for slaughter at the meat establishment from getting an animal dealer license. The proposed rule changes the term, "licensed meat establishment", to "slaughtering establishment", as that is the correct terminology to be used.

The current rule prohibits animal market operators from delivering livestock or wild animals to an unlicensed animal trucker if the operator knows or has reason to know the animal trucker is unlicensed. The proposed rule also prohibits animal market operators from delivering to an unlicensed animal dealer.

The current rule prohibits animal truckers from causing or permitting different species of animals to be commingled on the same animal transport vehicle or enclosure. The proposed rule allows the commingling of different species of animals if the animals are of comparable size and do not pose a known disease threat to the other species.

The current rule lists general prohibitions for animal truckers, markets and dealers. The proposed rule prohibits a person from refusing to permit access to a premises or vehicle to an authorized agent of the department.

The current rule requires an animal trucker who receives any bovine or swine for sale or shipment to slaughter to immediately identify the animals with an official back tag and record the back tag number if the animal is not already identified. The proposed rule exempts an animal trucker from this requirement if the trucker: 1) Picks up bovine animals/swine from a farm premises and takes the bovine animal/swine directly to a slaughtering establishment, and 2) The bovine animals/swine are not commingled with animals picked up from other farms.

The current rule requires an animal dealer or market operator who receives swine to immediately record the official individual identification of that swine or to apply such identification if the swine does not already have it. The proposed rule exempts market swine from having to be identified with official individual identification unless shipment to slaughter does not occur. Market swine is defined as either a barrow which is a castrated boar, or a gilt which is a female that has not reproduced, that are sold to go directly to a slaughtering establishment.

The current rule requires an animal dealer or market operator who receives farm-raised deer to identify the deer with an official individual identification if it does not already have it. The proposed rule deletes this requirement as current rule requires any farm-raised deer that is moved to have two individual identifications (one of which must be official identification) before it may be moved. Thus, the animal dealer or market operator should never have to apply identification.

The current rule requires animal market operators, dealers, or truckers to keep a copy of any certificate of veterinary inspection that accompanied the animal. The proposed rule clarifies that the CVI must be kept if it was required to accompany the animal.

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

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

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

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

Public Hearings and Summary of Public Comments

Written comments were received during the economic impact analysis comment period from June 29, 2018, through August 29, 2019. The department held a public hearing in Eau Claire on December 10, 2018, in Appleton on December 12, 2018, and in Madison on December 18, 2018.

Following these public hearings, the hearing record remained open until January 10, 2019 for additional written comments.

The department received four comments or registrations during the public hearings and 58 unique written comments. Comments broke down in the following categories:

One comment supported the proposed rule's requirements for brucellosis testing for breeding dogs entering Wisconsin from other states.

One comment requested eliminating the current requirement to submit brucellosis vaccination records to the department. ATCP 10.10, Wis. Admin. Code, requires a veterinarian to file a vaccination report with the department within 30 days after the veterinarian performs the vaccination in order for the animal to qualify as an official brucellosis vaccinate. This reporting is required by Wis. Stat. § 95.46 (2) and therefore cannot be changed as a part of this rule draft.

Comments Related to AZA and ZAA

Three comments requested that the department include Zoological Association of America (ZAA) accredited facilities in the exemptions that currently apply to Association of Zoos and Aquariums (AZA) accredited facilities. There is currently one ZAA accredited facility and five AZA accredited facilities in Wisconsin. The tables below list the current exemptions for AZA accredited facilities under Wis. Admin. Code ch. ATCP 10, general information regarding the accreditation process of each organization, and the accreditation standards of each organization with regards to animal disease management.

Table 1. Current DATCP Rule Exemptions for AZA Accredited Facilities

Exemption	Additional Information
Wis. Admin. Code ss. ATCP 10.01 (37) and 10.87: excludes AZA accredited facilities from the definition of "exhibition" and the associated requirements.	"Exhibition" means an organized fair, swap meet, rodeo, trail ride, show, or other organized event at which animals owned by different persons are brought together from different premises and exhibited on the same premises. "Exhibition" does not include any of the following: (a) An animal market. (b) An exhibition operated by an institution accredited by the association of zoos and aquariums. (c) A wild animal exhibition operated pursuant to a permit from the Wisconsin department of natural resources. A premises with animals owned by a single person would not be an exhibition.
Wis. Admin. Code s. ATCP 10.01 (42) excludes AZA accredited facilities from the definition of "farm-raised deer" and the associated requirements.	Farm-raised deer, and other cervids, are susceptible to tuberculosis and brucellosis, both of which are zoonotic diseases that can pass from animals to humans. Farm-raised deer, and other cervids, are also susceptible to chronic wasting disease (CWD). Wis. Stat. s. 95.55 and Wis. Admin. Code Ch. 10 Subchapter VII establish requirements relating to farm-raised deer. These requirements include, but are not limited to, registration, fencing requirements, CWD testing requirements, and requirements for movement.

Wis. Admin. Code s. ATCP 10.56 (1) (b) exempts AZA accredited facilities from certificate of veterinary inspection requirements for in-state movement of farm-raised deer.	Farm-raised deer, and other cervids, are susceptible to tuberculosis and brucellosis, both of which are zoonotic diseases that can pass from animals to humans. Farm-raised deer, and other cervids, are also susceptible to chronic wasting disease (CWD).
Wis. Admin. Code s. ATCP 10.82 (3) (b) exempts AZA accredited facilities from tuberculosis import testing requirements for exotic ruminants.	Tuberculosis is a zoonotic disease, which means it can pass from animals to humans and vice versa.
Wis. Admin. Code s. ATCP 10.82 (4) (b) exempts AZA accredited facilities from brucellosis import testing requirements for exotic ruminants.	Brucellosis is a zoonotic disease, which means it can pass from animals to humans and vice versa.
Wis. Admin. Code s. ATCP 10.84 (4) (b) exempts AZA accredited facilities from wild animal import prohibitions if the department issues a permit. (prairie dogs and the following rodents from Africa: tree squirrels, rope squirrels, dormice, Gambian giant pouched rat, brush-tailed porcupine, and striped mice)	In 2003, a shipment of tree squirrels, dormice, Gambian giant pouched rat, brush-tailed porcupine, and striped mice were imported to the US from Africa. Some of the animals were infected with monkeypox and passed the virus to prairie dogs while at an animal vendor. The prairie dogs were sold as pets prior to developing signs of infection. Monkeypox is a zoonotic disease, which means it can pass from animals to humans. There were 37 confirmed cases of monkeypox in humans after contact with the infected prairie dogs. The CDC advised potentially exposed individuals to get the smallpox vaccine. (https://www.cdc.gov/poxvirus/monkeypox/outbreak.html)
Wis. Admin. Code s. ATCP 10.86 (3) exempts AZA accredited facilities from tuberculosis import testing requirements for elephants.	Tuberculosis is a zoonotic disease, which means it can pass from animals to humans and vice versa.

Table 2. General Information Regarding the Accreditation Process

Accreditation Process	**AZA** Quotations below are from: https://www.aza.org/becoming-accredited	**ZAA** Quotations below are from: http://zaa.org/accreditation
Initiating the accreditation process	"Every candidate for accreditation fills out a detailed questionnaire which includes copies of their policies, procedures, records, lists, and reports."	"Submit the completed ZAA Accreditation Application with required attachments and photographs."
Accrediting body	"AZA carefully selects the expert Accreditation Commission members who evaluate each zoo and aquarium. These experts are leaders in their fields and have many years of experience and education in zoo and aquarium operations, animal management, and veterinary medicine. There are twelve experts on the Accreditation Commission."	ZAA has an accrediting committee to evaluate applications. The ZAA website does not indicate the number or types of members on the accrediting committee.
Accreditation inspection	"After the Accreditation Commission studies the application, a team of inspectors visit the zoo or aquarium in person. Each team includes at least one veterinarian along with animal and operations experts. The inspectors spend several long days at the zoo or aquarium visiting every area, interviewing staff, checking records, and examining the	"Inspections are performed by the accreditation inspection team of two of more individuals. Re-accreditation of members in good standing requires one or more inspectors. The site inspections will be conducted at the expense of the applicant. The inspectors are chosen by the

	physical facilities and the animal collection. The inspectors then write a detailed report about everything they saw and evaluated and submit it to the Accreditation Commission."	accreditation committee chair. The applicant has the right of refusal for any inspector."
Accreditation approval	"The Accreditation Commission meets twice a year to consider all candidates for accreditation. They examine the application, the supporting documents submitted by the zoo or aquarium, the inspection team's report, and any information and comments received from outside organizations and individuals. The zoo or aquarium's senior officials must go to the Accreditation Commission's meeting to answer questions. Finally, the Accreditation Commission decides whether or not to grant accreditation. It doesn't matter if an institution is new or was previously accredited, standards are high and not every candidate receives accreditation."	"The accreditation committee will review the application and site inspection. The applicant may be a). tabled and given a timeframe to correct deficiencies, b). denied, or c). approved as an accredited facility member. Once approved, the applicant will be submitted to the board of directors for approval with a pro simple majority vote."
Maintaining accreditation	"AZA-accredited zoos and aquariums are constantly evolving and standards are continuously being raised. Each zoo or aquarium must keep up with these changes to remain AZA-accredited. And to prove it, they must go through the entire accreditation process every five years."	"The accreditation status is valid for five years. The facility must re-apply for accreditation and have a site inspection before their accreditation expires."

Table 3. Accreditation Standards Regarding Animal Disease Management

Accreditation Standard	**AZA** Quotations below are from: https:/www.speakcdn.com/assets/2332/aza-accreditation-standards.pdf	**ZAA** Quotations below are from: http://www.zaa.org/images/pages/misc/ZAA_Accreditation_Standards.pdf
Veterinary coverage and inspections	"A full-time staff veterinarian is recommended. In cases where such is not necessary because of the number and/or nature of the animals residing there, a consulting/part-time veterinarian must be under written contract to make at least twice monthly inspections of the animals and to respond as soon as possible to any emergencies." (Section 2.1.1.) "So that indications of disease, injury, or stress may be dealt with promptly, veterinary coverage must be available to the animals 24 hours a day, 7 days a week." (Section 2.1.2)	The documented ZAA accreditation standards do not contain requirements for veterinary coverage or veterinary inspections.
Disease prevention	"The veterinary care program must emphasize disease prevention… Preventative medicine programs (vaccinations, TB testing, parasite exams, etc.) must be in force for all of the institution's animals and must be under the direction of a qualified veterinarian." (Section 2.0.2.)	The documented ZAA accreditation standards do not contain requirements for disease testing, zoonotic disease training, or tuberculosis prevention.

Disease outbreak response	"Institutions should be aware of, and prepared for periodic disease outbreaks in wild or other domestic or exotic animal populations that might affect the institution's animals (ex – Avian Influenza, Eastern Equine Encephalitis Virus, etc.). Plans should be developed that outline steps to be taken to protect the institution's animals in these situations." (Section 2.0.3.).	The documented ZAA accreditation standards do not contain requirements for disease outbreak response or preparation.
Quarantines	"The institution must have holding facilities or procedures for the quarantine of newly arrived animals and isolation facilities or procedures for the treatment of sick/injured animals." (Section 2.7.1.) "Written, formal procedures for quarantine must be available and familiar to all paid and unpaid staff working with quarantined animals." (Section 2.7.2)	In regards to fish, "the institution must have holding facilities or procedures for the quarantine of newly arrived animals and isolation facilities or procedures for the treatment of sick/injured animals. Written, formal procedures for quarantine must be available and familiar to all staff working with quarantined animals." (Section IX. 7. a. i.) The documented ZAA accreditation standards do not contain requirements for the quarantine of other (non-fish) animals.
Animals used offsite and in programs	"For animals used in offsite programs and for educational purposes, the institution must have adequate written protocols in place to protect the rest of the animals at the institution from exposure to infectious agents… To protect the health of the animals at the institution, written protocols required above, and their implementation, must include a veterinary risk assessment and veterinary approval." (Section 1.5.5.) "The institution should design facilities, develop animal care protocols and present animals for public contact in ways that minimize this risk (e.g., hand-washing or hand sanitizing stations and signage, where applicable, etc.)." (Section 11.1.2.)	"All wildlife that will be used for contact with the public shall have been evaluated by the exhibitor to insure compatibility with the uses intended. All wildlife shall be exhibited in a manner that prevents injuries to the public and the wildlife. The exhibitor shall take reasonable sanitary precautions to minimize the possibility of disease or parasite transmission which could adversely affect the health or welfare of citizens or wildlife." (Section III. 3. a.) The documented ZAA accreditation standards do not contain requirements for the veterinary oversight of animals at the facility or of animals moving from the facility for exhibition.
Staff and public zoonotic disease prevention	"Training and procedures must be in place regarding zoonotic diseases… Diseases that can be transmitted between animals and humans (Zoonotic disease, zoonoses) present a potential risk for paid and unpaid staff and the visiting public. The institution should design facilities, develop animal care protocols and present animals for public contact in ways that minimize this risk (e.g., hand-washing or hand sanitizing stations and signage, where applicable, etc.). Institutions must train appropriate paid and unpaid staff in methods to prevent zoonotic disease." (Section 11.1.2.). "The institution must have an occupational health and safety program… An effective occupational health and safety program is based on hazard identification and risk assessment. The nature of the program will depend upon animal species, potential hazards, facility design, and workplace	In regards to fish quarantines, "Precautions must be taken to minimize the risk of zoonotic disease to personnel." (Section IX. 7. b. iii.) The documented ZAA accreditation standards do not contain requirements for disease testing, zoonotic disease training, or tuberculosis prevention.

	activities. The extent and level of participation (e.g. vaccinations, TB testing, parasite exams, immunizations, personal protective equipment, etc.) will vary depending upon potential hazard exposure and risk management." (Section 11.1.2.1.) "A tuberculin (TB) testing/surveillance program must be established for appropriate paid and unpaid staff in order to assure the health of both the paid and unpaid staff and the animals." (Section 11.1.3.)	
Secondary animal containment	"Perimeter fencing must be separate from all exhibit fencing or other enclosures, and be of good quality and construction. All facilities must be enclosed by a perimeter fence which is at least 8' in height or by a viable barrier. The fence must be constructed so that it protects the animals in the facility by restricting animals outside the facility and unauthorized persons from going through it or under it and having contact with the animals in the facility, and so that it can function as a secondary containment system for the animals in the facility… There are rare instances where the terrain surrounding the facility provides a viable barrier. The Accreditation Commission will determine what constitutes a "viable barrier" and must approve a waiver. However, most facilities must be enclosed by a perimeter fence. Facilities located in rural areas and which are PPEQ-approved must meet special USDA standards for fencing. Institutions which are entirely enclosed within a building may be exempt from this requirement." (Section 11.8.1.).	"1. Facility requirements for Class I animals… b. The facility shall have a perimeter boundary, including access points, to be designed, constructed, and maintained to discourage unauthorized entry and so far as reasonably practical, as an aid to the confinement of all animals within the perimeter of the institution. The perimeter boundary cannot also act as animal exhibit barrier and must be located at least 3 feet from the primary enclosure. c. The facility shall be bounded by a fence of not less than eight (8) feet in height, constructed of not less than 11 1/2 gauge chain link, or equivalent, to prevent escape from the property of any wildlife that may escape the primary caging. 2. Facility requirements for Class II animals… b. The facility shall have a perimeter boundary, including access points, to be designed, constructed, and maintained to discourage unauthorized entry and so far as reasonably practical, as an aid to the confinement of all animals within the perimeter of the institution. The perimeter boundary cannot also act as animal exhibit barrier and must be located at least 3 feet from the primary enclosure. c. The facility shall be bounded by a fence of not less than eight (8) feet in height, constructed of not less than 11 1/2 gauge chain link, or equivalent, or, as an alternative, a fence of not less than six (6) feet in height, with a 2-foot, 45 degree, inward angle overhang. The inward angle fencing and vertical fencing shall be constructed of 11 1/2 gauge chain link or equivalent. This fencing is to prevent escape from the property of any wildlife that may escape from primary caging. 3. Facilities maintaining Class III wildlife only: a. Facility shall meet same requirements as Class II facilities except that the perimeter fence may be 6 foot high with no overhang." (Section II.). The ZAA accreditation standards categorize farm-raised deer as class III animals (Section I.).

The AZA accreditation standards include specific requirements for veterinary oversight and disease prevention and response. The department determined that the AZA accreditation standards provide sufficient requirements to prevent disease transmission and that maintaining the current exemptions for AZA accredited facilities would not pose a risk to public health or livestock commerce.

At this time, the documented ZAA accreditation standards do not contain requirements for the veterinary oversight of animals at the facility or of animals moving from the facility for exhibition. The ZAA accreditation standards do no reference disease testing, zoonotic disease training, or tuberculosis prevention. Facilities with farm-raised deer are required to have secondary containment fencing of only six feet in height. The department determined that current documented ZAA accreditation standards do not include sufficient requirements for veterinary oversight and disease prevention to warrant exempting ZAA accredited facilities from requirements under Wis. Admin. Code ch. ATCP 10.

Due to these findings, the department determined not to change current rule language regarding exemptions for AZA accredited facilities. This determination is consistent with Wis. Stat. § 169.01 (28), which defines a "public zoo or aquarium" as a zoo or aquarium that is operated by the state or by a city, village, or county, or that is an accredited member of the American Zoo and Aquarium Association.

Comments Related to Farm-Raised Deer Enhanced Fencing and Movement Restriction

Three comments and one registrant supported the farm-raised deer enhanced fencing requirements and county movement restrictions. All three comments cited the threat of CWD expansion as the reason for support. Two comments discussed the impact to Tribes of Wisconsin and the Great Lakes, and to traditional lifeways. One comment discussed the impact to deer hunting culture in smaller and northern communities.

Seventeen comments opposed movement restrictions affecting the exhibition of reindeer in unaffected counties. Reindeer owners commented that they keep and breed reindeer specifically for exhibition; therefore, being unable to move from an affected county to an unaffected county would be detrimental to their businesses. Other comments were from events coordinators and/or municipalities that host events where reindeer are present, primarily around Christmas time. The commenters noted that the restriction on movement would limit their ability to have reindeer on display, which in turn might reduce attendance at holiday events, thereby reducing revenues to local businesses.

Thirty-six comments opposed the enhanced fencing requirements. One of these expressed support of alternate types of enhanced fencing or barriers, but not the type of enhanced fencing proposed in the hearing draft. Eighteen comments opposed the county movement restrictions. Comments opposed to the enhanced fencing requirement and the movement restriction cited the following concepts:

- Economic Impact:

    - Enhanced fencing requirements would impose substantial, if not devastating, costs on farm-raised deer keepers.
    - The cost is not supported by any demonstrated benefit.
    - The cost of enhanced fencing, even electric fencing, would be devastating to farm-raised deer keepers.
    - The electric fence maybe the most affordable, but it will do nothing to stop fence-line contact.
    - Many farm-raised deer keepers would not be able to perform the labor themselves due to a variety of factors, which would add to the cost.
    - The state should assist in paying for the second fence as it will serve to protect captive herd from the wild, and because the rule is not based on clear scientific evidence.
- CWD Research:
    - There is no scientific evidence to support that the rule will have any impact on the spread of CWD among wild or captive deer.
    - Farmers have never observed any fence line contact between farm-raised deer and captive deer.
    - Enhanced fencing and restrictions on movement do not address the larger issue posed by baiting and feeding of deer in the wild or of wild deer carcasses on the landscape.
- Feasibility of Implementation:
    - The 6-inch electric fence requirement will not be feasible because of weeds and snow, and it serves no purpose, but should rather start at least 24 inches from the ground.
    - The compliance date of 90 days after the effective date of the rule is not long enough. Two years may not be enough for some locations with extensive acreages and dense wooded or marsh terrain.
- Movement:
    - Entities that have been enrolled in the CWD herd status program and testing at 100% should be allowed to move deer in commerce without restriction.
    - Farm-raised deer from any area should be allowed to move directly to slaughter, regardless of where the slaughter facility is located.

In response to comments, the department determined to re-evaluate fencing requirements and movement restrictions, and has removed enhanced fencing requirements and county movement restrictions from this rule package.

Comments Related to Other Farm-Raised Deer Rule Draft Proposals

Six comments opposed changing the expiration date for farm-raised deer keeper registrations from March to August. Of these, four stated that they opposed the change because it would include newborn calves in the herd headcount and two stated that they opposed the change because August is a busier time of year for keepers. The department determined to remove the rule proposal from the final draft.

Four comments discussed the prohibition regarding feeding or baiting in a manner that may attract wild deer to the fence of the farm-raised deer keeper. One comment supported the prohibition. Three comments opposed the prohibition and expressed concerns about if neighbors were to place bait near the keeper's fence. The department determined to keep the proposed rule in the final rule draft. The prohibition is specific to farm-raised deer keepers and does not include actions taken by other persons outside of farm-raised deer premises.

Two comments discussed the prohibition regarding intentionally releasing farm-raised deer to the wild or taking no action to prevent escapes. One comment supported the prohibition and recommended rewording to require keepers to "take all necessary action" to prevent escapes. One comment opposed the prohibition and expressed concerns about weather events. The department determined to keep the proposed rule in the final rule draft.

Four comments opposed including deer slaughtered on the farm, provided that the department conducts an ante mortem inspection and post-mortem inspection, within the 25% CWD testing mandate. Reasons cited included concerns about scheduling, whether there would be an inspection cost, whether deer for the keeper's personal food would be included, and whether deer killed after sustaining an injury would be included. The department determined to remove the rule proposal from the final rule draft.

One comment supported requiring all identification tags and numbers to accompany CWD test samples and one comment opposed this requirement. The department determined to keep this requirement in the final rule draft, as it is necessary to ensure accuracy of CWD test sampling.

One comment, regarding the proposed rule to allow farm-raised deer to commingle with bovine animals without having to send them all to slaughter if requirements are met, expressed concerns that the practice would be overbearing to farmers. The department determined to keep the proposed rule in the final rule draft, as it allows more options for keepers than the current rule and does not increase the risk of disease spread.

One comment opposed requiring a keeper whose herd is enrolled in the CWD herd status program, and who moves a deer to another location owned by the keeper, to test that deer for CWD upon death in accordance with the testing required in ATCP 10.52 (1m) (a), Wis. Admin. Code. The department determined to keep the rule proposal in the final rule draft. Herds enrolled in the CWD herd status program may move deer in state and across state lines. Movement of deer is a high risk activity for disease spread, so it is critical to ensure appropriate testing for enrolled herds.

One comment opposed moving from a note to official rule that no live farm-raised deer may be moved from a herd while a suspension is in effect, and recommended allowing movement if animals leaving are tested at 100%. The department determined to keep the rule proposal in the final rule draft, as movement of animals while a suspension is in effect creates a higher risk for disease spread.

One comment opposed making it a prohibited activity to "prevent the department from taking records off site for copying if deemed necessary for efficiency," and recommended rewording to

state that "the department may require copies of all necessary records." The department determined to keep the proposed rule language in the final draft, as it would not be deemed necessary for efficiency to remove records off site for copying if copies are supplied.

One comment expressed concerns about the submission of CWD samples to veterinarians and whether the keeper is responsible for the timing of a veterinarian submitting samples. The current and proposed rules delineate responsibilities for submitting samples by the collector and the veterinarian.

Comments Recommending Further Farm-Raised Deer Rulemaking

Two comments recommended further requirements for farm-raised deer keepers, including:

- Double fencing for all facilities
- Fence inspections annually and after severe weather events
- Specifications to keep fence-lines clear
- Alarms to indicate whether the fence has been breached or gates left open
- Maintaining fencing if CWD is detected until there is an appropriate remediation of the prion-contaminated environment
- All facilities to be enrolled in the CWD herd status program
- Testing 100% of dead captive cervids aged 5 months and over
- Herds with CWD positive tests be humanely depopulated in 30 days
- 100% of cervids sent to slaughter be tested for CWD
- Keeping cevid carcasses separate until CWD status is confirmed
- Carcasses that test positive for CWD be considered unfit for human consumption or animal feed
- Facilities maintain insurance to cover costs of depopulation and carcass disposal in the event CWD is detected
- Moratorium on the transport and import of live cervids and cervid biological materials until an effective live test is developed and approved
- Carcasses from CWD positive facilities be disposed of either within a clay-lined landfill or bio digestion
- Surfaces that come into contact with CWD-contaminated carcasses be cleaned in a manner shown to disinfect CWD prions and/or is permanently segregated

One comment recommended rectal biopsies before animals are sold to another farm or out of state and recommended incorporating genetic testing into the rule.

One comment recommended prohibiting import of cervids from other states.

One comment recommended developing an exit plan for farm-raised deer keepers willing to get out of business.

The department determined that further restrictions, requirements, or rulemaking related to farm-raised deer keepers would not be added to this final rule draft. Recommendations submitted in comments may be further evaluated for consideration in future rule processes.

Response to Clearinghouse Comments

DATCP modified the final draft rule to address all of the Rules Clearinghouse comments, except for comments 2. b., c., and d. and 5. a., which are no longer applicable as the proposed changes have been removed from the final draft in response to public comments.

Comparison with Rules in Adjacent States

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

Summary of Factual Data and Analytical Methodologies

This proposed rule makes minor, technical changes based on the Division's review and use of the rule and does not depend on any complex analysis of data.

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

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

Effect on Small Business

The majority of these rule modifications serve to re-organize the contents, to reflect federal requirements, or to make purely technical changes that have no fiscal effect. The rule modifications that may have an economic impact on small business and the entities that may be affected are as follows:

Animal Health Licensees (Medical Separation)

Upon the effective date of this rule, any person licensed by the division of animal health who wishes to have medical separation of species on their premises will pay $400 for each day (or portion of a day) needed to complete the inspection by the department. Most medical separation inspections are completed within one day. However, the time needed to complete an inspection may vary depending on the number of acres and terrain to be inspected. It is unknown how many entities licensed by the division will request medical separation of their premises.

Currently there are 31 farm-raised deer herds and 3 fish farms that are medically separated. No inspection is required for renewal of an existing license if the department has previously inspected the premises, and there have been no changes. Thus, there will be no fiscal effect to licensees whose premises are currently medically separated.

Owners of Intermediate Livestock Handling Facilities

Upon the effective date of this rule, an entity that imports any livestock (not just bovine) may request certification to become an intermediate livestock handling facility and pay an annual fee

of $140. Currently, the department has approved one intermediate livestock handling facility in Wisconsin. This facility will be charged $140 annually for certification as the review process for certification is extensive and there is continuous review of permits and monitoring of the facility throughout the year.

Johne's Disease Certified Veterinarians

Upon the effective date of this rule, veterinarians will no longer be required to recertify, after having been initially certified, for Johne's risk assessment or management plans (RAMPs) and Johne's vaccination. These veterinarians will no longer have to pay an initial fee of $50 for these certifications. This proposal is anticipated to affect approximately 460 veterinarians.

Swine Disease Testing

Upon the effective date of this rule, swine owners and veterinarians will continue to be required to test swine for Porcine Reproductive and Respiratory Syndrome (PRRS) and Porcine Epidemic Diarrhea virus (PEDv) within 90 days prior to movement. However, swine will no longer have to be tested for other diseases that fall under the Swine Enteric Coronavirus Disease (SECD) which includes the Porcine Delta Coronavirus (PDCoV) and Transmissible Gastroenteritis (TGE).

Testing costs will likely be less because currently a multiplex test must be used to screen for PEDv, PDCoV, and TGE. The proposed rule will require only a test for PEDv, so a multiplex test will no longer be necessary. The cost difference between requiring the use of a multiplex versus a single PEDv test is unknown. Also, costs relating to the development of herd plans for swine that test positive for PDCoV will decline. The costs associated with developing a herd plan will vary greatly depending on the location of the swine herd within the state, the type of farm operation, the number of swine in the herd, the amount of time it takes to write the plan, and veterinarian fees. Thus, these costs are indeterminate.

Since the time that the rule became effective on February 1, 2018, 32 herd plans have been developed by veterinarians. Of that total, 16 plans were developed because of PRRS positive swine, and 6 plans were developed because swine were not tested or were anticipating movement. The 10 remaining herd plans were developed because of SECD positive cases. All were due to weak positives for PDCoV. Thus far, the department has not received notice of a positive PEDv herd.

The pigs that have tested positive for PDCoV were not ill and had not shown clinical signs, according to the private practitioners who were involved. It has been found that birds carry their own Delta Corona viruses that can interfere/cross-react with the swine tests. There is not a cost effective or reasonable test that would enable producers to differentiate between the avian and porcine viruses. While destructive, PDCoV is not as devastating as PEDv.

Poultry Producers

Upon the effective date of this rule, only poultry and eggs exhibited at fairs or poultry shows (rather than those used for breeding, hatching, and exhibitions such as egg swap meets) must be acquired directly from a certified flock (namely a flock enrolled in the national poultry improvement plan, a Wisconsin tested flock, or a Wisconsin associate flock) or be an individual bird tested for certain diseases.

The antigen used to conduct individual bird testing costs $200. One bottle of antigen can test up to 1,000 birds. The cost is the same whether testing one bird or 1,000 birds. The proposed rule will reduce or eliminate testing costs for hundreds of poultry producers who attend swap meets or breed or hatch birds.

Farm-Raised Deer Keepers

Farm-Raised Deer and Bovine Animals on the Same Premises. Upon the effective date of this rule, there will be options to allow farm-raised deer and bovine animals to be kept on the same premises without having to send them all to slaughter. Any costs associated with these options are voluntary as the owner of the premises may choose not to keep these two species on the same premises and the owner who chooses to keep both species on the premises may send all to slaughter. For those who choose to move these animals to a place other than slaughter, the rule provides the following options:

- The herds of both species are medically separated. Costs related to medical separation are discussed above.

- The herds of both species are certified by the department as accredited Tuberculosis-free. Tuberculosis-free certification costs include:

    - For farm-raised deer, there will be no additional cost as currently deer must meet Tuberculosis testing requirements (in addition to other requirements) prior to movement.
    - For a herd of bovine animals, $100 for a 2-year Tuberculosis-free certification. All animals in the herd must be tested for Tuberculosis every 2 years. The cost to conduct a whole-herd test will vary depending on a veterinarian's fee, location of the herd, and the number of animals to be tested. Department staff contacted 4 veterinarians in different areas of the state regarding fees charged to conduct Tuberculosis testing. Fees varied greatly in amount and structure. For instance, one clinic charges $140 per hour regardless of the number of animals to be tested, another charges a $32 trip fee and $4 per head of cattle, while other providers varied on the amount charged per trip and the amount charged per head.

- The herds of both species meet the testing requirements to become a Tuberculosis-qualified herd, and the animal to be moved has been classified negative to an official Tuberculosis test that was conducted prior to the date of movement (90 days for farm-raised deer and 60 days for bovine animals).

Herds do not have to be certified as Tuberculosis-qualified, but they must meet testing requirements to become a Tuberculosis-qualified herd. Whole herd testing is effective for 365 days. An individual Tuberculosis test must be conducted for the animal that is leaving the herd unless the herd test was conducted prior to the date of movement (within 90 days for farm-raised deer, and 60 days for bovine). Tuberculosis-qualified costs include:

- For farm-raised deer, there will be no additional cost as currently deer must meet Tuberculosis testing requirements (in addition to other requirements) prior to movement.
- For a herd of bovine animals, all animals in the herd must be tested. The cost to conduct a whole-herd test will vary depending on a veterinarian's fee, location of the herd, and the number of animals to be tested. The cost for a Tuberculosis test to be conducted for an individual bovine animal will also vary depending on when the whole-herd test was conducted, the veterinarian's fee and location of the herd. As indicated above, costs for Tuberculosis testing can vary widely.

Licensed and Unlicensed Dog Breeders, Licensed Dog Sellers and Licensed Dog Facility Operators

Upon the effective date of this rule, no person may import a sexually intact dog for breeding, and no licensed dog seller or dog facility operator may import a sexually intact dog without obtaining a negative test for Brucella canis on a test approved by the department and completed within 30 days of importation.

There will be no cost to the dog breeder or licensed dog breeder, seller, or dog facility operator if the Brucella canis test is done before the animal is imported to Wisconsin. Otherwise, the importer will have veterinarian costs associated with testing the imported dog. According to inquiries by Department staff to 3 veterinarians in different areas of the state, fees charged for a Brucella canis test ranged from $35 to $92. The total number of imported dogs that are subject to this requirement is unknown.

Upon the effective date of this rule, no licensed dog seller or dog facility operator may import a dog without obtaining a negative heartworm test approved by the department and completed within 6 months of import.

There will be no cost to the licensed dog seller or dog facility operator if the heartworm test is done before the animal is imported to Wisconsin. Otherwise, the importer will have veterinarian costs associated with testing the imported dog. According to inquiries by Department staff to 3 veterinarians in different areas of the state, fees charged for heartworm test ranged from $16 to $45.75. The total number of dogs imported by licensed dog sellers or dog facility operators is unknown.

Upon the effective date of this rule, the CVI of any dog imported to Wisconsin must have a statement that the dog has no known prior positive heartworm test, or, if the dog had a prior

positive heartworm test, the dog received appropriate treatment protocol as recommended by the American Heartworm Society, and the treatment dates must be listed.

These statements are not expected to increase costs to persons importing dogs as a CVI must accompany all imported dogs, and the statement does not require the dog to be tested for heartworm prior to import.

Fairs and Exhibitions

Upon the effective date of this rule, fairs and exhibitions will be responsible for checking exhibitor information rather than hired veterinarians. This will most likely reduce costs to fairs and exhibitions as their staff may now check for exhibitor and movement information, rather than paying a veterinarian to do so.

It is not known how much fairs or exhibitions pay for veterinarians nor how much time veterinarians spend on checking this information on behalf of fairs or exhibitions. Thus, these anticipated cost savings to fairs and exhibitions are indeterminate.

Environmental Impact

This rule does not have an environmental impact.

Standards Incorporated by Reference

None.

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SECTION 1. ATCP 10.01 (5) is amended to read:

ATCP 10.01 (5) "Animal market" means any premises that are open to the public for the purpose of trading in livestock or wild animals, and that have facilities to keep, feed, and water livestock or wild animals prior to sale, that is required to be licensed under s. ATCP 12.02 (1).

SECTION 2. ATCP 10.01 (60) to (62), (90), and (105) (d) and Note are amended to read:

ATCP 10.01 (60) "Keep farm-raised deer" means to own, rent, or lease~~, or serve as the custodian of~~ farm-raised deer.

(61) "Keeper of farm-raised deer" or "farm-raised deer keeper" means a person who keeps farm-raised deer.

(62) "Livestock" means bovine animals, equine animals, goats, poultry, sheep, swine other than wild hogs, farm-raised deer, farm-raised game birds, South American camelids, ratites, and fish.

(90) "Slaughtering establishment" means a facility to slaughter animals that is licensed and inspected by the department~~,~~ or ~~that is subject to inspection by~~ USDA. "Slaughtering establishment" includes all premises used in connection with the slaughter operation including an approved intermediate livestock handling facility approved under s. ATCP 10.07 (5).

(105) (d) A post axillary tuberculosis test for ~~exotic ruminants or South American~~ camelids.

Note: Under s. ATCP 10.82 (3), the department must approve tuberculosis tests used for ~~different species of~~ exotic ruminants.

SECTION 3. ATCP 10.01 (112m) is created to read:

ATCP 10.01 (112m) "Wild deer disease control area" means a CWD-affected area designated by the department of natural resources under ch. NR 10 or other disease area designated by the department of natural resources or the department affecting wild cervid.

SECTION 4. ATCP 10.025 is created to read:

ATCP 10.025 Medical separation. (1) Any person requesting medical separation for

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

(2) The fee under sub. (1) shall be paid before the department conducts the inspection and prior to being eligible for any registration, license or certification issued under this chapter.

(3) No inspection is required for the renewal of an existing medically separated premises if the department has previously inspected the premises for medical separation and there have been no changes in registration, licensure, certification, ownership or use of premises.

SECTION 5. 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 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 6. ATCP 10.03 (7) is created to read:

ATCP 10.03 (7) 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 may issue an order to make the disease reportable within one or ten days until the new disease is published under ch. ATCP 10 Appendix A or B.

SECTION 7. ATCP 10.04 (1) (title) is amended to read:

ATCP 10.04 (1) (title) DUTY TO SUBMIT SAMPLES AND REPORT TEST RESULTS.

SECTION 8. ATCP 10.04 (1) (am) is created to read:

ATCP 10.04 (1) (am) A person under par. (a) shall submit test samples to a laboratory approved by the department.

SECTION 9. ATCP 10.04 (1) (e) is amended to read:

ATCP 10.04 (1) (e) A test result report under this subsection shall include the official individual identification of the animal to which the test result pertains. If the animal has no official individual identification, the person under par. (a) who ~~collected~~ collects the test sample shall ~~identify the animal with an~~ apply an official individual identification to any livestock, other than fish, or another appropriate identifier shall be used for other non-livestock animals, prior to collecting the test sample.

SECTION 10. ATCP 10.045 (3) is created to read:

ATCP 10.045 (3) (a) A person may not apply an official individual identification to any animal that already has an official individual identification, except as follows:

1. An "840" tag may be applied to an animal that has a national uniform ear tagging system ear tag under s. ATCP 10.01 (70) (a).

2. A brucellosis vaccination tag may be applied when vaccinating an animal under s. ATCP 10.10.

3. An official individual identification as approved by the department.

(b) A person that applies identification specified under this subsection shall keep a record of the existing and newly applied official identification numbers and the information under subds. 1. and 2.

SECTION 11. ATCP 10.05 (1) (intro.) and (2) (a) 3. are is amended to read:

ATCP 10.05 (1) AUTOMATIC CERTIFICATION. (intro.) A veterinarian certified under this section shall follow accreditation standards under 9 CFR 160 to 162 and is automatically certified as a Wisconsin certified veterinarian, without any action by the department, if all the following apply:

(2) (a) 3. The department suspends or revokes the certification for cause, including violations under 9 CFR 160 to 162.

SECTION 12. ATCP 10.052 is created to read:

ATCP 10.052 Brucellosis testing and control. (1) WHO MAY COLLECT TEST SAMPLES. A person who collects a brucellosis test sample, for purposes of this chapter, ch. ATCP 12 or ch. ATCP 16, shall be one of the following:

(a) An accredited veterinarian. If the veterinarian collects the sample in this state, the veterinarian shall also be a Wisconsin certified veterinarian.

(b) An authorized employee or agent of the department or the federal bureau.

(c) A person who collects samples at a slaughtering establishment under the supervision of the department or the federal bureau.

(2) TEST PROCEDURE. A person who collects a brucellosis test sample under this chapter shall comply with requirements in the brucellosis uniform methods and rules that apply to that animal species, when applicable. The person shall submit the sample to a private, state or federal laboratory that the department or federal bureau has approved to conduct brucellosis tests.

(3) VETERINARIAN TO REPORT. A veterinarian who collects a brucellosis test sample from an animal that resides in this state shall report the test result to the department and the animal owner according to s. ATCP 10.04 (1).

Note: A test report must include the animal's official individual identification, if required under this chapter. If, at the time of testing, a livestock animal does not have official individual identification, the person collecting the test sample must apply the official individual identification to the animal prior to collecting the test sample. If, at the time of testing, animals other than livestock do not have proper identification, the person collecting the test sample must apply a proper identifier prior to collecting the test sample. See s. ATCP 10.04 (1) (e).

(4) CLASSIFICATION. Upon receiving a brucellosis test result, the department or the federal bureau shall classify the tested animal as negative, suspect, or reactor, according to the brucellosis uniform methods and rules, where applicable. For species not covered by the brucellosis uniform methods and rules, the department and federal bureau shall determine animal classification. The department or the federal bureau may use supplemental brucellosis tests to confirm test results, and to evaluate whether animals may be infected with brucellosis.

(5) REACTORS IN LIVESTOCK. (a) Within 15 days after the department or the federal bureau classifies an animal as a brucellosis reactor under sub. (4), the department shall quarantine the animal and require other testing or measures to control or eradicate the disease.

(b) The department may extend a deadline under par. (a) for good cause, but may not extend a deadline by more than 15 days without federal bureau approval.

(c) An owner of an animal raised primarily to produce food for human consumption may request an indemnity under s. 95.26 (7), Stats., for a brucellosis reactor slaughtered under par. (a). The animal owner shall file the request with the department, on a form provided by the department. An animal owner does not qualify for an indemnity if the owner fails to comply with the requirements specified in the quarantine issued by the department.

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

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

(b) The animal is classified as a brucellosis suspect or reactor, and appropriate action is taken as determined by the department.

SECTION 13. ATCP 10.055 (3) Note is amended to read:

ATCP 10.055 (3) Note: A test report must include the animal's official individual identification. If the animal has no official individual identification, ~~the person collecting the test sample must identify the animal with an official individual identification~~ it must be applied prior to collecting the test sample. See s. ATCP 10.04 (1) (e).

SECTION 14. ATCP 10.055 (5) and (6) are created to read:

ATCP 10.055 (5) TEST POSITIVE ANIMAL; FURTHER TESTING AND CLASSIFICATION. Whenever the department receives a positive tuberculosis test report under sub. (3), the department or the federal bureau shall conduct confirmatory testing to determine whether the animal is a tuberculosis suspect or reactor. The department or the federal bureau shall test and classify animals according to the tuberculosis uniform methods and rules for the species of animal tested, when applicable. For species that are not covered by the tuberculosis uniform methods and rules, the department and federal bureau shall determine animal classification.

(6) TUBERCULOSIS REACTORS. (a) Within 15 days after the department or the federal bureau classifies an animal as a tuberculosis reactor, the department shall quarantine the animal and require additional testing or measures to control or eradicate the disease.

(b) The department may extend a deadline under par. (a) for good cause, but may not extend a deadline under par. (a) by more than 15 days without federal bureau approval.

(c) An owner of an animal raised primarily to produce food for human consumption may request an indemnity under s. 95.25 (5), Stats., for a tuberculosis reactor slaughtered under par. (a). The animal owner shall file the request with the department, on a form provided by the department. An animal owner does not qualify for an indemnity if the owner fails to comply with pars. (a) and (b).

Note: The tuberculosis uniform methods and rules apply to cattle, bison and farm-raised deer and are on file with the department and the legislative reference bureau. Copies may be obtained from the USDA website at: www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth. Copies may also be obtained by written request made to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

SECTION 15. ATCP 10.06 (1) (c) 10. is amended to read:

ATCP 10.06 (1) (c) 10. An animal that is imported directly to a veterinary facility for treatment, and returned directly to its ~~state~~ place of origin immediately after treatment, with no change in ownership.

SECTION 16. ATCP 10.06 (3) (a) Note, (4) (a), and (6) (a), (b) and (c) Note are amended to read:

ATCP 10.06 (3) (a) Note: A certificate of veterinary inspection issued in another state for fish imported to this state must be issued on a form provided by, or approved by, the department. See s. ATCP 10.65 (1). A certificate of veterinary inspection issued for intrastate movement from a licensed dog seller or dog facility operator must be on a form issued or approved by the department. See s. ATCP 16.16.

(4) (a) The number, species, breed, sex, ~~and~~ age, and purpose of movement of the animals included in the shipment.

(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 ~~also~~ file copies with ~~the department and~~ the chief livestock health official in the state of origin. ~~The veterinarian shall file the copies~~ within 7 calendar days after issuance. The chief livestock 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 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 calendar days after issuance.

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

(c) Note: Intrastate certificates of veterinary inspection, including those issued under s. ATCP 16.16 (dog sales; certificate of veterinary inspection) are not required to be filed with the department.

SECTION 17. ATCP 10.07 (4) (a) 1. is amended to read:

ATCP 10.07 (4) (a) 1. The animal market is licensed as a Class A animal market under s. ATCP 12.02.

SECTION 18. ATCP 10.07 (4) (a) 5. and (bn) are created to read:

ATCP 10.07 (4) (a) 5. The animal market is medically separated, meeting all of the following requirements:

a. Fencing and facilities are adequate to maintain at least 30 feet of separation between the animal market and other livestock facilities at all times.

b. Bio-security procedures, including procedures to prevent the commingling of animal species, effectively prevent disease transmission between animals.

c. The department finds that the medical separation complies with this subdivision based on an inspection under s. ATCP 10.025. For each inspection under this subparagraph, the registrant shall pay the fee required under s. ATCP 10.025.

(bn) Animals imported to a federally approved livestock marketing facility shall be tested for diseases specified under this chapter prior to import.

SECTION 19. ATCP 10.07 (5) is created to read:

ATCP 10.07 (5) INTERMEDIATE LIVESTOCK HANDLING FACILITY CERTIFICATION; FACILITY APPROVAL; MOVEMENT PERMIT. (a) *Definition.* In this subsection, "shipment" means one or more truckloads of animals from the same source premises

which are transported on the same day for delivery to the same intermediate handling facility prior to slaughter.

(b) *Facility certification required.* The department may issue a certificate designating a facility as an approved intermediate livestock handling facility for purposes of this section. A certificate expires June 30 annually. No facility may be certified as an intermediate livestock handling facility unless the operator of the facility holds an agreement with the federal bureau for a livestock facility at that location for handling livestock in interstate commerce pursuant to 9 CFR 71, 75, 78, 79, and 85 (January, 2011).

(c) *Facility certification application.* 1. To obtain certification as an intermediate livestock handling facility, a facility operator shall submit an application on a form provided by the department.

2. The application shall identify all of the following information relating to the facility to be approved:

a. The location of the facility by street address and county, or if the address is not available, by county, town, and section.

b. A copy of the agreement with the federal bureau under par. (b).

c. The species of livestock that the facility will be handling.

d. The premises code of the facility required under ch. ATCP 17.

e. Any other relevant information required by the department.

3. The application shall include a nonrefundable fee of $140. 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.

Note: A person may obtain an intermediate livestock handling facility application form by calling (608) 224-4872, by visiting the department website at http://datcp.wi.gov, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection

Division of Animal Health

P.O. Box 8911

Madison, WI 53708-8911

(d) *Denying, suspending or revoking a certificate.* The department may deny, suspend, or revoke a certificate under this subsection for cause, including any of the following:

1. Filing an incomplete or fraudulent application, or misrepresenting any information on an application.

2. Violating ch. 95, Stats., or this chapter.

3. Violating the terms of the certificate.

(e) *Conditional certificate.* The department may issue a certificate under this subsection on a conditional basis, contingent upon pertinent circumstances or acts. If a certificate is conditioned upon compliance with specific requirements within a specific time period, and the certificate holder fails to comply with those requirements within that time period, the certificate is void.

(f) *Facility requirements.* A certified intermediate livestock handling facility may accept shipment of and handle only one species of livestock at the facility and shall meet all of the following requirements:

1. Animals may not be held more than 7 days at the facility and ownership of the animals may not be transferred by the operator during that 7 days.

2. Animals transported in vehicles closed with official seals may not enter the facility.

3. Animals may not enter the facility except pursuant to a movement permit issued under par. (h).

4. Animals may not be released from the facility except pursuant to the movement permit issued under par. (h) and may only be released directly to slaughter at the original slaughter destination facility listed in the movement permit.

5. Each shipment of animals shall be kept separated, in pens, from other shipments of any animals while in the intermediate livestock handling facility. No animals may be added to a pen holding animals from a separate shipment delivered to the facility under a separate movement permit.

6. The certified intermediate livestock handling facility premises may not house any other livestock at the facility except for livestock approved in the application under par. (c) 2. c.

7. Serviceable cleaning and disinfecting equipment shall be furnished, maintained, and used as necessary in the facility.

8. A sign shall be posted at all facility entrances and exits stating: "All animals entering this facility are only released directly to slaughter."

9. The operator of a certified intermediate livestock handling facility shall keep complete and accurate records of all animals entering and leaving the facility organized by movement permit number. The operator shall retain the records for at least 5 years after the animals leave the facility, and shall make the records available for inspection and copying by the department or the federal bureau upon request. Records shall include all of the following:

a. A record of each animal shipment received, including the date of receipt, the number of animals in the shipment, the name and address of the shipper, the name and address from which

the shipment originated, any official individual identification of any animal in the shipment, any documents related to any animal in the shipment, and the movement permit number issued under par. (h).

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

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

(g) *Movement permit.* No person may move animals into or out of a certified intermediate livestock handling facility except pursuant to a movement permit from the department under par. (h).

(h) *Movement permit application.* To obtain a movement permit, a facility operator shall submit an application on a form provided by the department. The application shall be submitted to the department before any animals listed in the permit application are delivered to the facility. The application shall include the name and street address of the certified intermediate livestock handling facility accepting delivery of the animal shipment, the breed and quantity of animals in the shipment, the name and street address of the origin of the shipment, the name and street address of the slaughtering establishment destination for the shipment, and the name and address of the shipper. The 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 20. ATCP 10.08 (2) (b) Note, (r) Note, and (s) Note are amended to read:

ATCP 10.08 (2) (b) Note: See also ~~ss.~~ s. ATCP ~~10.11, 10.28 (4), and 10.50 (4)~~ 10.052.

(r) Note: See also ~~ss.~~ s. ATCP 10.055 ~~(2) and (3), 10.13 (3), and 10.48 (6)~~.

(s) Note: See ~~ss.~~ s. ATCP 10.16 related to Johne's disease. Animals infected with or exposed to other contagious or infectious diseases, not listed in ~~par. (a)~~ under this subsection, may be quarantined at the discretion of the department under s. ATCP 10.89 and other provisions of this chapter.

SECTION 21. ATCP 10.11 is repealed and recreated to read:

ATCP 10.11 Brucellosis testing and control. Brucellosis testing and control requirements are specified under s. ATCP 10.052.

SECTION 22. ATCP 10.13 is repealed and recreated to read:

ATCP 10.13 Tuberculosis testing and control. Tuberculosis testing and control requirements are specified under s. ATCP 10.055

SECTION 23. ATCP 10.14 (2) (a) 3. is created to read:

ATCP 10.14 (2) (a) 3. An animal in the herd is commingled with animals of lesser or no tuberculosis status.

SECTION 24. ATCP 10.20 (1) (a) is renumbered 10.20 (1) (intro.)

SECTION 25. ATCP 10.20 (1) (b) is repealed.

SECTION 26. ATCP 10.20 (2) (a) is renumbered 10.20 (2) (intro.)

SECTION 27. ATCP 10.20 (2) (b) is repealed.

SECTION 28. ATCP 10.21 (2) (a) (intro.) and 1. are amended to read:

ATCP 10.21 (2) (a) SLAUGHTER IDENTIFICATION. (intro.) (a) If ~~an animal trucker, animal dealer, animal market operator, federally approved livestock marketing facility operator, or~~ a slaughtering establishment operator receives any bovine animal ~~over 2 years old~~ for slaughter, ~~or for sale or shipment to slaughter,~~ that person shall do all of the following unless the animal is a steer ~~or official spayed heifer~~:

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

SECTION 29. ATCP 10.21 (2) (b) 5. is repealed.

SECTION 30. ATCP 10.21 (2) (c) Note is created to read:

ATCP 10.21 (2) (c) Note: Animal identification requirements for animal truckers, animal markets and animal dealers are specified under ch. ATCP 12.

SECTION 31. ATCP 10.22 (1) (b) 1. is amended to read:

ATCP 10.22 (1) (b) 1. An animal imported directly to a slaughtering establishment ~~or an intermediate livestock handling facility, approved under sub. (10),~~ for slaughter.

SECTION 32. ATCP 10.22 (6) (c) (intro.) and (d) (intro.) are amended to read:

ATCP 10.22 (6) (c) *Post-import testing.* (intro.) The owner of a bovine animal imported to this state from a tuberculosis modified accredited state or a modified accredited zone shall have the animal tested for tuberculosis not less than 60 days nor more than 90 days after it is imported. This testing requirement does not apply to any of the following:

(d) *Post-import confinement.* (intro.) Bovine animals imported from a tuberculosis modified accredited state or a modified accredited zone may not be removed from the premises at which they are first received in this state unless one of the following applies:

SECTION 33. ATCP 10.22 (10) is repealed.

SECTION 34. ATCP 10.26 (4) is amended to read:

ATCP 10.26 (4) SURVEILLANCE TESTING. The department ~~shall~~ may conduct a surveillance sampling program for pseudorabies. The program shall include systematic collection and testing of blood or tissue samples from Wisconsin swine. Samples may include blood samples routinely collected from slaughtered swine.

SECTION 35. ATCP 10.28 is repealed and recreated to read:

ATCP 10.28 Swine brucellosis; testing and control. Brucellosis testing and control requirements are specified under s. ATCP 10.052.

SECTION 36. ATCP 10.291 (title), and (1) (intro.) are amended to read:

ATCP 10.291 (title) Swine porcine reproductive and respiratory syndrome and ~~swine enteric coronavirus disease~~ porcine epidemic diarrhea virus: testing and control.

(1) WHO MAY COLLECT TEST SAMPLE. (intro.) A person who collects a porcine reproductive and respiratory syndrome and ~~swine enteric coronavirus disease~~ porcine epidemic diarrhea virus test sample, for purposes of this chapter or ch. ATCP 12, shall be one of the following:

SECTION 37. ATCP 10.291 (2) (intro.) and (a) 2. are amended to read:

ATCP 10.291 (2) TEST PROCEDURE. (intro.) A test and test strategy used to determine whether the porcine reproductive and respiratory syndrome and the ~~swine enteric coronavirus disease~~ porcine epidemic diarrhea virus is in the herd of origin shall be approved by the

department and shall provide 90% confidence that the disease would be identified if present at 30% prevalence in the herd by using one of the following:

(a) 2. For herds with 150 ~~or more~~ to 299 swine, ~~three~~ two pooled samples of ~~at least five~~ swine shall be collected and tested. The number of swine to be pooled for samples shall be determined by the owner in consultation with his or her herd veterinarian.

SECTION 38. ATCP 10.291 (2) (a) 3. is created to read:

ATCP 10.291 (2) (a) 3. For herds with 300 or more swine, three pooled samples of swine shall be collected and tested. The number of swine to be pooled for samples shall be determined by the owner in consultation with his or her herd veterinarian.

SECTION 39. ATCP 10.291 (2) (c) Note is amended to read:

ATCP 10.291 (2) (c) Note: Testing can be done for both porcine reproductive and respiratory syndrome and the ~~swine enteric coronavirus disease~~ porcine epidemic diarrhea virus using the samples collected under pars. (a) and (b).

SECTION 40. ATCP 10.291 (3), (4) (a) and (5) are amended to read:

ATCP 10.291 (3) SUBMITTING SAMPLES AND REPORTING TEST RESULTS. A veterinarian under sub. (1) shall submit the porcine reproductive and respiratory syndrome and ~~swine enteric coronavirus disease~~ porcine epidemic diarrhea virus samples from swine in this state to a department-approved laboratory and shall report any positive test results to the department and the swine owner.

(4) QUARANTINE. (a) The department may quarantine swine whenever the department reasonably suspects that the swine may be infected with or exposed to the porcine reproductive and respiratory syndrome or the ~~swine enteric coronavirus disease~~ porcine epidemic

diarrhea virus. The department may quarantine all swine located on the premises. The quarantine shall comply with s. ATCP 10.89.

(5) HERD PLAN. A herd plan is an agreement, between the department and an owner of swine, for the control of the porcine reproductive and respiratory syndrome and the ~~swine enteric coronavirus disease~~ porcine epidemic diarrhea virus. The goal of the herd plan is to bring the herd to negative from both diseases and limit the spread of the diseases. A herd plan shall be developed by a Wisconsin certified, accredited, licensed veterinarian on behalf of the swine owner or an accredited veterinarian from a state other than Wisconsin, establish testing protocols relating to porcine reproductive and respiratory syndrome or ~~swine enteric coronavirus disease~~ porcine epidemic diarrhea virus, or both, as appropriate, establish notification requirements of at risk farms and potential buyers, establish biosecurity requirements, and shall be broken down into separate production categories that need to be managed.

SECTION 41. ATCP 10.30 (1) (a) 3. and (b) 3. are amended to read:

ATCP 10.30 (1) (a) 3. a. For commercial swine, a report of a negative porcine reproductive and respiratory syndrome and ~~swine enteric coronavirus disease~~ porcine epidemic diarrhea virus test from the swine's herd of origin conducted within 90 days prior to movement into Wisconsin and a statement from the veterinarian that there are no clinical signs of the porcine reproductive and respiratory syndrome and the ~~swine enteric coronavirus disease~~ porcine epidemic diarrhea virus at the time of inspection. This subparagraph does not apply to commercial swine imported directly to a market licensed under s. ATCP 12.02, if all swine on the market premises the day of the sale are shipped directly to slaughter.

b. For commercial swine purchased or obtained from a commingled auction, sale, or exhibition, a report of a negative porcine reproductive and respiratory syndrome and ~~swine~~

~~enteric coronavirus disease~~ porcine epidemic diarrhea virus test from the swine's herd of origin conducted within 90 days prior to movement into Wisconsin; a statement from the event's veterinarian that all the swine commingled at the auction, sale, or exhibition had a negative porcine reproductive and respiratory syndrome and ~~swine enteric coronavirus disease~~ porcine epidemic diarrhea virus test from their respective herds of origin conducted within 90 days prior to movement to the auction, sale, or exhibition; and a statement from the event's veterinarian that there are no clinical signs of the porcine reproductive and respiratory syndrome and the ~~swine enteric coronavirus disease~~ porcine epidemic diarrhea virus at the time of inspection.

c. For commercial swine imported directly to a federally approved livestock marketing facility under s. ATCP 10.07 (4) a report of a negative porcine reproductive and respiratory syndrome and ~~swine enteric coronavirus disease~~ porcine epidemic diarrhea virus test from the swine's herd of origin conducted within 90 days prior to movement into Wisconsin and a statement from the veterinarian that there are no clinical signs of the porcine reproductive and respiratory syndrome and the ~~swine enteric coronavirus disease~~ porcine epidemic diarrhea virus at the time of inspection.

(b) 3. A commercial swine imported directly to a veterinary facility for treatment, provided that the swine is returned to its ~~state~~ place of origin immediately following treatment and there is no change of ownership while the swine is in this state.

SECTION 42. ATCP 10.30 (2) (b) 3. is amended to read:

ATCP 10.30 (2) (b) 3. Commercial swine originating from a state designated as a pseudorabies stage IV or V state by the federal bureau and meeting the requirements under sub. (1) (a) 3. ~~a. or b.~~

SECTION 43. ATCP 10.31 (1) (intro.) is amended to read:

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

SECTION 44. ATCP 10.31 (1) (a) is renumbered ATCP 10.31 (1) (a) (intro.) and as renumbered is amended to read:

ATCP 10.31 (1) (a) (intro.) ~~Identify~~ If the animal meets either of the following criteria, identify the swine with an official swine back tag, a premises identification number ear tag or other approved slaughter identification, unless the swine already bears an official individual identification or slaughter identification.~~:~~

SECTION 45. ATCP 10.31 (1) (a) 1. and 2. are created to read:

ATCP 10.31 (1) (a) 1. The animal does not pass the inspection process completed by state or federal inspectors.

2. The animal is tested for disease.

SECTION 46. ATCP 10.31 (1) (b) is amended to read:

ATCP 10.31 (1) (b) ~~Make~~ If the animal meets the criteria under par. (a) 1. or 2., make a record under sub. (2) for that swine.

SECTION 47. ATCP 10.31 (2) (a) 3. is repealed.

SECTION 48. ATCP 10.31 (3) (c) Note is created to read:

ATCP 10.31 (3) (c) Note: Animal identification requirements for animal truckers, animal markets and animal dealers are specified under ch. ATCP 12.

SECTION 49. ATCP 10.32 (2) (title), (a), and (b) are amended to read:

ATCP 10.32 (2) (title) PORCINE REPRODUCTIVE AND RESPIRATORY SYNDROME AND ~~SWINE ENTERIC CORONAVIRUS DISEASE~~ PORCINE EPIDEMIC DIARRHEA VIRUS. (a) *Test required.* 1. Except as provided in par. (b), no person may move commercial swine within this state unless the herd of origin has tested negative on a porcine reproductive and respiratory syndrome and ~~swine enteric coronavirus disease~~ porcine epidemic diarrhea virus test conducted not more than 90 days prior to the intrastate movement and documentation of the ~~negative~~ test reports are made available at the time of sale and to the department upon request. Testing under this paragraph shall comply with s. ATCP 10.291.

2. If the swine's herd of origin does not meet the requirements under ~~par. (a)~~ subd. 1., the department shall quarantine the herd of origin and follow the procedures under s. ATCP 10.291 (4) and (5) before any swine may be moved from the premises.

3. If commercial exhibition swine originate from Wisconsin and return to Wisconsin after an exhibition in another state, the exhibitor must notify the department of the movement before returning to Wisconsin. The department shall quarantine the returning swine, herd of origin, or both and follow the procedures under s. ATCP 10.291 (4) and (5) before any swine may be moved from the premises. This subdivision does not apply if the out-of-state exhibition organizer requires all participating swine to test negative for porcine reproductive and respiratory syndrome and porcine epidemic diarrhea virus within 90 days prior to the event.

(b) 1. The swine are moved directly to a slaughtering establishment for slaughter or directly to an animal market to be sold at a sale where all swine on the market premises are shipped directly to a slaughtering establishment.

2. The swine are moved to one fair or exhibition under s. ATCP 10.87 prior to being shipped directly to slaughter or directly to an animal market to be sold at a sale where all swine on the market premises are shipped directly to a slaughtering establishment.

SECTION 50. ATCP 10.32 (2) (b) 3. is created to read:

ATCP 10.32 (2) (b) 3. Commercial swine moving directly to an animal market, if all swine on the market premises the day of the sale are shipped directly to slaughter.

SECTION 51. ATCP 10.35 (1) (b) 3. and 4. are amended to read:

ATCP 10.35 (1) (b) 3. An equine animal consigned or sold to an animal dealer, ~~or market for sale~~ provided the animal dealer ships the animal directly to slaughter. ~~If~~ or has the animal ~~is not shipped directly to a slaughter establishment~~ tested for equine infectious anemia within 10 days after ~~it is received at the dealer or market, it shall be tested immediately~~ its consignment or sale to the dealer. Until the negative equine infectious anemia test results are obtained, the animal dealer may not consign or sell the animal or move the animal from the animal dealer premises or allow the animal to commingle with any other animal on the premises.

4. An equine animal consigned or sold to an animal market operator, provided that the animal market operator ships the animal directly to slaughter or has the animal tested for equine infectious anemia within ~~10~~ 4 days after ~~purchase~~ it arrives at the animal market premises. Until the negative equine infectious anemia test results are obtained, an equine animal may not leave the market premises and may not be commingled with any other animal on the premises.

SECTION 52. ATCP 10.36 (4) (intro.) is amended to read:

ATCP 10.36 (4) (intro.) EQUINE INFECTIOUS ANEMIA TEST; EXEMPTIONS. Subsection (3) does not apply ~~to any of the following~~ as specified under s. ATCP 10.35 (1) (b) and as follows:

SECTION 53. ATCP 10.36 (4) (a) and (b) and Note, and (e) and Note are repealed.

SECTION 54. ATCP 10.36 (5) (b) (intro.) is amended to read:

ATCP 10.36 (5) (b) (intro.) If an equine animal tests positive for equine infectious anemia under ~~sub. (4) (b) 2. or (e)~~ s. ATCP 10.35 (1) (b) 3. or 4. after it enters this state, the owner or custodian of the animal shall do one of the following:

SECTION 55. ATCP 10.40 (title) and (1) (title), (intro.) and (a) are amended to read:

ATCP 10.40 (title) Poultry and farm-raised game birds; ~~breeding, hatching, and exhibition~~ requirements for birds and eggs exhibited at fairs or poultry shows. (1) (title) BIRDS AND EGGS ~~USED FOR BREEDING OR HATCHING~~ EXHIBITED AT FAIRS OR POULTRY SHOWS. (intro.) ~~Except as specified under sub. (8), no~~ No person may ~~use~~ exhibit poultry or farm-raised game birds or their eggs ~~for breeding or hatching, or for exhibition~~ at a fair or ~~livestock exhibition~~ poultry show, unless one of the following applies:

(a) ~~The~~ Documentation that the birds or eggs ~~originate from~~ currently reside in a flock that is enrolled in the national poultry improvement plan under s. ATCP 10.41 ~~and meets all of the following requirements:~~.

SECTION 56. ATCP 10.40 (1) (a) 1. and 2. are repealed.

SECTION 57. ATCP 10.40 (1) (b) and (c) are amended to read:

ATCP 10.40 (1) (b) ~~The~~ Documentation that the birds or eggs ~~originate from~~ currently reside in a flock that qualifies as an affiliate flock under the national poultry improvement plan.

(c) ~~The~~ Documentation that the birds or eggs ~~originate from~~ currently reside in a flock that ~~is enrolled as~~ documents that it is a Wisconsin tested flock under sub. (2) or a Wisconsin associate flock under sub. (3).

SECTION 58. ATCP 10.40 (1) (c) Note is repealed.

SECTION 59. ATCP 10.40 (1) (d) (intro.) is repealed.

SECTION 60. ATCP 10.40 (1) (d) 1. is amended to read:

ATCP 10.40 (1) (d) 1. ~~They have individually~~ Documentation that individual birds tested negative for pullorum, fowl typhoid and, in the case of turkeys, Mycoplasma gallisepticum, within the preceding 90 days, and there has been no change of ownership of any birds since the completion of testing. Testing for purposes of a fair or ~~livestock exhibition~~ poultry show shall be completed before the birds arrive at the fair or ~~livestock exhibition~~ poultry show.

SECTION 61. ATCP 10.40 (1) (d) 2. is repealed and recreated to read:

ATCP 10.40 (1) (d) 2. Only sexually mature birds may be individually tested under this paragraph. A sexually mature bird is over 4 months old except that, in the case of turkeys, it is a bird over 6 months old. Eggs and sexually immature birds may not be tested under this paragraph.

SECTION 62. ATCP 10.40 (1) (d) 2. Note and (g) are repealed.

SECTION 63. ATCP 10.40 (2) (a) and (b) (intro.) are consolidated, renumbered ATCP 10.40 (2) (a) (intro.), and amended to read:

ATCP 10.40 (2) (a) (intro) The owner of a flock of poultry or farm-raised game birds ~~may annually enroll~~ shall document that the flock ~~as~~ is a Wisconsin tested flock by completing. ~~An annual enrollment expires on June 30 of each year.~~

~~(b) A flock owner shall apply for enrollment under par. (a) on~~ a form provided by the department. ~~There is no fee to enroll.~~ The ~~enrollment application~~ form shall include all of the following:

SECTION 64. ATCP 10.40 (2) (b) 4. Note is amended to read:

ATCP 10.40 (2) (b) 4. Note: A flock owner may request ~~an enrollment application~~ A Wisconsin tested flock form by calling (608) 224-4877, by visiting the department website at http://datcp.wi.gov, or by writing to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

SECTION 65. ATCP 10.40 (2) (b) is created to read:

ATCP 10.40 (2) (b) The Wisconsin tested flock form under par. (a) shall be valid one year from the date that tests were conducted under par. (c).

SECTION 66. ATCP 10.40 (2) (c) (intro.) is amended to read:

ATCP 10.40 (2) (c) (intro.) ~~An enrollment application~~ A Wisconsin tested flock form under par. ~~(b)~~ (a) shall include proof that all sexually mature birds in the flock ~~has~~ have tested negative as specified under sub. (4) for all of the following ~~during the calendar year of the enrollment application, in a test under sub. (4) that included all sexually mature birds then in the flock~~:

SECTION 67. ATCP 10.40 (2) (e) is repealed.

SECTION 68. ATCP 10.40 (3) (a) and (b) (intro.) are consolidated, renumbered ATCP 10.40 (3) (a) (intro.), and amended to read:

ATCP 10.40 (3) (a) (intro.) The owner of a flock of poultry or farm-raised game birds ~~may annually enroll~~ shall document that the flock ~~as~~ is a Wisconsin associate flock. ~~A Wisconsin associate flock enrollment expires on June 30 of each year.~~

~~(b) A flock owner shall apply for enrollment under par. (a) on~~ by completing a form provided by the department. ~~There is no fee to enroll. An enrollment application~~ The form shall include all of the following:

SECTION 69. ATCP 10.40 (3) (b) is created to read:

ATCP 10.40 (3) (b) The Wisconsin associate flock form under par. (a) is valid as long as all birds or eggs introduced to the flock were acquired directly from a flock under par. (2), (3) or s. ATCP 10.41.

SECTION 70. ATCP 10.40 (3) (c) is repealed.

SECTION 71. ATCP 10.40 (4) (b) 3. and (d) are repealed.

SECTION 72. ATCP 10.40 (5) is repealed.

SECTION 73. ATCP 10.40 (7) (a) and (b) (intro.) and 1. are amended to read:

ATCP 10.40 (7) (a) A person who sells poultry or eggs from flocks under ~~sub. (1) (c)~~ subs. (2) or (3) or s. ATCP 10.41, shall do all of the following:

1. ~~Report~~ Fill out, retain for at least 3 years, and make available to the department for inspection and copying upon request, a copy of the sale ~~to the department within 10 days, on a~~ information on a form provided by the department.

2. Provide, to the buyer, a copy of the current ~~flock enrollment certificate~~ Wisconsin tested flock form under sub. (2), ~~or~~ Wisconsin associate flock form under sub. (3), or flock enrollment certificate under s. ATCP 10.41.

(b) (intro.) A person who sells poultry meeting the criteria under sub. (1) (d) shall do all of the following:

1. ~~Report~~ Fill out, retain for at least 3 years, and make available to the department for inspection and copying upon request, a copy of the sale ~~to the department within 10 days, on a~~ information on a form provided by the department.

SECTION 74. ATCP 10.40 (7) (b) 2 Note is repealed.

SECTION 75. ATCP 10.40 (8) is repealed.

SECTION 76. ATCP 10.41 (1) is amended to read:

ATCP 10.41 (1) ANNUAL FLOCK ENROLLMENT. The owner of a flock of poultry or farm-raised game birds may annually enroll that flock in the national poultry improvement plan. An annual enrollment expires on June 30 ~~of each~~ following the year of enrollment.

SECTION 77. ATCP 10.41 (4) is repealed.

SECTION 78. ATCP 10.41 (5) (a) and (d) 1. are amended to read:

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

(d) 1. $80 if the flock includes more than 200 but no more than 1,000 breeders.

SECTION 79. ATCP 10.41 (7) is amended to read:

ATCP 10.41 (7) COMPLIANCE AND INSPECTION. A flock enrolled in the national poultry improvement plan shall comply with all applicable requirements under the plan. The department ~~shall~~ may inspect enrolled flocks and take other actions as appropriate, based on plan requirements.

SECTION 80. ATCP 10.42 (1) (a) 1. and 2. are amended to read:

ATCP 10.42 (1) (a) 1. They ~~originate~~ are directly imported from flocks that are enrolled in the national poultry improvement plan~~, or a plan that the department determines to be equivalent~~.

2. They ~~originate~~ are directly imported from flocks that are classified as "U.S. pullorum-typhoid clean" and, in the case of turkeys and turkey eggs, "Mycoplasma gallisepticum clean" under the national poultry improvement plan ~~or a plan that the department determines to be equivalent~~.

SECTION 81. ATCP 10.42 (1) (b) is repealed and recreated to read:

ATCP 10.42 (1) (b) The person who imports poultry under this section shall retain the information under par. (a) for at least 3 years and make the records available to the department for inspection and copying upon request.

SECTION 82. ATCP 10.45 (2) (c) is repealed.

SECTION 83. ATCP 10.46 (1) (a), (d) and (f) are amended to read:

ATCP 10.46 (1) (a) Except as provided in par. (e), (g) or ~~sub. (1m)~~ (h), no person may keep farm-raised deer at any location in this state unless the department has issued a current annual farm-raised deer herd registration certificate authorizing that person to keep farm-raised deer at that location or a location at which a person holds a valid farm-raised deer herd registration certificate under this subsection. A herd registration certificate is not transferable between persons or locations, except as authorized under s. 95.55 (3c) (b), Stats.

(d) A herd registration certificate under par. (a) shall bear one or more current livestock premises codes that, together, cover all of the herd locations identified in the registration certificate.

(f) Except as provided under sub. (11) (d) ~~1.~~, before registering any herd to be kept at the same location as bovine animals, the department shall inspect the location to determine whether the herds are medically separated. For each inspection under this paragraph, the registrant shall pay the fee required under ~~sub. (7) (b)~~ s. ATCP 10.025. ~~No inspection is required for the renewal of an existing herd registration if the department has previously inspected the herd premises under this paragraph.~~

SECTION 84. ATCP 10.46 (1) (g) and (h) are created to read:

ATCP 10.46 (1) (g) Paragraph (a) does not apply to an animal dealer licensed under s. ATCP 12.03, who has purchased farm-raised deer from a farm-raised deer keeper whose herd is registered under this section, and who moves those deer directly to slaughter, if all of the following requirements are met:

1. The animal dealer adheres to farm-raised deer slaughter identification requirements under s. ATCP 12.05 (5) (a) and (b).

2. The animal dealer adheres to farm-raised deer slaughter movement requirements under s. ATCP 10.56 (1).

3. The animal dealer tests the farm-raised deer for chronic wasting disease as required under s. ATCP 10.52, according to the testing requirements of the herd from which the deer were purchased.

4. The animal dealer keeps records of chronic wasting disease test results and movement requirements under s. ATCP 10.46 (10) (b) for those deer, for 5 years.

5. The animal dealer provides a copy of movement documents and chronic wasting disease test results, if applicable, to the owner of the herd from which the farm-raised deer were purchased.

6. The animal dealer removes the farm-raised deer from the premises from which the farm-raised deer were purchased prior to the expiration date of the herd's registration under this section.

(h) Paragraph (a) does not apply to temporary farm-raised deer exhibits, if all of the following requirements are met:

1. The deer owner adheres to farm-raised deer identification requirements under s. ATCP 10.54 (3).

2. If the farm-raised deer are imported to an exhibit in Wisconsin, the deer owner meets the requirements under s. ATCP 10.55.

3. If the farm-raised deer are moved from a premises in Wisconsin to an exhibit in Wisconsin, the deer owner adheres to farm-raised deer movement requirements under s. ATCP 10.56.

4. The farm-raised deer are not moved from the exhibit and are not commingled with any other animals at the exhibit.

5. The farm-raised deer leave Wisconsin or return to their place of origin before the certificate of veterinary inspection issued for the animals under subd. 2. or 3. expires.

6. The exhibit lasts no longer than 30 days from the date of arrival at the exhibit.

SECTION 85. ATCP 10.46 (1m) is repealed.

SECTION 86. ATCP 10.46 (2) (c) Note, (3), and (4) (b) 1. are amended to read:

ATCP 10.46 (2) (c) Note: ~~An~~ Except under ATCP 10.46 (1) (g), an animal dealer license under s. ATCP 12.03 does not entitle the license holder to keep farm-raised deer unless that person also holds a registration certificate under sub. (1).

(3) REGISTRATION CERTIFICATE EXPIRES. A registration certificate under sub. (1) expires on March 15 of each year. The holder of a registration certificate may ~~renew that~~ apply for a subsequent certificate by submitting an annual ~~renewal~~ application under sub. (6).

(4) (b) 1. Those farm-raised deer are identified with 2 individual identifications that meet the requirements under s. ATCP 10.54 (3). ~~One identification shall be official individual identification and the second identification shall be either official individual identification or individual identification unique to the herd.~~

SECTION 87. ATCP 10.46 (5) (b) 2. a., (c) 1., (d), and (e) are amended to read:

ATCP 10.46 (5) (b) 2. a. Any farm-raised deer moved under this subdivision is identified with 2 individual identifications that meet the requirements under s. ATCP 10.54 (3). ~~One identification shall be official individual identification and the second identification shall be either an official individual identification or an individual identification unique to the combined herds.~~

(c) 1. Fencing and facilities are adequate to maintain ~~that~~ at least 30 feet of separation at all times.

(d) Before registering any herd to be kept at the same location as another, medically separated registered herd, the department shall inspect the location to determine whether the herds are in fact medically separated. For each inspection under this subdivision, the registrant shall pay the fee required under ~~sub. (7) (b)~~s. ATCP 10.025. ~~No inspection is required for the renewal of an existing herd registration if the department has previously inspected the herd premises under this paragraph.~~

(e) If any of the herds are enrolled in the chronic wasting disease herd status program, all the farm-raised deer in those enrolled herds are identified with 2 individual identifications that meet the requirements under s. ATCP 10.54 (3). ~~One identification shall be official individual identification and the second identification shall be either official individual identification or individual identification unique to that herd.~~

SECTION 88. ATCP 10.46 (6) (intro.), (e) and (f) are amended to read:

ATCP 10.46 (6) APPLYING FOR REGISTRATION CERTIFICATE. (intro.) To obtain an annual registration certificate under sub. (1), a person shall file an application on a form provided by the department. The application shall include the fees required under sub. (7) ~~and~~

~~all information required under s. ATCP 17.02 (4) for purposes of livestock premises identification~~. The registration application form shall include all of the following information:

(e) A breakdown, by species~~, age, and sex,~~ of ~~the~~ farm-raised deer in the herd.

(f) ~~Additional information, if any, required under s. ATCP 17.02 (4) for purposes of~~ The livestock premises ~~registration~~ code assigned under s. ATCP 17.02 (7) for the location at which the farm-raised deer will be kept.

SECTION 89. ATCP 10.46 (7) (a) 1. (intro.) and b. are amended to read:

ATCP 10.46 (7) (a) 1. (intro.) ~~A~~ Except as specified under par. (ab), a nonrefundable annual fee of $85.00 if the herd includes no more than 15 farm-raised deer and the following criteria are met:

b. ~~No farm~~ Farm-raised deer are killed on the premises ~~except~~ for consumption by the farm-raised deer keeper or are slaughtered on the premises provided that the department conducts an ante mortem inspection of the deer and a post-mortem inspection of the carcass under s. 97.42, Stats., and ch. ATCP 55.

SECTION 90. ATCP 10.46 (7) (a) 1. c. Note is repealed.

SECTION 91. ATCP 10.46 (7) (a) 2. and 3. are amended to read:

ATCP 10.46 (7) (a) 2. ~~A~~ Except as specified under par. (ac), a nonrefundable annual fee of $162.50 if the herd includes no more than 15 farm-raised deer, and the herd does not meet all of the criteria under subd. 1.

3. ~~A~~ Except as specified under par. (ad), a nonrefundable annual fee of $325 if the herd includes more than 15 farm-raised deer.

SECTION 92. ATCP 10.46 (7) (b), (c) and (d) are amended to read:

ATCP 10.46 (7) (b) A person who applies to register a medically separated herd at the same location where another herd is registered shall pay a nonrefundable fee ~~of $200 for each day needed to complete an inspection under sub. (5) (d)~~ specified under s. ATCP 10.025.

(c) An applicant shall pay a registration fee surcharge of $250 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.

(d) A person who applies for ~~the renewal of~~ a herd registration certificate after that certificate has expired shall pay, in addition to all other fees required under this subsection, a late fee equal to 20% of the registration fees.

SECTION 93. ATCP 10.46 (10) (a) 1. and 6., (am) 1. and (c) 2. are amended to read:

ATCP 10.46 (10) (a) 1. The 2 individual identifications that meet the requirements of s. ATCP ~~10.53 (2) (d) 4.~~ 10.54 (3) of the farm-raised deer.

6. A copy of any certificate of veterinary inspection that accompanied the farm-raised deer under ~~s.~~ ss. ATCP 10.55 or 10.56.

(am) 1. The 2 individual identifications which meet the requirements of s. ATCP ~~10.53 (2) (d) 4.~~ 10.54 (3) of the farm-raised deer.

(c) 2. ~~Any identification~~ All individual identification attached to the farm-raised deer, including any carcass identification required under sub. (13).

SECTION 94. ATCP 10.46 (10) (cm) is created to read:

ATCP 10.46 (10) (cm) 1. A person who receives farm-raised deer but does not own the deer shall keep all records required under this subsection relating to the farm-raised deer.

2. A person who provides farm-raised deer to another premises, including a hunting ranch, but who retains ownership of the deer, shall keep records required under pars. (am) and (c).

SECTION 95. ATCP 10.46 (11) (c) and (d) 1. are amended to read:

ATCP 10.46 (11) (c) Move a live farm-raised deer or any portion of a farm-raised deer carcass from the premises at which it has been kept unless the farm-raised deer has individual identification required under s. ATCP 10.54 ~~(1) (e)~~, slaughter identification under s. ATCP ~~10.54 (2)~~ 12.05 (5) (b), or the farm-raised deer carcass complies with sub. (13).

(d) 1. Except as authorized under subd. 2., cause or allow farm-raised deer to commingle with bovine animals on the same premises or in the same building, enclosure or vehicle ~~except farm-raised deer and bovines may be commingled if no live farm-raised deer or live bovine animal is moved off the premises, except~~ unless all the animals are shipped directly to ~~slaughter~~ a slaughtering establishment and accompanied by a completed federal bureau form VS 1-27 or a department permit under s. ATCP 10.08 (3).

SECTION 96. ATCP 10.46 (11) (d) 2. is repealed and recreated to read:

ATCP 10.46 (11) (d) 2. Farm-raised deer may be kept on the same premises as bovine animals and moved to a premises other that a slaughtering establishment under subd. 1., if one of the following requirements is met and an animal is moved in accordance with the requirements under this chapter:

a. The herd of farm-raised deer and bovine animals are medically separated as specified under sub. (5) (c).

b. The herd of farm-raised deer and bovine animals are certified by the department as accredited tuberculosis-free.

c. The herd of both farm-raised deer and bovine animals meet the testing requirements to become a tuberculosis-qualified herd and any animal to be moved has been classified negative to an official tuberculosis test that was conducted prior to the date of movement. The test under this paragraph shall be conducted within 90 days prior to the date of movement of farm-raised deer, and 60 days prior to the date of movement of bovine animals. If the herd test to achieve qualified herd status was conducted within 90 days of individual movement for farm-raised deer, and 60 days for bovine animals, the animal to be moved does not require an additional individual test.

SECTION 97. ATCP 10.46 (11) (e) and (f) are created to read:

ATCP 10.46 (11) (e) Intentionally release farm-raised deer to the wild or take no action to prevent escapes.

(f) Feed or bait in a manner that may attract wild deer to the fence of the farm-raised deer herd.

SECTION 98. ATCP 10.46 (12) (a) 3. is created to read:

ATCP 10.46 (12) (a) 3. A person keeping farm-raised deer that, through deliberate action or inaction, permit deer to escape into the wild may be found in violation of par. (11).

SECTION 99. ATCP 10.46 (12) (d) and Note, (13) (b) and (14) (b) are amended to read:

ATCP 10.46 (12) (d) If a farm-raised deer escapes into a wild deer disease control area ~~that the Wisconsin department of natural resources has designated by rule,~~ and is returned to the herd more than 24 hours after the escape, ~~it~~ the herd loses any status that it may have had in a herd certification or herd status program under s. ATCP 10.49, 10.51, or 10.53, and is treated as a new addition to the herd.

Note: For example, if a farm-raised deer escapes into a chronic wasting disease ~~management zone~~ affected area established by the department of natural resources under s. NR

10, and is returned to the herd more than 24 hours after the escape, it loses any status that it had under the chronic wasting disease herd status program (s. ATCP 10.53). It also loses any status that it had under the tuberculosis herd certification program (s. ATCP 10.49) and the brucellosis herd certification program (s. ATCP 10.51).

(13) (b) The department shall, upon request, issue dead tags under par. (a) to persons holding valid farm-raised deer herd registration certificates under this section or others as allowed by the department. The department may charge fees for dead tags to cover the department's reasonable costs to produce and distribute the dead tags.

(14) (b) A reinspection fee under par. (a) is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a re-registration ~~renewal~~ application form to the farm-raised deer keeper.

SECTION 100. ATCP 10.47 (2) (a) and (b), (3) (b) 5., (4) (intro.) and (4m) are amended to read:

ATCP 10.47 (2) (a) ~~The~~ A person holds a valid farm-raised deer herd registration certificate under s. ATCP 10.46 (1) for the premises, and keeps the farm-raised deer at the registered premises.

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

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

(4) CHRONIC WASTING DISEASE TESTING. (intro.) A person required to hold a hunting ranch certificate under this section shall comply with chronic wasting disease testing requirements under s. ATCP 10.52. The person shall give a hunter the results of each chronic

wasting disease test, required under s. ATCP 10.52 (1m) (b) ~~4.~~, which was conducted on a farm-raised deer killed by that hunter on the person's hunting ranch if any of the following occurs:

(4m) OFFICIAL INDIVIDUAL IDENTIFICATION. All non-natural additions to a hunting ranch premises shall have 2 individual identifications~~, at least one of which is visible and meets~~ that meet the requirements of s. ATCP ~~10.53 (2) (d) 4~~ 10.54 (3).

SECTION 101. ATCP 10.47 (4m) Note is repealed.

SECTION 102. ATCP 10.47 (8) (a) is amended to read:

ATCP 10.47 (8) (a) Violate or allow others to violate s. 29.314 (3) or ch. 951, Stats.

SECTION 103. ATCP 10.47 (8) (c) is created to read:

ATCP 10.47 (8) (c) Feed or bait in a manner that may attract wild deer to the fence of the hunting ranch.

SECTION 104. ATCP 10.48 is repealed and recreated to read:

ATCP 10.48 Tuberculosis in farm-raised deer. Tuberculosis testing and control requirements are specified under s. ATCP 10.055.

SECTION 105. ATCP 10.49 (3) (a) 3. is created to read:

ATCP 10.49 (3) (a) 3. Any farm-raised deer in the herd is commingled with animals of lesser or no tuberculosis status.

SECTION 106. ATCP 10.50 is repealed and recreated to read:

ATCP 10.50 Brucellosis in farm-raised deer. Brucellosis testing and control requirements are specified under s. ATCP 10.052.

SECTION 107. ATCP 10.51 (2) (c) is amended to read:

ATCP 10.51 (2) (c) The department may ~~renew~~ issue a subsequent herd certification under sub. (1) for a 36-month period beginning immediately after the applicable herd

certification expiration date under par. (a) or (b) if the herd keeper submits proof that all test-eligible farm-raised deer in the herd have tested negative for brucellosis within 3 months before or after that expiration date.

SECTION 108. ATCP 10.52 (1m) (c) and (d) are created to read:

ATCP 10.52 (1m) (c) A farm-raised deer keeper who receives farm-raised deer but does not own the deer shall test that deer for chronic wasting disease as specified under par. (a) regardless of whether the keeper's herd is enrolled in the chronic wasting disease herd status program.

(d) A farm-raised deer keeper whose herd is enrolled in the chronic wasting disease herd status program under s. ATCP 10.53, and moves a deer to another location owned by the farm-raised deer keeper, shall test that deer for chronic wasting disease as specified under par. (a).

SECTION 109. ATCP 10.52 (3) (c) (intro), 1. and 1m. and 2. a. and b. and (d) are amended to read:

ATCP 10.52 (3) (c) (intro.) A person who collects or submits a test sample under this section shall do all of the following:

1. Comply with standard procedures established by the department or the federal bureau when collecting or submitting the test sample.

1m. Label the test sample with the number of the official individual identification, or if the official individual identification number is not available, the back tag, official slaughter identification approved by the department, or ~~carcass~~ dead tag of the farm-raised deer from which the sample was collected. All identification tags and numbers from the animal shall accompany the test sample.

2. Submit the test sample as follows:

a. If the collector of a test sample is a veterinarian, to a laboratory approved under sub. (5) within 10 calendar days of collecting the sample.

b. If the collector is not a veterinarian, to a veterinarian for submission to a laboratory under par. (d) within ~~2 business~~ 9 calendar days ~~for submission to a laboratory under par. (d)~~ after the farm-raised deer dies or is killed or slaughtered.

(d) A certified veterinarian who accepts a test sample from a test sample collector under this section shall submit the test sample to a laboratory approved under sub. (5) within 10 calendar days of receipt.

SECTION 110. ATCP 10.52 (4) (b) is amended to read:

ATCP 10.52 (4) (b) The department may by written notice, without prior notice of hearing, disqualify a person from collecting samples under sub. (1m), or from accepting or submitting samples under sub. (3) (d) and (c) 2. a. The notice shall specify the reason for the disqualification. The department may disqualify a person if the person lacks required qualifications, fails to collect samples that are consistently testable, leaves the employment of a farm-raised deer keeper, or fails to meet other responsibilities under this chapter. A disqualified person may not collect test samples under sub. (1m), accept test samples under sub. (3) (d) or submit test samples under sub. (3) (c) 2. a. A disqualified person may later apply to be a qualified chronic wasting disease test sample collector only after successfully completing training offered or approved by the department. Successful completion of training under this paragraph also allows a certified veterinarian to accept and submit samples under sub. (3) (c) 2. a. and (d).

SECTION 111. ATCP 10.52 (7) is renumbered ATCP 10.52 (7) (title) (a).

SECTION 112. ATCP 10.52 (7m) and (8) (a) 3. are amended to read:

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

(8) (a) 3. Require the herd owner or custodian to enter into a premises plan agreement under par. (b), within a ~~reasonable~~ time period specified in the order, as a condition to the payment of indemnities under par. (c). The terms of a premises plan agreement may be contingent on the outcome of disease testing.

SECTION 113. ATCP 10.53 (2) (d) 4. and (f) are amended to read:

ATCP 10.53 (2) (d) 4. The 2 individual identifications of each farm-raised deer that meet the requirements under s. ATCP 10.54 (3). ~~Each farm-raised deer shall have 2 individual identifications, one an official individual identification and the second identification shall be either an official individual identification or an individual identification unique to the herd.~~

(f) A physical herd inventory verifying the herd census and completed by the herd veterinarian or an authorized agent of the department listing each farm-raised deer's 2 individual identifications~~, required under par. (d) 4~~ that meet the requirements under s. ATCP 10.54 (3).

SECTION 114. ATCP 10.53 (4) (a) and (b) (intro.) are amended to read:

ATCP 10.53 (4) (a) Identify every farm-raised deer in the herd with 2 individual identifications that meet the requirements under s. ATCP 10.54 (3) before the farm-raised deer is one year old. ~~One identification shall be official individual identification and the second~~

~~identification shall be either an official individual identification or an individual identification unique to the herd.~~

(b) (intro.) Have a chronic wasting disease test performed, according to s. ATCP 10.52~~,~~ ~~on each of the following farm-raised deer that is at least 12 months old:~~.

SECTION 115. ATCP 10.53 (4) (b) 1. and 2. are repealed.

SECTION 116. ATCP 10.53 (4) (g) Note and (h) are amended to read:

ATCP 10.53 (4) (g) Note: Under s. ATCP 10.46 (12), if a farm-raised deer escapes from a herd enrolled in the chronic wasting disease herd status program, and is returned to the herd more than 120 hours after the escape, it loses its status under the program and is treated as a new addition to the herd. That will adversely affect the program status of the entire herd.

A more stringent rule applies if the farm-raised deer escapes into a wild deer disease control area ~~designated by the Wisconsin department of natural resources~~. If that escaped farm-raised deer is returned to the herd more than 24 hours after the escape, it loses its status under the program and is treated as a new addition to the herd. That will adversely affect the program status of the whole herd.

If an escaped farm-raised deer is *not* returned to the herd, there is no effect on the program status of the herd, except as provided in sub. (7).

(h) Submit a physical herd inventory completed by the herd veterinarian or an authorized agent of the department at least once every 3 years. Each farm-raised deer in the herd shall have 2 ~~forms of~~ individual ~~identification~~ identifications~~, as required under par. (a),~~ which meet the requirements of ~~sub. (2) (d) 4~~ s. ATCP 10.54 (3). Each farm-raised deer keeper with a herd enrolled in the herd status program under this section shall submit the first complete physical herd inventory by December 31, 2015.

SECTION 117. ATCP 10.53 (5) (a) 4. and (b) 2. are amended to read:

ATCP 10.53 (5) (a) 4. The 2 individual identifications which meet the requirements of ~~sub. (2) (d) 4.~~ s. ATCP 10.54 (3) for each farm-raised deer that is at least one year old.

(b) 2. The 2 individual identifications which meet the requirements of ~~sub. (2) (d) 4.~~ s. ATCP 10.54 (3) for each farm-raised deer that has left the herd.

SECTION 118. ATCP 10.53 (5m) (b) Note is amended to read:

ATCP 10.53 (5m) (b) Note: A farm-raised deer keeper, with a herd containing white-tailed deer, that discontinues enrollment in the chronic wasting disease herd status program ~~may~~ will be required to comply with ~~fencing and other requirements of the DNR, as well as other~~ testing requirements under ~~this chapter. See~~ s. ATCP 10.52 (1m) (b) ~~and s. NR 16.45~~.

SECTION 119. ATCP 10.53 (7) (a) 8. is created to read:

ATCP 10.53 (7) (a) 8. The herd keeper fails to maintain a current herd registration under s. ATCP 10.46.

SECTION 120. ATCP 10.53 (7) (b) Note is repealed.

SECTION 121. ATCP 10.53 (7) (c) and Note are created to read:

ATCP 10.53 (7) (c) No live farm-raised deer may be moved from a herd while a suspension under this subsection is in effect.

Note: A herd keeper may request a hearing on a suspension, pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a summary suspension.

SECTION 122. ATCP 10.53 (8) (d) is created to read:

ATCP 10.53 (8) (d) No live farm-raised deer may be moved from a herd after a herd enrollment is revoked under this this subsection.

SECTION 123. ATCP 10.53 (8) (d) Note is amended to read:

ATCP 10.53 (8) (d) Note: ~~No live farm-raised deer may be moved from a herd after a herd enrollment is revoked under sub. (8). See ss. ATCP 10.52 (2) and 10.56 (1).~~ A herd keeper may request a hearing on a revocation, pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a summary revocation.

SECTION 124. ATCP 10.53 (11) (c) 1. is amended to read:

ATCP 10.53 (11) (c) 1. Two individual identifications which meet the requirements of ~~sub. (2) (d) 4.~~ s. ATCP 10.54 (3), for every farm-raised deer in the new herd, including those less than one year old.

SECTION 125. ATCP 10.54 (1) (am) and (c) (intro.) are amended to read:

ATCP 10.54 (1) (am) Whenever a person qualified under s. ATCP 10.52 (4) collects test samples from a farm-raised deer for chronic wasting disease testing, the person shall identify the farm-raised deer with an official individual identification or a dead tag, unless the farm-raised deer already bears all required individual identification, and shall record the official individual identification or dead tag number on the test sample. All identification tags and numbers from the animal shall accompany the test sample.

(c) (intro.) A keeper of farm-raised deer shall identify each of the following farm-raised deer with 2 individual identifications meeting the requirements of ~~s. ATCP 10.53 (2) (d) 4.,~~ sub. (3), unless that farm-raised deer already bears all the required individual identification:

SECTION 126. ATCP 10.54 (1) (d) and (e) are repealed.

SECTION 127. ATCP 10.54 (2) (a) and (b) (intro.) are amended to read:

ATCP 10.54 (2) SLAUGHTER IDENTIFICATION. (a) Whenever ~~an animal trucker, animal dealer, animal market operator, or~~ a slaughtering establishment operator receives any farm-raised deer for slaughter, ~~or for sale or shipment to slaughter,~~ that ~~recipient~~ operator shall

immediately identify that farm-raised deer with an official backtag or other official slaughter identification approved by the department unless the farm-raised deer already bears official individual identification or slaughter identification.

(b) (intro.) Whenever ~~any person~~ an operator under par. (a) receives a farm-raised deer for slaughter, ~~or for sale or shipment to slaughter,~~ that ~~recipient~~ operator shall immediately record the following information related to that farm-raised deer:

SECTION 128. ATCP 10.54 (3) is created to read:

ATCP 10.54 (3) TWO INDIVIDUAL IDENTIFICATIONS FOR FARM-RAISED DEER. Whenever a farm-raised deer is required to have 2 individual identifications under this chapter, the farm-raised deer keeper shall ensure the identification meets all of the following requirements:

(a) One is official individual identification.

(b) The second is either an individual identification unique to the herd or official individual identification that meets one of the following requirements:

1. It was applied prior to the effective date of this rule (LRB INSERT DATE).

2. It is an "840" tag applied to an animal that has a national uniform ear tagging system ear tag under s. ATCP 10.01 (70) (a).

3. It is an official individual identification approved by the department.

Note: A record of the official individual identification applied under subd. 2. or 3. must be recorded per s. ATCP 10.045 (3) (b).

(c) At least one of the identifications under par. (a) or (b) is visible.

Note: Animal identification requirements for animal truckers, animal markets and animal dealers are specified under ch. ATCP 12.

SECTION 129. ATCP 10.55 (1) Note, and (3) (d) are amended to read:

ATCP 10.55 (1) Note: See also ss. ATCP 10.46 (1) (h) (importing to temporary farm-raised deer exhibits), ATCP 10.81 (importing circus, rodeo, racing, and menagerie animals) and 10.84 (importing wild animals).

(3) (d) ~~Official~~ Two individual ~~identification~~ identifications on the farm-raised deer that meet the requirements under s. ATCP 10.54 (3).

SECTION 130. ATCP 10.55 (3) (d) Note is repealed.

SECTION 131. ATCP 10.55 (3) (e) 1. is amended to read:

ATCP 10.55 (3) (e) 1. "All cervids identified on this certificate originate from a herd currently enrolled ~~for the past~~ in good standing with at least 5 years of status in a state chronic wasting disease program meeting the federal bureau standards."

SECTION 132. ATCP 10.56 (1) (a) 2. (intro.) and 3. are amended to read:

ATCP 10.56 (1) (a) 2. (intro.) The farm-raised deer is tested for chronic wasting disease after being slaughtered as required under s. ATCP 10.52 (1m) ~~(a) or (b)~~, if the deer is any of the following:

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

SECTION 133. ATCP 10.56 (1) (d) Note is created to read:

ATCP 10.56 (1) (d) Note: See also s. ATCP 10.46 (1) (h) (movement to temporary farm-raised deer exhibits).

SECTION 134. ATCP 10.56 (2) (c) and (3) (b) are amended to read:

ATCP 10.56 (2) (c) ~~Official~~ Two individual ~~identification~~ identifications of the farm-raised deer that meet the requirements under s. ATCP 10.54 (3).

(3) (b) The farm-raised deer originates from a herd that is classified as a tuberculosis qualified herd under s. ATCP 10.49, based on a whole herd test completed within the preceding 365 days of movement.

SECTION 135. ATCP 10.56 (3) (d) 2. Note is repealed.

SECTION 136. ATCP 10.56 (3) (e) is created to read:

ATCP 10.56 (3) (e) The farm-raised deer originates from a herd that is on the same premises as bovine animals that meets one of the requirements under s. ATCP 10.46 (11) (d) 2.

SECTION 137. ATCP 10.56 (4) (b) is amended to read:

ATCP 10.56 (4) (b) It ~~has been~~ is currently enrolled in the chronic wasting disease herd status program under s. ATCP 10.53, is in good standing, and has at least 5 years of status.

SECTION 138. ATCP 10.61 (5m) (b) and (c) are amended to read:

ATCP 10.61 (5m) (b) Each registered fish farm under par. (a) is considered a separate fish farm for purposes of disease control and movement. ~~Fish~~ Except as provided under s. ATCP 10.64 (3) (a), fish and fish eggs, from species ~~found to be~~ the department has identified as being susceptible to viral hemorrhagic septicemia (VHS), that are moved from a type 3 fish farm to any location in the state shall be accompanied by a valid health certificate under s. ATCP 10.65 ~~(4) (e)~~. The fish farm operator shall keep a record, under sub. (10) (a), related to each movement of fish or fish eggs between any of the registered fish farms.

(c) Before the department issues separate registration certificates under par. (a) for fish farms located on the same land parcel or contiguous land parcels that include at least one type 3 fish farm, the department shall inspect the fish farms for compliance with par. (b). The fish farm operator shall pay a nonrefundable fee ~~of $400 for each day, or portion of a day, needed to complete the inspection~~ specified under s. ATCP 10.025. A single fee covers all of the inspected

fish farms. ~~No inspection is required for the renewal of an existing fish farm registration if the department has previously inspected the fish farm under this paragraph.~~

SECTION 139. ATCP 10.61 (6) (intro.) is amended to read:

ATCP 10.61 (6) APPLYING FOR A REGISTRATION CERTIFICATE. (intro.) ~~To obtain an annual~~ Before applying for an initial fish farm registration certificate under sub. (1), an applicant shall contact the Wisconsin department of natural resources to determine whether a natural waterbody permit must be obtained. Once the applicant either receives the natural waterbody permit or a determination that the permit is not necessary from the Wisconsin department of natural resources, a fish farm operator shall submit an application to the department on a form provided by the department. The application shall include all of the following:

SECTION 140. ATCP 10.61 (6) (d) Note is created to read:

ATCP 10.61 (6) (d) Note: An initial fish farm registration includes fish farm operators who let their fish farm registration certificates lapse for more than one year then apply for a new license.

SECTION 141. ATCP 10.61 (6m) (b) 6. and 7. are amended to read:

ATCP 10.61 (6m) (b) 6. The registration fee under sub. (7) (a) 2. and the medical separation fee, if required under sub. (5m), when amending a type 1 registration to a type 2 or type 3 fish farm registration. The previous type 1 registration fee payment is not credited toward payment of the type 2 or type 3 fish farm registration.

7. The registration fee under sub. (7) (a) 1. and the medical separation fee, if required under sub. (5m), when amending a type 2 or type 3 registration to a type 1 registration. The

previous type 2 or type 3 registration fee payment is not credited toward payment of the type 1 fish farm registration.

SECTION 142. ATCP 10.61 (7) (b) is repealed and recreated to read:

ATCP 10.61 (7) (b) A medical separation fee specified under s. ATCP 10.025, if required under sub. (5m).

SECTION 143. ATCP 10.61 (7) (f) is amended to read:

ATCP 10.61 (7) (f) A fish farm operator who applies for ~~the renewal of~~ a fish farm registration certificate after that certificate has expired shall pay, in addition to all other fees required under this subsection, a late fee equal to 20% of the registration fees.

SECTION 144. ATCP 10.61 (10) (a) 5., (c) 5., and (13) (b) are amended to read:

ATCP 10.61 (10) (a) 5. Any import permit ~~or~~ required under s. ATCP 10.62 and any health certificate required under s. ATCP ~~10.62~~ 10.65 (1).

(c) 5. Any import permit ~~or~~ required under s. ATCP 10.62 and any health certificate required under s. ATCP ~~10.62~~ 10.65 (1).

(13) (b) A reinspection fee under par. (a) is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a re-registration ~~renewal~~ application form to the fish farm operator.

SECTION 145. ATCP 10.62 (1) (a) 3., (2) (e) and Note are amended to read:

ATCP 10.62 (1) (a) 3. Holding or rearing the fish, or hatching the fish eggs, at a fish farm for which a registration certificate is required under s. ATCP 10.61 (1) if the imported fish or fish eggs are harvested from the wild.

(2) (e) Live fish or fish eggs of species that are not susceptible to viral hemorrhagic septicemia, as determined by the ~~federal bureau~~ department, imported directly for personal use as

bait, in amounts not exceeding 600 fish or fish eggs per shipment, and in compliance with s. NR 20.08.

Note: Species that the ~~federal bureau~~ department has found to be susceptible to viral hemorrhagic septicemia are listed at:

~~www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth~~

https://datcp.wi.gov/Pages/Homepage.aspx.

SECTION 146. ATCP 10.63 (1) (b) and Note are amended to read:

ATCP 10.63 (1) (b) A health certificate is not required for live fish or fish eggs of species that are not susceptible to viral hemorrhagic septicemia, as determined by the ~~federal bureau~~ department, imported directly for personal use as bait in amounts not exceeding 600 fish or fish eggs per shipment and in compliance with s. NR 20.08.

Note: Species that the ~~federal bureau~~ department has found to be susceptible to viral hemorrhagic septicemia are listed at:

~~www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth~~

https://datcp.wi.gov/Pages/Homepage.aspx.

SECTION 147. ATCP 10.64 (1) and Note, and (3) (a) are amended to read:

ATCP 10.64 (1) VALID HEALTH CERTIFICATE REQUIRED. Except as provided in sub. (3), no person may move any live fish or fish eggs of a species that the ~~federal bureau~~ department has ~~found to be~~ identified as being susceptible to viral hemorrhagic septicemia (VHS) from a type 3 fish farm to any other location in this state, unless those fish or fish eggs are covered by a valid health certificate under s. ATCP 10.65. A qualified fish health inspector shall issue the health certificate based on an inspection of the fish or fish eggs, or of the farm from

which they originate. A health certificate does not cover a movement that occurs after the health certificate expires.

Note: Species that the ~~federal bureau~~ department has found to be susceptible to viral hemorrhagic septicemia are listed at: ~~www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth~~ https://datcp.wi.gov/Pages/Homepage.aspx.

(3) (a) Live fish or fish eggs moved between type 3 fish farms registered under s. ATCP 10.61 ~~by the same fish farm operator~~, if the operator keeps a complete record of the movement under s. ATCP 10.61 (10).

SECTION 148. ATCP 10.645 (intro.) and (2) Note are amended to read:

ATCP 10.645 Bait fish from wild sources. (intro.) No bait dealer who is required to hold a license under s. 29.509, Stats., may distribute for use as bait any of the following fish or fish eggs, of a species that the ~~federal bureau has found to be~~ department has identified as being susceptible to viral hemorrhagic septicemia (VHS), unless the fish or fish eggs are covered by a valid fish health certificate that complies with s. ATCP 10.65:

(2) Note: A "wild source" under s. ATCP 10.645 includes a wild source in this state or outside this state. Fish and fish eggs imported from other states (including bait fish and fish eggs) must also comply with import requirements under s. ATCP 10.62. Species that the ~~federal bureau~~ department has found to be susceptible to viral hemorrhagic septicemia are listed at: ~~www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth~~ https://datcp.wi.gov/Pages/Homepage.aspx. Section ATCP 10.645 applies to additional species if and when the ~~federal bureau~~ department finds that those species are susceptible. ~~DATCP will~~

~~identify susceptible species (per USDA findings) in the fish health certificate form under s. ATCP 10.65.~~

SECTION 149. ATCP 10.65 (1) is amended to read:

ATCP 10.65 Fish health certificates. (1) GENERAL. A fish health certificate under s. ATCP 10.61 (3) (g) 2. and (5m) (b), 10.62 (1) (d) and (2) (f), 10.63 (1), 10.64 (1), or 10.645 shall comply with this section.

SECTION 150. ATCP 10.65 (4) (a) (intro.), and 4. and (b) (intro.), 3. and Note, and (c) (intro.), 2. and Note, and (d) 3. Note (intro.) are amended to read:

ATCP 10.65 (4) CERTIFICATE CONTENTS. (a) (intro.) A fish health certificate under s. ATCP 10.62 (1) (d) or (2) (f) shall certify that the listed species of fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all of the following:

4. Viral hemorrhagic septicemia (VHS) if an import shipment covered by the health certificate includes fish or fish eggs of a species that the ~~federal bureau has found to be~~ department has identified as being susceptible to viral hemorrhagic septicemia and the fish or fish eggs are from a state or province where that disease is known to occur.

(b) (intro.) ~~Except as provided in s. ATCP 10.655, a~~ A fish health certificate issued under ~~s.~~ ss. ATCP 10.61 (3) (g) 2. or 10.63 (1) shall certify that the listed species of fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all of the following:

3. Viral hemorrhagic septicemia (VHS) if the health certificate covers fish or fish eggs of a species that the ~~federal bureau has found to be~~ department has identified as being susceptible to viral hemorrhagic septicemia (VHS) and the fish or fish eggs are from a wild source or a type 3 fish farm.

Note: A "wild source" under subd. 3. includes a wild source in this state or outside this state. Fish and fish eggs imported from other states (including bait fish and fish eggs) must also comply with import requirements under s. ATCP 10.62. Species that the ~~federal bureau~~ department has found to be susceptible to viral hemorrhagic septicemia are listed at: ~~www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth~~ https://datcp.wi.gov/Pages/Homepage.aspx. Subdivision 3. applies to additional species if and when the ~~federal bureau~~ department finds that those species are susceptible. ~~DATCP will identify susceptible species (per USDA findings) in the fish health certificate form under s. ATCP 10.65.~~

(c) (intro.) A fish health certificate issued under ~~s.~~ ss. ATCP 10.61 (5m) (b) or ATCP 10.64 (1) shall certify that the listed species of fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all of the following:

2. Viral hemorrhagic septicemia (VHS) if the health certificate covers fish or fish eggs of species that the ~~federal bureau has found to be~~ department has identified as being susceptible to viral hemorrhagic septicemia (VHS).

Note: A health certificate under s. ATCP 10.64 (1) is for species of fish or fish eggs that the ~~federal bureau has found to be~~ department has identified as being susceptible to viral hemorrhagic septicemia (VHS) and are being moved from a type 3 fish farm.

(d) 3. Note: (intro.) A fish health certificate is required under s. ATCP 10.645 whenever a bait dealer distributes as bait any of the following fish or fish eggs of a species that the ~~federal bureau has found to be~~ department has identified as being susceptible to VHS:

SECTION 151. ATCP 10.655 (1) (intro.) is amended to read:

ATCP 10.655 Fish reintroduced into their original wild source. (1) HEALTH CERTIFICATE EXEMPTION. (intro.) Section ATCP 10.65 ~~(4) (b)~~ does not apply to the reintroduction of fish or fish eggs to the same lake from which they, or the eggs from which they were hatched, were collected, or to the same point or a downstream point in the same river system from which they, or the eggs from which they were hatched, were collected, if all of the following apply:

SECTION 152. ATCP 10.68 (2) and (2m) are amended to read:

ATCP 10.68 (2) RENEWAL. The department may ~~renew~~ re-issue a certification under sub. (1) if, within 14 months after the last certification date, the flock owner submits the results of another flock test showing that all rams in the flock have tested negative for brucella ovis. If a herd owner fails to meet the deadline under this subsection, certification expires and may not be reinstated except by the procedure under sub. (1).

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

SECTION 153. ATCP 10.73 (2) to (3) are amended to read:

ATCP 10.73 (2) RENEWAL. The department may ~~renew~~ re-issue a certification under sub. (1) if, within 14 months after the last certification date, the herd owner submits proof that the herd has again tested negative for brucellosis in a herd test that included all goats over 6 months old. If a herd owner fails to meet the deadline under this subsection, certification expires and may not be reinstated except by the procedure under sub. (1).

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

(3) TEST PROCEDURE. Testing under this section shall comply with ~~the brucellosis uniform methods and rules~~ s. ATCP 10.052.

SECTION 154. ATCP 10.73 (3) Note is repealed.

SECTION 155. ATCP 10.74 (3) (a) 3. is created to read:

ATCP 10.74 (3) (a) 3. Any goat in the herd is commingled with animals of lesser or no tuberculosis status.

SECTION 156. ATCP 10.76 (2) (b), (c) (intro.) and (d) are amended to read:

ATCP 10.76 (2) (b) A goat from a tuberculosis modified accredited state or a modified accredited zone may not be imported to an animal market.

(c) (intro.) A goat imported from a modified accredited state or a modified accredited zone may not be removed from the premises where it is first received in this state unless one of the following applies:

(d) The owner of a goat imported from a tuberculosis modified accredited state or a modified accredited zone shall have the goat tested for tuberculosis not less than 60 days nor more than 90 days after it is imported.

SECTION 157. ATCP 10.80 (1) (d) to (f) and Note are created to read:

ATCP 10.80 (1) (d) Documentation of a negative Brucella canis test, if required under sub. (2m).

(e) Documentation of a negative heartworm test, if required under sub. (2n).

(f) One of the following statements regarding heartworm:

1. A statement that the dog listed has no known prior positive heartworm test.

2. If the dog had a prior positive heartworm test, a statement that the dog received appropriate treatment protocol as recommended by the American Heartworm Society. After

1274 treatment is completed, the veterinarian must state on the CVI that the dog was treated for
1275 heartworm and record all injection dates.
1276 Note: Information regarding heartworm treatment recommended by the American
1277 Heartworm Society can be found at www.heartwormsociety.org/
1278 **SECTION 158.** ATCP 10.80 (2m) and (2n) are created to read:
1279 **ATCP 10.80 (2m)** BRUCELLA CANIS REQUIREMENT. (a) Except as provided in
1280 par. (c), no person may import a sexually intact dog for breeding unless the dog tests negative on
1281 a Brucella canis test that is approved by the department. The test shall be conducted not more
1282 than 30 days prior to the import date.
1283 (b) Except as provided in par. (c), no dog seller or dog facility operator who is required to
1284 be licensed under ch. ATCP 16 may import a sexually intact dog unless the dog tests negative on
1285 a Brucella canis test that is approved by the department. The test shall be conducted not more
1286 than 30 days prior to the import date.
1287 (c) A sexually intact dog that is less than six weeks old may be imported without testing
1288 negative on a Brucella canis test only if it is accompanied by its dam and the dam tests negative
1289 on a Brucella canis test that is approved by the department. The test shall be conducted not more
1290 than 30 days prior to the import date.
1291 (2n) HEARTWORM TEST REQUIREMENT. No dog seller or dog facility operator
1292 licensed under ch. ATCP 16 may import a dog 6 months of age or older without obtaining a
1293 negative heartworm test completed within 6 months of the import using a test approved by the
1294 department.
1295 **SECTION 159.** ATCP 10.80 (3) (a) and (b) are amended to read:

ATCP 10.80 (3) (a) A dog or domestic cat imported directly to a veterinary facility for treatment, provided that the dog or domestic cat is returned to its place of origin immediately following treatment and there is no change of ownership while the dog or domestic cat is in this state.

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

SECTION 160. ATCP 10.82 (3) (a) Note and (b) are amended to read:

ATCP 10.82 (3) (a) Note: ~~To obtain a list of tuberculosis tests approved for various species of exotic ruminants, contact.~~ Information regarding approved tuberculosis testing of specific species may be found by contacting the department at the following address:

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

(b) Paragraph (a) does not apply to an exotic ruminant imported directly to an institution accredited by the association of zoos and aquariums. An animal imported to an accredited institution under this paragraph may not be moved to any place in Wisconsin that is not an accredited institution unless the animal tests negative on a tuberculosis test approved for that species by the department. The test shall be conducted not more than 60 days before the animal is moved.

SECTION 161. ATCP 10.84 (4) (b) 4. is amended to read:

ATCP 10.84 (4) (b) 4. The animal is returning directly to its place of origin in this state following veterinary treatment in another state, provided there was no change of ownership while the animal was outside this state.

SECTION 162. ATCP 10.86 (3) (b) is amended to read:

ATCP 10.86 (3) (b) Paragraph (a) does not apply to an elephant imported directly to an institution accredited by the association of zoos and aquariums. An animal imported to an accredited institution under this paragraph may not be moved to any place in Wisconsin that is not an accredited institution unless the animal tests negative on a tuberculosis test approved by the department. The test shall be conducted not more than 365 days before the animal is moved.

SECTION 163. ATCP 10.87 (1) (a) and (c) are amended to read:

ATCP 10.87 (1) (a) Comply with this section, and ~~take reasonable steps to~~ ensure that all exhibitors comply.

(c) Appoint a licensed veterinarian to ~~do all of the following on behalf of the organizer~~ conduct a daily inspection of the exhibited animals, if the fair or exhibition lasts for more than 24 hours.~~:~~

SECTION 164. ATCP 10.87 (1) (c) 1. and 2. are repealed.

SECTION 165. ATCP 10.87 (1) (d) is created to read:

ATCP 10.87 (1) (d) 1. Keep all of the following information for any swine meeting the criteria under s. ATCP 10.32 (2) (b) 2. that participate at the fair or exhibition:

a. A record of any swine that were transported directly to a slaughtering establishment.

b. A record of any swine that were transported to an animal market where all the animals sold at the market sale for that day were shipped directly to a slaughtering establishment.

2. The organizer shall keep the records required under subd. 1. in written or electronic form, keep the records for at least 5 years, and make the records available to the department for inspection and copying upon request.

SECTION 166. ATCP 10.87 (2) (b) 2., 3. and 5. are amended to read:

ATCP 10.87 (2) (b) 2. ~~Identification~~ The number, type, description and official individual identification, if official individual identification is required under this chapter, of animals exhibited. If official individual identification is not required, identifying information of animals exhibited, including number, type, and description.

3. Appropriate and reliable documentation to show compliance with disease testing and other health requirements under this ~~section~~ chapter.

5. Appropriate and reliable documentation~~, if requested by the organizer of the fair or exhibition,~~ to show that the animals were lawfully imported or moved to the fair or exhibition.

SECTION 167. ATCP 10.89 (1) (a) 3. is created to read:

ATCP 10.89 (1) (a) 3. To protect the health of animals located in this state and of humans residing in this state, relating to the importation, movement, and care of animals and their products, the disinfection of suspected localities and articles, and the disposition of animals, as the department determines are necessary.

SECTION 168. ATCP 10.89 (2) (title) (intro.) and (a) to (c) are renumbered 10.89 (2) (title) (a) and 1. to 3. and as renumbered, 10.89 (2) (a) (intro.), is amended to read:

ATCP 10.89 (2) (title) (a) (intro.) ~~A~~ Except as provided under par. (b), a quarantine order under sub. (1) shall be served upon a person having custody or control of the quarantined animals, or shall be posted on the premises affected by the quarantine order. A quarantine order under this paragraph may be served by any of the following methods:

SECTION 169. ATCP 10.89 (2) (b) is created to read:

ATCP 10.89 (2) (b) The department may issue an emergency quarantine order under sub. (1) that will affect a particular geographical location, county, counties or the entire state in the event of a national, state, or regional animal disease outbreak. An emergency quarantine order under this paragraph shall become effective upon the department issuing a news release to media outlets in all affected areas.

SECTION 170. ATCP 10.89 (3) is amended to read:

ATCP 10.89 (3) PROOF OF SERVICE. Service under sub. (2) (a) may be proved by ~~affidavit~~ certificate of personal service or by certified mail return receipt.

SECTION 171. ATCP 10.89 (4) (title) (intro.) is renumbered 10.89 (4) (title) (a) and as renumbered, 10.89 (4) (title) (a) (intro.) and 6. are amended to read:

ATCP 10.89 (4) (title) (a) (intro.) A quarantine order served under sub. ~~(1)~~ (2) (a) shall contain all of the following information:

6. Notice that persons adversely affected by the quarantine may request a hearing under sub. (6) to review the quarantine order.

SECTION 172. ATCP 10.89 (4) (b) is created to read:

ATCP 10.89 (4) (b) A quarantine order issued under sub. (2) (b) shall contain all of the following information:

1. A description of the animals affected by the quarantine.

2. A description of the geographical location affected by the quarantine.

3. The reason or justification for the quarantine.

4. All terms and conditions applicable to the quarantine.

5. Notice that persons adversely affected by the quarantine may request a hearing under sub. (6) to review the quarantine order.

SECTION 173. ATCP 10.90 is repealed.

SECTION 174. ATCP 10.91 (2) is amended to read:

ATCP 10.91 (2) SERVICE OF ORDER. An order under sub. (1) shall be served upon a person having custody or control of the animals affected by the order. The order may be served in person or by certified mail. Service may be proved by ~~affidavit~~ certificate of personal service or by certified mail return receipt.

SECTION 175. ATCP 10.92 (3), (4), (5) (intro.) and (b), (11), and (13) are amended to read:

ATCP 10.92 (3) Misrepresent to any person the age, identity, origin, or disease status of any animal, or of the herd from which an animal originates.

(4) Falsify, remove, alter, or tamper with any official identification or official back tag ~~required under this chapter or ch. ATCP 12~~.

(5) (intro.) Fail or refuse to permit reasonable department access to premises or inspection of any of the following:

(b) Relevant records related to the health and movement of animals, ~~including~~ health or shipping documents related to animals in transit, and any other records required under this chapter.

(11) Cause or permit the commingling of different livestock species, other than sheep and goats or different species of fish, poultry, South American camelids, or ratites, during transit.

(13) Falsify, or fail to submit to the department, upon request, any record required under this chapter or ch. ATCP 12 or prevent the department from taking such records off site for copying if deemed necessary for efficiency.

SECTION 176. ATCP 10.92 (19), (20), and Note are created to read:

ATCP 10.92 (19) Except as authorized under s. ATCP 10.045 (3), apply official individual identification to any animal that already has an official individual identification attached to it.

(20) Except as authorized under s. ATCP 10.46 (11) (d) 2., cause or allow farm-raised deer to commingle with bovine animals on the same premises or in the same building, enclosure or vehicle unless all the animals are shipped directly to a slaughtering establishment and are accompanied by a completed federal bureau form VS 1-27 or a department permit under s. ATCP 10.08 (3).

Note: Federal bureau form VS 1-27 may be completed by an accredited veterinarian, an authorized state animal health official, or the federal bureau.

SECTION 177. Ch. ATCP 10, Appendices A and B, are repealed and recreated to read:

Chapter ATCP 10
APPENDIX A
Diseases Reported Within One Day

African horse sickness

African swine fever

Akabane

Anthrax

Arenavirus

Avian influenza

B Virus Infection

Bovine Spongiform Encephalopathy

Brucellosis

Chronic wasting disease

Classical swine fever

Contagious bovine pleuropneumonia

Contagious Equine Metritis

Crimean Congo hemorrhagic disease

Dourine

Equine encephalomyelitis (Eastern, Western or Venezuelan)

Epizootic lymphangitis

Equine infectious anemia

Equine influenza

Exotic Newcastle disease

Filovirus Infection

Foot and mouth disease

Glanders (Farcy)

Hendravirus

Japanese encephalitis

Lumpy skin disease

Melioidosis

New world screwworm (Cochliomyia hominivorax)

Old world screwworm (Chrysomya bezziana)

Nipah virus infection

Nairobi sheep disease

Orthopoxvirus infection

Peste des petits ruminants

Plague

Pseudorabies (Aujesky's disease)

Pullorum disease

Rabies

Rift Valley fever

Rinderpest

Scrapie

Sheep pox and goat pox

Surra (Trypanosoma evansi)

Swine influenza

Swine vesicular disease

Tuberculosis

Tularemia

Vesicular conditions including vesicular stomatitis

Any disease that is a foreign or exotic disease to Wisconsin

Chapter ATCP 10
APPENDIX B
Diseases Reported Within 10 Days

Multiple species diseases
Bluetongue
Echinococcosis/hydatidosis
Epizootic hemorrhagic disease
Heartwater
Influenza virus
Leptospirosis
Mange
Paratuberculosis also known as Johne's Disease
Q Fever (Coxiellosis)

Fish diseases
Epizootic hematopoietic necrosis
Infectious hematopoietic necrosis
Infectious salmon anemia
Epizootic ulcerative syndrome (EUS) (Infection with Aphanomyces invadans)
Gyrodactylosis (Gyrodactylus salaris)
Infection with salmonid alphavirus
Koi herpesvirus disease
Largemouth bass virus
Oncorhynchus masou virus disease
Proliferative kidney disease
Red sea bream iridoviral disease
Spring viremia of carp
Streptococcus iniae
Viral hemorrhagic septicemia
Whirling disease (Myxobolus cerebralis)
White sturgeon iridovirus

Sheep and goat diseases
Caprine Arthritis
Contagious agalactia (mycoplasma)
Contagious caprine pleuropneumonia
Enzootic abortion of ewes (ovine chlamydiosis)
Maedi-visna
Ovine epididymitis (Brucella ovis)
Ovine progressive pneumonia (Maedi-visna)
Ovine pulmonary adenomatosis
Salmonellosis (S. abortusovis)

Swine diseases
Atrophic rhinitis of swine
Enterovirus encephalomyelitis
Porcine epidemic diarrhea virus (PED)
Porcine cysticercosis
Porcine delta coronavirus (PDCoV)
Porcine reproductive and respiratory syndrome
Swine influenza
Swine enteric coronavirus disease (SECD)
Transmissible gastroenteritis
Trichinellosis
Vesicular exanthema

Bee diseases
Acariosis of bees
American foulbrood
European foulbrood
Nosemosis of bees
Small hive beetle infestation
Varroosis

Lagomorph diseases
Myxomatosis
Rabbit hemorrhagic disease

Cattle diseases
Bovine anaplasmosis
Bovine babesiosis
Bovine spongiform encephalopathy
Bovine cysticercosis
Bovine genital campylobacteriosis
Bovine viral diarrhea (BVD)
Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis
Dermatophilosis
Enzootic bovine leukosis
Hemorrhagic septicemia
Malignant catarrhal fever
Theileriosis
Trichomonosis
Trypanosomosis (tsetse-borne)

Equine diseases
Equineherpesvirus (Equine Herpes Myeloencephalopathy)
Equine piroplasmosis
Equine viral arteritis
Horse pox
Pigeon Fever
Strangles
West Nile Virus

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

Avian diseases cont.
Fowl pox
Fowl typhoid
Marek's disease
Mycoplasma meleagridis
Infectious bursal disease (Gumboro disease)
Turkey rhinotracheitis

Mollusc diseases
Haplosporidiosis (H. nelsoni or H. costale)
Bonamiosis
Marteiliosis
Mikrocytosis (Mikrocytos mackini)
Perkinsosis
Infection with Xenohaliotis californiensis
Infection with abalone herpes virus

Crustacean Diseases
Taura syndrome
White spot disease
Necrotising hepatopancreatitis (Candidatus Hepatobacterpenaei)
(NHP, early mortality syndrome)
Yellowhead (Infection with Yellowhead virus genotype 1)
Infectious hypodermal and haematopoietic necrosis
Crayfish plague (Aphanomyces astaci)
Infectious myonecrosis
White tail disease
Acute hepatopancreatic necrosis disease
(V.parahemolyticus pVA-1 plasmid)

Diseases of other animal species
Canine Influenza
Leishmaniasis
Infection with *Batrachochytrium dendrobatidis*
Infection with ranavirus
Hantavirus

SECTION 178. Ch. ATCP 12 second Note is amended to read

Ch. ATCP 12 Note: Requirements regarding federally approved livestock marketing facilities can be found under s. ATCP 10.07 (4), approved import feed lots under s. ATCP 10.22 (9), and intermediate livestock handling facilities under s. ATCP ~~10.22 (10)~~ 10.07 (5).

SECTION 179. ATCP 12.01 (1g) is amended to read:

ATCP 12.01 (1g) "Animal market" means any premises that are open to the public for the purpose of trading in livestock or wild animals, and that have facilities to keep, feed, and water livestock or wild animals prior to sale, and is required to be licensed under s. ATCP 12.02 (1).

SECTION 180. ATCP 12.01 (14) is created to read:

ATCP 12.01 (14) "Market swine" means a barrow which is a castrated boar, or a gilt which is a female that has not reproduced, that are sold for shipment to slaughter.

SECTION 181. ATCP 12.01 (25) is amended to read:

ATCP 12.01 (25) "Slaughtering establishment" means a facility to slaughter animals that is ~~subject to licensing~~ licensed and inspected by the department~~,~~ or ~~that is subject to inspection~~ by the United States department of agriculture. "Slaughtering establishment" includes all premises used in connection with a slaughter operation, including an intermediate livestock handling facility approved under s. ATCP 1~~0.22 (10)~~ 10.07 (5).

SECTION 182. ATCP 12.02 (8) (g) is amended to read:

ATCP 12.02 (8) (g) Remove market animals from the animal market within 4 days after they enter the market, except as provided in sub. (10). The animal market operator shall remove market bovine calves less than 12 weeks old from the animal market within 24 hours after the calves are sold.

SECTION 183. ATCP 12.02 (8) (k), (L), and (m) are created to read:

ATCP 12.02 (8) (k) Clearly separate market animals from any other livestock on the premises.

(L) Comply with 9 CFR Part 86 when moving cattle interstate or releasing cattle for interstate movement.

(m) Notify potential buyers of any swine that test positive for porcine reproductive and respiratory syndrome or the porcine epidemic diarrhea virus before those swine are presented for sale at the market.

SECTION 184. ATCP 12.02 (11) (c) is amended to read:

ATCP 12.02 (11) (c) Deliver livestock or wild animals to an unlicensed animal trucker for transport or animal dealer, if the operator knows or has reason to know that the animal trucker or animal dealer is unlicensed.

SECTION 185. ATCP 12.03 (2) (d) is amended to read:

ATCP 12.03 (2) (d) The operator of a ~~licensed meat~~ slaughtering establishment or an employee of a slaughtering establishment who buys livestock solely for slaughter at that ~~meat~~ slaughtering establishment.

SECTION 186. ATCP 12.03 (9) (j) and (k) are created to read:

ATCP 12.03 (9) (j) Comply with 9 CFR Part 86 when moving cattle interstate or releasing cattle for interstate movement.

(k) Notify potential buyers of any swine that test positive for porcine reproductive and respiratory syndrome or the porcine epidemic diarrhea virus before sold by the dealer.

SECTION 187. ATCP 12.04 (9) (a) is amended to read:

ATCP 12.04 (9) PROHIBITED CONDUCT. (a) No animal trucker may cause or permit the commingling of different ~~species of~~ animals ~~to be commingled~~ on the same animal transport vehicle or enclosure if the animals are not of comparable size, or if one species may pose a known disease threat to the other species.

SECTION 188. ATCP 12.05 (1) (a) Note is repealed.

SECTION 189. ATCP 12.05 (1) (b) 1. is amended to read:

ATCP 12.05 (1) (b) Slaughter identification. 1. Whenever an animal dealer, animal market operator, or animal trucker receives any bovine animal for sale or shipment to slaughter, that person shall immediately identify the animal with an official back tag and record the back tag number, ~~if~~ unless the bovine animal is ~~not~~ a steer or already identified according to par. (a). If a bovine animal is already identified according to par. (a), or backtagged at the time of receipt, the person receiving the animal shall record its official identification or back tag number. This paragraph does not apply to an animal trucker that picks up any bovine animals from a farm premises and takes the bovine animals directly to a slaughtering establishment without commingling with bovine animals from other farms.

SECTION 190. ATCP 12.05 (1) (b) 2. Note is repealed.

SECTION 191. ATCP 12.05 (2) (a) and (b) are amended to read:

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

(b) *Slaughter identification.* 1. Whenever an animal dealer, animal market operator, or animal trucker receives any sow, boar, or stag for sale or shipment to slaughter, that person shall immediately identify the swine with an official swine back tag or premises identification ear tag and record the back tag or ear tag number, if the swine is not already identified according to par. (a). If a sow, boar, or stag is already identified according to par. (a), or backtagged or tagged

with a premises identification ear tag at the time of receipt, the person receiving the swine shall record its official identification back tag, or ear tag number. This subdivision does not apply to an animal trucker that picks up any swine from a farm premises and takes the swine directly to a slaughtering establishment without commingling with swine from other farms.

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

SECTION 192. ATCP 12.05 (2) (b) 2. first Note is repealed.

SECTION 193. ATCP 12.05 (5) (a) and (b) are amended to read:

ATCP 12.05 (5) IDENTIFICATION OF FARM-RAISED DEER. (a) *Official individual identification.* 1. Whenever an animal dealer or animal market operator receives any farm-raised deer, the animal dealer or market operator shall immediately record the official individual identification of that farm-raised deer. ~~If a farm-raised deer has no official individual identification at the time of receipt, the animal dealer or market operator shall immediately identify that farm-raised deer with an official individual identification.~~ This paragraph does not apply to farm-raised deer which are backtagged for slaughter under par. (b).

2. No animal dealer or animal market operator may deliver a farm-raised deer to the custody of any other person unless that deer bears 2 individual identifications meeting the requirements of s. ATCP ~~10.53 (2) (d) 4~~ 10.54 (3) or unless that deer is backtagged under par. (b) and shipped directly to slaughter.

(b) Slaughter identification. Whenever an animal dealer, animal market operator or animal trucker receives a farm-raised deer for sale or shipment to slaughter, that recipient shall

immediately identify that deer with an official back tag or other slaughter identification approved by the department, unless that deer already bears ~~an~~ official individual identification or slaughter identification. The animal dealer, animal market operator, or animal trucker shall immediately record the back tag or slaughter identification number.

SECTION 194. ATCP 12.06 (1m) (f) and (h) are amended to read:

ATCP 12.06 (1m) (f) A copy of any certificate of veterinary inspection ~~that accompanied~~ if required to accompany the animal. An animal market veterinarian may keep the certificate copy for the animal market operator.

(h) Equine infectious anemia test results, if required under ~~s.~~ ss. ATCP 10.35 (1) and 10.36 (3) or (4) for an equine animal.

SECTION 195. ATCP 12.06 (1m) (j) and (k) are created to read:

ATCP 12.06 (1m) (j) The chronic wasting disease test results and records required under s. ATCP 10.46 (10) (b) if an animal dealer purchases a farm-raised deer under s. ATCP 10.46 (1) (g).

(k) Porcine reproductive and respiratory syndrome and porcine epidemic diarrhea virus test results, if required under s. ATCP 10.30 (1) (a) 3. or 10.32 (2) and herd plan number, if required under ss. ATCP 10.30 (2) (d) or 10.32 (2) (a) 2.

SECTION 196. ATCP 12.06 (2) is amended to read:

ATCP 12.06 (2) RECORDS RETAINED FOR 5 YEARS; INSPECTION AND COPYING. A person who is required to keep records under sub. (1), (1m), or (1s) shall retain those records for at least 5 years, and shall make them available to the department for inspection and copying upon request. The department may take records off site for copying if deemed necessary for efficiency.

SECTION 197. ATCP 12.08 (4), (5) (intro.) and (b), (6), (8) and (26) are amended to read:

ATCP 12.08 (4) Transport any animal without certificates of veterinary inspection, permits, or other documents required by this chapter, ch. ATCP 10, ~~or~~ ch. 169, Stats., or 9 CFR Part 86.

(5) (intro.) Fail or refuse, upon reasonable demand by any authorized agent of the department, to permit access to a premises or vehicle or the examination of:

(b) Health or shipping documents accompanying animals in transit and any other records required under this chapter.

(6) Fail to provide~~, within 10 days following the receipt of a written request from the department,~~ any relevant report or document relating to the transportation of animals or any official individual identification of an animal purchased, sold, or transported. ~~The department may extend the compliance deadline under this subsection for good cause shown.~~

(8) Cause or permit the commingling of different ~~animal species~~ animals during transit if the animals are not of a comparable size, or if one species may pose a known disease threat to the other species.

(26) Falsify, remove, alter, or tamper with any official identification or official back tag ~~required under this chapter or ch. ATCP 10~~.

SECTION 198. ATCP 12.08 (28) is created to read:

ATCP 12.08 (28) Misrepresent to any person the age, identity, origin, or disease status of any animal, or of the herd from which an animal originates.

SECTION 199. EFFECTIVE DATE AND INITIAL APPLICABILITY. (1) This rule takes effect on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.22 (2), Stats.

(2) The treatment of s. ATCP 10.07 (5) by this rule first applies to persons operating an intermediate handling facility June 30 following the effective date of this rule.

Dated this 27 day of June, 201__.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

Bradley M. Pfaff

Bradley Pfaff
Secretary