

DATE: February 12, 2001

TO: Beata Kalies

Committee on Agriculture

FROM: John Scocos, Assembly Chief Clerk

RE: Clearinghouse Rule Referrals

The following Clearinghouse Rules(s) has/have been referred to your committee.

### **CLEARINGHOUSE RULE 00-145**

AN ORDER to renumber ATCP 11.51; to amend ATCP 11.11 (1) (a) 3.; and to create ATCP 11.01 (80p), 11.11 (5), 11.51 (2) and 11.55 (5), relating to importing bovine animals, goats or cervids from a state designated by USDA as a tuberculosis "non-modified accredited" state.

Submitted by **Department of Agriculture, Trade and Consumer Protection.**

Report received from Agency on **February 7, 2001.**

To committee on **Agriculture.**

Referred on **Monday, February 12, 2001.**

Last day for action – **Wednesday, March 14, 2001.**

Under section 227.19 (4) of the Wisconsin Statutes, your committee has 30 days to take action or get an extension. The day **after** the official referral date is day one of your review period. Therefore, the 30th day should fall four weeks and two days after the referral date. For example, for Clearinghouse Rules referred on a Monday, a Wednesday would be your 30th day. For Clearinghouse Rules referred on a Tuesday, a Thursday would be your 30th day. For Clearinghouse Rules referred on a Wednesday, a Friday would be your 30th day. For Clearinghouse Rules referred on a Thursday or Friday, your 30th day would fall on a weekend. Therefore, your time would expire on the next working day (Monday) as provided for in s. 990.001 of the Wisconsin Statutes. Also, if the 30th day falls on a legal holiday, time would expire on the next working day.

Section 227.19 **requires** you to notify each member of your committee that you have received this Clearinghouse Rule. Although some committee chairs do so, you are not required to send a copy of the text of the rule to each member at this time. Your notice could state that members should contact you if they wish to receive a hard copy of the rule. (Please note that, unlike bills and amendments, the text of Clearinghouse Rules is not currently available online. I am sure that this will happen sometime in the future as state agencies standardize their computer software). Please put a copy of your official notification memo in the rule jacket.

Three copies of the Clearinghouse Rule and its accompanying documents are contained in the jacket. If you wish to have your Legislative Council attorney review the Clearinghouse Rule, send him/her a copy. I only need one copy remaining in the jacket when you report it out of committee at the end of the review period.

The identical process is happening simultaneously in the Senate. Keep track of their action on the rule.

For assistance with the Clearinghouse Rule process, please consult Ken Stigler (6-2406) or your Legislative Council attorney. If you wish to learn more on this subject, read section 227.19 of the Wisconsin Statutes or part 2 of the *Administrative Rules Procedures Manual* written by the Revisor of Statutes Bureau and the Wisconsin Legislative Council staff.

Chairman:  
Agriculture Committee



Member:  
Conservation & Land Use  
Consumer Affairs  
Natural Resources  
Utilities

# Al Ott

State Representative • 3rd Assembly District

March 9, 2001

Mr. James Matson,  
Chief Legal Counsel  
Department of Agriculture, Trade & Consumer Protection  
P.O. Box 8911  
Madison, WI 53708-8911

Dear Mr. Matson:

The following clearinghouse rule has been referred to the Assembly Agriculture Committee for a thirty-day review period:

Clearinghouse Rule 00-145 – Relating to importing bovine animals, goats or cervids from a state designed by USDA as a tuberculosis “ non-modified accredited” state.

As Chairperson of the Assembly Committee on Agriculture, I would like to inform you that I am not going to schedule a public hearing on Clearinghouse Rule 00-145 and I plan on allowing the committee's jurisdiction to lapse.

Sincerely,

Al Ott, Chair  
Assembly Committee on Agriculture

cc: Sec. Ben Brancel

AO: BK

Chairman:  
Agriculture Committee

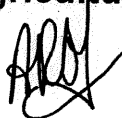


Member:  
Conservation & Land Use  
Consumer Affairs  
Natural Resources  
Utilities

**Al Ott**

State Representative • 3rd Assembly District

**Assembly Agriculture Committee  
MEMO**

**TO: Members of the Assembly Agriculture Committee**  
**FROM: Representative Al Ott, Chair**   
**DATE: February 13, 2001**

The following clearinghouse rule has been referred to the Assembly Agriculture Committee for a thirty-day review period:

**Clearinghouse Rule 00-145**

Relating to importing bovine animals, goats or cervids from a state designed by USDA as a tuberculosis "non-modified accredited" state. Submitted by the Department of Agriculture, Trade and Consumer Protection.

The deadline for action on this rule is **Wednesday, March 14, 2001**. A brief summary of the rule is enclosed. Please contact Beata Kalies in my office (6-5831) if you would like a copy of the entire rule or have questions.

Clearinghouse No. 00-145  
Docket No. 00-R-9

**STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION**

**NOTICE OF SUBMISSION OF PROPOSED RULES TO PRESIDING  
OFFICERS OF EACH HOUSE OF THE LEGISLATURE**

NOTICE IS HEREBY GIVEN, pursuant to Wis. Stat. § 227.19(2), that the State of Wisconsin Department of Agriculture, Trade and Consumer Protection is submitting a final draft of proposed Clearinghouse Rule Number 00-145 to the presiding officer of each house of the legislature for standing committee review. This rule modifies Wis. Admin. Code ch. ATCP 11. The rule relates to importing bovine animals, goats or cervids from tuberculosis "non-modified accredited" states.

Dated this 7 day of February, 2001.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By Ben Brancel  
Ben Brancel  
Secretary



State of Wisconsin  
Tommy G. Thompson, Governor

Department of Agriculture, Trade and Consumer Protection  
Ben Brancel, Secretary

Date: February 2, 2001

TO: The Honorable Fred Risser  
President, Wisconsin State Senate  
Rm. 220 S. State Capitol  
Madison, WI 53707

The Honorable Scott Jensen  
Speaker, Wisconsin State Assembly  
Rm. 211 W. State Capitol  
Madison, WI 53708

FROM: Ben Brancel, Secretary *Ben Brancel*  
Department of Agriculture, Trade and Consumer Protection

SUBJECT: **Tuberculosis in Cattle and Deer; Import Rules (Clearinghouse Rule No. 00-145)**

The Department of Agriculture, Trade and Consumer Protection (DATCP) hereby transmits the above rule for legislative committee review, pursuant to ss. 227.19 (2) and (3) Stats. We are enclosing three copies of the final draft rule, together with the following report. We will publish a notice of this referral in the Wisconsin administrative register pursuant to s. 227.19 (2) Stats.

### Rule Background And Summary

This rule regulates imports of cattle, goats and deer from bovine tuberculosis "non-modified accredited states." Bovine tuberculosis (TB) is an infectious disease caused by *Mycobacterium bovis* (*M. bovis*). It is generally described as a chronic debilitating disease of cattle but it may have an acute, rapidly progressive course. It can cause disease in most warm-blooded vertebrates, including humans. If TB becomes established in Wisconsin, it will pose a significant threat to the health of domestic animals and humans in the state.

DATCP administers a TB eradication program in cooperation with the United States Department of Agriculture (USDA). After several decades of intense effort, the disease was nearly eradicated in the United States. But recently, USDA reclassified Michigan from "accredited-free" to "non-modified accredited" because TB was confirmed in several cattle herds and in several native white-tailed deer.

TB is easily transmitted. Wisconsin imports a substantial number of animals from Michigan, and the last known incident of TB in a bovine animal in Wisconsin involved an animal moved to Wisconsin from Michigan. For these reasons, Wisconsin needs to regulate imports of animals from "non-modified accredited" states.

### **Pre-Import Requirements**

This rule regulates imports of bovine animals (cattle and bison), goats and cervids (deer and elk). Animals imported to Wisconsin from a tuberculosis "non-modified accredited" state must be accompanied by a certificate of veterinary inspection. The importer must obtain an import permit from the department.

The veterinarian who completes the certificate of veterinary inspection must certify that the animal originates from a herd in which a whole herd TB test has been completed within the last 12 months (there is an exception for veal calves imported solely for feeding prior to slaughter). The veterinarian must certify that the whole herd test included every animal over 12 months of age in the herd, and that all test results were negative.

An imported animal must be individually tested for tuberculosis within 60 days (90 days for a cervid) prior to the import date. The test may be performed as part of a whole herd test if the whole herd test is performed within 60 days (90 days for a cervid) prior to the import date.

### **Post-Import Testing**

An animal imported to Wisconsin from a tuberculosis "non-modified accredited" state must be tested for tuberculosis not less than 60 days nor more than 90 days (not less than 90 days nor more than 120 days for a cervid) after it is imported. This testing requirement does not apply to feeder cattle that are confined to the receiving premises until they are shipped to slaughter. The feeder cattle, when shipped to slaughter, must be accompanied by a USDA slaughter shipment form.

### **Post-Import Confinement**

Animals imported to Wisconsin from a tuberculosis "non-modified accredited" state may not be removed from the premises at which they are first received in this state, until they test negative for tuberculosis or are shipped to slaughter. However, animals imported for exhibition at a livestock show or exhibition may return directly to their state of origin.

### **Exception**

This rule does not apply to animals that are imported directly to a slaughtering establishment for slaughter.

## **Public Hearings**

DATCP held public hearings on this rule on November 28, 2000, in Madison and November 30, 2000 in Eau Claire. DATCP received no oral or written comments at the hearing. However, DATCP also held a public hearing on September 19, 2000, on a similar emergency rule. *Appendix A* contains a summary of the testimony related to the emergency rule. Since the emergency rule was similar to the hearing draft of this rule, DATCP modified the final draft of this rule to address the emergency rule hearing comments.

## **Changes Following Public Hearings**

In response to hearing testimony, DATCP reconsidered its hearing draft requirement that all veal calves must originate from a herd which has tested negative on a whole herd TB test. The department exempted veal calves from this requirement, provided each calf tests negative on a TB test before being imported.

The hearing draft prohibited any person from commingling animals imported from a "non-modified accredited state" with any other animals in this state until the imported animals tested negative on a post-import tuberculosis test. It also prohibited any person from removing imported animals from the premises at which they were first received in Wisconsin unless the animals tested negative for TB or were shipped directly to slaughter. In response to hearing testimony, the department reconsidered these requirements. The final draft rule no longer prohibits commingling of animals. The final draft rule also provides that if animals are imported to Wisconsin for exhibition at a livestock show or exhibition, they can be returned directly to their state of origin.

## **Response To Rules Clearinghouse Comments**

The Legislative Council Rules Clearinghouse made several comments on the hearing draft rule. DATCP addressed all of the comments in the final draft rule.

## **Fiscal Estimate**

The fiscal estimate on the proposed rule is attached as *Appendix B*.

## **Small Business Analysis**

A small business analysis ("final regulatory flexibility analysis") is attached as *Appendix C*.

# Appendix A



## SUMMARY OF ORAL TESTIMONY

On September 19, 2000 the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) held a public hearing in Madison on the emergency rule relating to imposing restrictions on importing bovine animals, goats or cervids from a state designated by the USDA as a tuberculosis "non-modified accredited" state. On November 28 and 30, 2000 public hearings were held in Madison and Eau Claire respectively, on the permanent rule to impose restrictions on importing bovine animals, goats or cervids from a state designated by the USDA as a tuberculosis "non-modified accredited" state.

A total of seven people attended the emergency rule hearing in Madison. Table 1 summarizes the hearing attendance at the emergency rule hearing. Of the people who testified at the emergency rule hearing the general consensus was to loosen the requirements for importing animals from "non-modified" accredited states. Table 2 summarizes the concerns expressed by the speakers. Table 3 summarizes the attendance at the permanent rule public hearing in Eau Claire. The person who attended this meeting was primarily seeking information and did not speak. No one attended the permanent rule hearing in Madison.

**Table 1 Public Hearing Attendance on the Emergency Rule, ATCP 10**

No	Name	Affiliation	Position	Exhibits
1.	Ed Sandstrom	Equity Livestock Sales	Opposed Parts	None
2.	Greg Beck	Equity Livestock Sales	Opposed Parts	None
3.	Dick Hauser	VP World Beef Expo	Opposed Parts	None
4.	Pat Kilsdonk	Veal Producer	Opposed Parts	None
5.	Bob Breitage	USDA APHIS Veterinarian Service	Neither	None
6.	Cindy Partridge	DATCP	Neither	None
7.	Thomas Kanuer	DATCP	Neither	None

**Table 2 Issues/Concerns About Proposed Emergency Rule, ATCP 10**

No	Comments
1.	Expressed concern over potentially lower prices for Michigan livestock going to slaughter.
2.	Expressed concern over possible black markets developing and assuring TB free status in Wisconsin.
3.	Expressed concern that exhibitors from Michigan will not be able to exhibit at their show this year.
4.	Requested greater flexibility in importing baby bull calves and starter bull calves than allowed by the proposed rule.
5.	Did not speak.
6.	Did not speak.
7.	Did not speak.

**Table 3 Public Hearing Attendance in Eau Claire on the Permanent Rule, ATCP 10**

No	Name	Affiliation	Position	Exhibits
1.	Mary Popple	None	Neither	None

**Table 4 Issues/Concerns About Proposed Emergency Rule, ATCP 10**

No	Comments
1.	Did not speak.

### SUMMARY OF WRITTEN TESTIMONY

Two organizations submitted written testimony on the emergency rule related to importing animals from tuberculosis "non-modified accredited" states. Written testimony was accepted until December 8, 2000.

Western Upper Peninsula Livestock Cooperative  
Alan Slye, Secretary-Treasurer  
Ontonagon, Michigan

This organization requested deleting the language prohibiting commingling of imported animals with other animals. They argued that separating imported animals from other animals creates a hardship and severe inconvenience for cattle feeders purchasing Michigan cattle.

State of Michigan, Department of Agriculture  
Dan Wyant, Director, Michigan Department of Agriculture

Director Wyant cataloged the actions Michigan has taken to control bovine tuberculosis. He asked Wisconsin to adopt the interstate movement requirements adopted by the United States Department of Agriculture without any additional restrictions.

# APPENDIX B

**FISCAL ESTIMATE**

DOA-2048 N(R10/98)

- ORIGINAL       UPDATED  
 CORRECTED       SUPPLEMENTAL

2001 Session

LRB No. and Bill/Adm. Rule No.

ATCP 11

Amendment No. If Applicable

**Subject**

DATCP rule changes to chaps. ATCP 11 relating to imports from non-modified accredited TB states

**Fiscal Effect**

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum certain appropriation

- Increase Existing Appropriation       Increase Existing Revenues  
 Decrease Existing Appropriation       Decrease Existing Revenues  
 Create New Appropriation

- Increase Costs - May be possible to Absorb Within Agency's Budget  Yes  No  
 Decrease Costs

Local:  No Local Government Costs

1.  Increase Costs  
 Permissive       Mandatory  
2.  Decrease Costs  
 Permissive       Mandatory

3.  Increase Revenues  
 Permissive       Mandatory  
4.  Decrease Revenues  
 Permissive       Mandatory

5. Types of Local Governmental Units Affected:  
 Towns       Villages       Cities  
 Counties       Others  
 School Districts       WTCS Districts

**Fund Sources Affected**

- GPR       FED       PRO       PRS       SEG       SEG-S

**Affected Ch. 20 Appropriations**

20.115 (a) (a)

**Assumptions Used in Arriving at Fiscal Estimate**

This rule changes cattle, goat and cervidae import health requirements for non-modified accredited states for tuberculosis. This rule requires a pre-entry import permit. This rule also requires a whole herd negative TB test on the herd of origin within 12 months prior to import into WI. The rule also requires retesting of imported animals at owner's expense after importation. Animals will be quarantined until retesting is completed.

It is estimated that up to 20 alleged illegal import cases may require investigation and resolution annually during the period this rule is in affect. Each case is expected to require 4.5 hours of employee time. Total cost will be approximately \$2,000. This time can be accompdated with existing staff and through reprioritization of work assignments in the field.

0.0000

**Long-Range Fiscal Implications**

Agency/Prepared by: (Name & Phone No.)

Dept of Agriculture, Trade & Consumer Protection

*Robert G. Ehrendorf, DVM*  
 Robert G. Ehrendorf, DVM

Authorized Signature/Telephone No.

*Barbara Knapp*  
 Barbara Knapp (608) 224-4746

Date

Dec. 18, 2000

# APPENDIX C

### Final Regulatory Flexibility Analysis

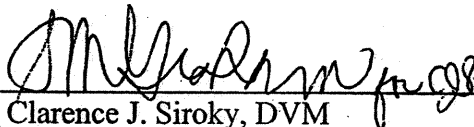
This rule will affect small businesses that import bovine animals, goats or cervids into this state. It requires the operator of those businesses to either refrain from importing bovine animals, goats or cervids from states the United States department of agriculture has designated as tuberculosis non-modified accredited states, or to comply with the standards this rule establishes to assure that the animals that are imported are not infected with bovine tuberculosis.

At the present time, the USDA has only designated one state, Michigan, as non-modified accredited. If the small business operator imports bovine animals, goats or cervids from Michigan, the operator will need to assure that the animal originates from a herd which has tested negative for tuberculosis within the past 12 months (there is an exception if the animal being imported is a veal calf less than 30 days of age) and that the animal has tested negative within the past 60 days (90 days for cervids). This places a burden on the business operator but it does not completely prohibit import of animals from Michigan. The burden of assuring that the animals have been properly tested is minimal compared to the burden that would be experienced by Wisconsin's animal agriculture industry if bovine tuberculosis is introduced to Wisconsin by an animal imported from a non-modified accredited state.

This rule requires persons, including small business operators, who import animals from non-modified accredited states to have the animals retested for tuberculosis after being imported. While these requirements add costs for the importer, the costs that would be incurred if infected animals are imported without these precautions are substantially higher. And, the importer has the ability to avoid these costs entirely by importing animals from other states of origin rather than from a non-modified accredited state.

Dated this 20<sup>th</sup> day of December, 2000.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE AND  
CONSUMER PROTECTION

By   
Clarence J. Siroky, DVM  
Administrator  
Division of Animal Health

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

- 1 The state of Wisconsin department of agriculture, trade and consumer protection  
2 proposes the following order to renumber ATCP 11.51; to amend ATCP 11.02(4)(a)2.  
3 and 11.11(1)(a)3.; and to create ATCP 11.01(80p), 11.11(5), 11.51(2) and 11.55(5);  
4 relating to importing bovine animals, goats or cervids from a state designated by USDA  
5 as a tuberculosis “non-modified accredited” state.
- 

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

Statutory Authority: s. 93.07(1), Stats.

Statutes Interpreted: ss. 93.07(10), 95.20 and 95.25, Stats.

In order to protect animals and the public from bovine tuberculosis, this rule restricts the importation of animals from states that the United States department of agriculture (USDA) has classified as tuberculosis “non-modified accredited.”

**Background**

Bovine tuberculosis (TB) is an infectious disease caused by *Mycobacterium bovis* (*M. bovis*). It is generally described as a chronic debilitating disease of cattle but it may have an acute, rapidly progressive course. It can cause disease in most warm-blooded vertebrates, including humans. If TB becomes established in Wisconsin, it will pose a significant threat to the health of domestic animals and humans in the state.

The Wisconsin department of agriculture, trade and consumer protection (DATCP) administers a TB eradication program in cooperation with USDA. After several decades of intense effort, the disease was nearly eradicated in the United States. But recently, the USDA reclassified Michigan from “accredited-free” to “non-modified accredited” because TB was confirmed in several cattle herds and in several native white-tailed deer.

TB is easily transmitted. Wisconsin imports a substantial number of animals from Michigan, and the last known incident of bovine TB in Wisconsin involved an animal imported from Michigan. For these reasons, DATCP proposes to regulate the import of animals that originate from "non-modified accredited" states.

### **Pre-Import Requirements**

Under this rule, bovine animals, goats and cervids imported to Wisconsin from a tuberculosis "non-modified accredited" state must be accompanied by a certificate of veterinary inspection. The importer must also obtain an import permit from DATCP.

The veterinarian who completes the certificate of veterinary inspection must certify that the animal originates from a herd in which a whole herd TB test has been completed within the last 12 months (there is an exception for veal calves imported solely for feeding prior to slaughter). The veterinarian must certify that the whole herd test included every animal over 12 months of age in the herd, and that all test results were negative.

An imported animal must be individually tested for tuberculosis within 60 days (90 days for a cervid) prior to the import date. The test may be performed as part of a whole herd test if the whole herd test is performed within 60 days (90 days for a cervid) prior to the import date.

### **Post-Import Testing**

An animal imported to Wisconsin from a tuberculosis non-modified accredited state must be tested for tuberculosis not less than 60 days nor more than 90 days after it is imported. This testing requirement does not apply to feeder cattle that are confined to the receiving premises until they are shipped to slaughter. The feeder cattle, when shipped to slaughter, must be accompanied by USDA form VS1-27.

### **Post-Import Confinement**

Animals imported to Wisconsin from a tuberculosis non-modified accredited state may not be removed from the premises at which they are first received in this state, until they test negative for tuberculosis or are shipped to slaughter. However, animals imported solely for a livestock show or exhibition may be returned directly to their state of origin.

### **Exception**

This rule does not apply to animals that are imported directly to a slaughtering establishment for slaughter.



1           **SECTION 1.** ATCP 11.01(80p) is created to read:

2           ATCP 11.01(80p) "Tuberculosis non-modified accredited state" means a state or  
3           area that the federal bureau has classified as a bovine tuberculosis non-modified  
4           accredited state or a state or area in which bovine tuberculosis is present in at least 0.01  
5           percent but not more than 0.1 percent of the total number of herds or cattle and bison in  
6           the state.

7           **SECTION 2.** ATCP 11.02(4)(a)2. is amended to read:

8           ATCP 11.02(4)(a)2. Veal calves or steers originating from a brucellosis-free state  
9           or nation, or a brucellosis class A state, unless official individual identification is required  
10          under s. ATCP 11.11(5)(a)1.d.

11          **SECTION 3.** ATCP 11.11(1)(a)3. is amended to read:

12          ATCP 11.11(1)(a)3. The written import permit number, if a written import permit  
13          is required under sub. (3), or (5) ~~or (6)~~.

14          **SECTION 4.** ATCP 11.11(5) is created to read:

15          ATCP 11.11(5) IMPORTS FROM TUBERCULOSIS NON-MODIFIED ACCREDITED  
16          STATES. (a) *Pre-import requirements.* No person may import to this state any bovine  
17          animal that originates from a tuberculosis non-modified accredited state unless all the  
18          following apply:

19                1. The animal is accompanied by a valid certificate of veterinary inspection that  
20                complies with ss. ATCP 11.02 and 11.11(1). The certificate shall include all the  
21                following information:

- 22                    a. The identification number of the import permit required under subd. 2.  
23                    b. The whole herd tuberculosis test result required under subd. 3.

- 1 c. The individual test result required under subd. 4.
- 2 d. The official individual identification number of the imported animal.
- 3 2. The department issues an import permit under s. ATCP 11.03(2).
- 4 3. The animal originates from a herd that has tested negative on a whole herd
- 5 tuberculosis test, conducted within 12 months prior to the import date, that included
- 6 every animal 12 months of age or older in the herd. An imported veal calf need not
- 7 originate from a tested herd if all the following apply:
  - 8 a. The veal calf is less than 30 days old on the import date.
  - 9 b. The veal calf is imported solely for feeding prior to slaughter.
  - 10 c. The veal calf is confined to the premises at which it is first received in this
  - 11 state, until it is shipped to slaughter. The veal calf, when shipped to slaughter,
  - 12 shall be accompanied by a completed United States department of agriculture
  - 13 form VS1-27.

14 **NOTE:** The United States department of agriculture form VS1-27 is a form  
15 which permits the movement of restricted animals and must be obtained  
16 from a certified veterinarian.  
17

- 18 4. The animal has tested negative on a tuberculosis test conducted within 60 days
- 19 prior to the import date.

20 **NOTE:** U.S. department of agriculture rules for interstate shipment of animals  
21 may specify a different time period for tuberculosis testing prior to  
22 interstate shipment. An importer must comply with USDA rules;  
23 however, compliance with USDA rules does not excuse a violation of  
24 subd. 4.  
25  
26

1 (b) *Post-import testing.* The owner of a bovine animal imported to this state from  
2 a non-modified accredited state shall have the animal tested for tuberculosis not less than  
3 60 days nor more than 90 days after it is imported. This testing requirement does not  
4 apply to feeder cattle imported for feeding prior to slaughter if all the following apply:

5 1. The feeder cattle are confined to the premises at which they are first received  
6 in this state, until they are shipped to slaughter.

7 2. The feeder cattle, when shipped to slaughter, are accompanied by a completed  
8 United States department of agriculture form VS1-27.

9 **NOTE:** The United States department of agriculture form VS1-27 is a form  
10 which permits the movement of restricted animals and must be obtained  
11 from a certified veterinarian.  
12

13 (c) *Post-import confinement.* Bovine animals imported from a non-modified  
14 accredited state may not be removed from the premises at which they are first received in  
15 this state unless one of the following applies:

16 1. The animals test negative for tuberculosis under par. (b).

17 2. The animals are shipped directly from the premises to a slaughtering  
18 establishment for slaughter.

19 3. The animals were imported directly to a show or exhibition in this state, and  
20 are returned directly from that show or exhibition to their state of origin.

21 (d) *Exemption.* This subsection does not apply to animals that are imported  
22 directly to a slaughtering establishment for slaughter.

23 **SECTION 5.** ATCP 11.51 is renumbered ATCP 11.51(1).  
24

1           **SECTION 6.** ATCP 11.51(2) is created to read:

2           ATCP 11.51(2) IMPORTS FROM TUBERCULOSIS NON-MODIFIED ACCREDITED  
3 STATES. (a) *Pre-import requirements.* No person may import to this state any goat that  
4 originates from a tuberculosis non-modified accredited state unless all the following  
5 apply:

6           1. The goat is accompanied by a valid certificate of veterinary inspection that  
7 complies with s. ATCP 11.02. The certificate shall include all the following information:

- 8           a. The identification number of the import permit required under subd. 2.  
9           b. The whole herd tuberculosis test result required under subd. 3.  
10           c. The individual test result required under subd. 4.

11           2. The department issues an import permit under s. ATCP 11.03(2).

12           3. The goat originates from a herd that has tested negative on a whole herd  
13 tuberculosis test conducted within 12 months prior to the import date. The whole herd  
14 test shall include every animal 12 months of age or older in the herd.

15           4. The goat has tested negative on a tuberculosis test conducted within 60 days  
16 prior to the import date.

17           **NOTE:** U.S. department of agriculture rules for interstate shipment of animals  
18 may specify a different time period for tuberculosis testing prior to  
19 interstate shipment. An importer must comply with USDA rules;  
20 however, compliance with USDA rules does not excuse a violation of  
21 subd. 4.  
22

23           (b) *Post-import testing.* The owner of a goat imported from a tuberculosis non-  
24 modified accredited state shall have the goat tested for tuberculosis not less than 60 days  
25 nor more than 90 days after it is imported.

1 (c) *Post-import confinement.* Goats imported from a non-modified accredited  
2 state may not be removed from the premises at which they are first received in this state  
3 unless one of the following applies:

4 1. The goats test negative for tuberculosis under par. (b).

5 2. The goats are shipped directly from the premises to a slaughtering  
6 establishment for slaughter.

7 3. The goats were imported directly to a show or exhibition in this state, and are  
8 returned directly from that show or exhibition to their state of origin.

9 (d) *Exemption.* This subsection does not apply to goats that are imported directly  
10 to a slaughtering establishment for slaughter.

11 **SECTION 6.** ATCP 11.55(5) is created to read:

12 ATCP 11.55(5) IMPORTS FROM TUBERCULOSIS NON-MODIFIED ACCREDITED  
13 STATES. (a) *Pre-import requirements.* No person may import to this state any cervid that  
14 originates from a tuberculosis non-modified accredited state unless all the following  
15 apply:

16 1. The cervid is accompanied by a valid certificate of veterinary inspection that  
17 complies with s. ATCP 11.02. The certificate shall include all the following information:

18 a. The identification number of the import permit required under sub. (4).

19 b. The whole herd tuberculosis test result required under subd. 2.

20 c. The individual test result required under subd. 3.

21 2. The cervid originates from a herd that has tested negative on a whole herd  
22 tuberculosis test conducted within 12 months prior to the import date. The whole herd  
23 test shall include every animal 12 months of age or older in the herd.

1           3. The cervid has tested negative on a tuberculosis test conducted within 90 days  
2 prior to the import date.

3           **NOTE:** U.S. department of agriculture rules for interstate shipment of animals  
4           may specify a different time period for tuberculosis testing prior to  
5           interstate shipment. An importer must comply with USDA rules;  
6           however, compliance with USDA rules does not excuse a violation of  
7           subd. 3.  
8

9           (b) *Post-import testing.* The owner of a cervid imported from a tuberculosis  
10 non-modified accredited state shall have the cervid tested for tuberculosis not less than 90  
11 days nor more than 120 days after it is imported.

12           (c) *Post-import confinement.* Cervids imported from a non-modified accredited  
13 state may not be removed from the premises at which they are first received in this state  
14 unless one of the following applies:

- 15           1. The cervids test negative for tuberculosis under par. (b).
- 16           2. The cervids are shipped directly from the premises to a slaughtering  
17 establishment for slaughter.
- 18           3. The cervids were imported directly to a show or exhibition in this state, and are  
19 returned directly from that show or exhibition to their state of origin.

20           (d) *Exemption.* This subsection does not apply to cervids that are imported  
21 directly to a slaughtering establishment for slaughter.

**EFFECTIVE DATE.** The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided under s. 227.22(2)(intro), Stats.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

**STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE  
AND CONSUMER PROTECTION**

---

Ben Brancel  
Secretary