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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2003-04

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Agriculture...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
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- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (August 2012)

1 (e) A written statement, by a certified veterinarian, that certifies all the
2 following:

3 1. That the veterinarian is the herd veterinarian, having established a valid
4 veterinarian-client relationship with the herd owner and a valid veterinarian-patient
5 relationship with the herd.

6 2. That no farm-raised deer in the herd has shown any clinical signs of chronic
7 wasting disease in the past 12 months.

8 **NOTE:** A person may obtain an application form under sub. (2) by calling (608)
9 224-4872, by visiting Wisconsin's state website at www.wisconsin.gov, or
10 by writing to the following address:

11
12 Wisconsin Department of Agriculture, Trade
13 and Consumer Protection
14 Division of Animal Health
15 P.O. Box 8911
16 Madison, WI 53708-8911
17

18 (3) ACTION ON APPLICATION. The department shall grant or deny an application
19 under sub. (2) within 30 days after the department receives a complete application.

20 Except as provided in sub. (8)(c) or (9), the herd is deemed to be enrolled in the
21 monitoring program under this section on the day that the department accepts the
22 application.

23 (4) CONTINUED ENROLLMENT. A person who enrolls a herd in the monitoring
24 program under this section shall do all the following to continue that enrollment:

25 (a) Identify every farm-raised deer in the herd with official individual
26 identification before the farm-raised deer is one year old.

1 (b) Test for chronic wasting disease every farm-raised deer that dies on the herd
2 premises, or is shipped to slaughter from the herd, if that farm-raised deer is at least 16
3 months old.

4 (c) Notify the herd veterinarian within 24 hours after observing any signs or
5 symptoms of chronic wasting disease in the herd.

6 (d) Complete an annual herd census and file a report of that herd census under
7 sub. (5).

8 (e) Create and maintain complete herd records under sub. (6).

9 (f) Provide the department with an annual written statement from the herd
10 veterinarian. A Wisconsin certified veterinarian shall sign and submit the statement
11 within 30 days before or after the anniversary of the herd's enrollment under sub. (3).

12 The statement shall certify all the following:

13 1. That the veterinarian is the herd veterinarian, having established a valid
14 veterinarian-client relationship with the herd owner and a valid veterinarian-patient
15 relationship with the herd.

16 2. That the herd has not shown any clinical signs of chronic wasting disease in
17 the past 12 months.

18 (5) ANNUAL HERD CENSUS. A person shall complete an annual herd census under
19 sub. (4)(d) within 30 days before or after the anniversary of the herd's enrollment under

20 sub. (3). The person shall file an annual census report under sub. (4)(d), on a form
21 provided by the department, within 10 days after completing the annual herd census.

22 The report shall include all the following:

23 (a) The number, species and sex of farm-raised deer in the herd.

- 1 (b) The number of farm-raised deer at least one year old.
- 2 (c) The number of farm-raised deer less than one year old.
- 3 (d) The official individual identification and any auxiliary identification of each
4 farm-raised deer that is at least one year old.
- 5 (e) The number, species and sex of farm-raised deer added to the herd since the
6 last reported herd census. The report shall indicate whether these new farm-raised deer
7 were born in the herd or added from another source. If farm-raised deer were added from
8 another source, the report shall identify the source from which those farm-raised deer
9 were obtained.
- 10 (f) The number, species and sex of farm-raised deer that have died or left the herd
11 since the last reported herd census. The report shall indicate, for each farm-raised deer
12 that has died or left the herd, all the following:
- 13 1. Whether the farm-raised deer died on the premises, was shipped to slaughter,
14 or was shipped live other than to slaughter.
- 15 2. If the farm-raised deer was shipped live other than to slaughter, the name and
16 address of the person to whom it was shipped and the place to which it was shipped.
- 17 3. If the farm-raised deer died on the herd premises, its age and the disposition of
18 its carcass. If the carcass left the premises, the report shall identify the carcass
19 destination or recipient. If the farm-raised deer was at least 16 months old, the report
20 shall include the result of the chronic wasting disease test required under sub. (4)(b).
- 21 4. If the farm-raised deer was shipped to slaughter, its age and the name and
22 address of the slaughter establishment. If the farm-raised deer was at least 16 months

1 old, the report shall include the result of the chronic wasting disease test required under
2 sub. (4)(b).

3 (6) HERD RECORDS. A person keeping a monitored herd under this section shall
4 keep the following herd records for at least 5 years, and shall make those records
5 available to the department for inspection and copying upon request:

6 (a) A record of each farm-raised deer added to the herd from another source,
7 including:

8 1. The species, age, sex and official individual identification of the farm-raised
9 deer.

10 2. The name and address of the person from whom the farm-raised deer was
11 obtained.

12 3. The address of the herd from which the farm-raised deer was obtained.

13 4. A copy of the certificate of veterinary inspection related to the shipment.

14 (b) A record of each farm-raised deer leaving the herd, including all the
15 following:

16 1. Whether the farm-raised deer died on the premises, was shipped to slaughter,
17 or was shipped live other than to slaughter.

18 2. If the farm-raised deer was shipped live other than to slaughter, the name of
19 the person to whom it was shipped, the place to which it was shipped and a copy of the
20 certificate of veterinary inspection related to the shipment.

21 3. If the farm-raised deer died on the premises, the apparent cause of death, the
22 age of the farm-raised deer, and the disposition of its carcass. If the carcass left the
23 premises, the record shall identify the carcass destination or recipient.

1 4. If the farm-raised deer was shipped to slaughter, its age and the name and
2 address of the slaughter establishment.

3 (c) A record of all chronic wasting disease tests conducted on farm-raised deer in
4 the herd.

5 (d) Records received from the herd veterinarian related to veterinary services
6 provided to the herd.

7
8 (7) **SUSPENDING ENROLLMENT.** (a) The department may, without prior notice or
9 hearing, suspend a herd's enrollment in the herd monitoring program under this section if
10 the herd keeper does any of the following:

11 1. Falsifies any information in an enrollment application, or falsifies any
12 subsequent information required for continued enrollment.

13 2. Fails to comply with requirements under sub. (4) for continued enrollment.

14 3. Violates sub. (8).

15 (b) The state veterinarian or designee may issue a suspension order under par. (a).
16 A person adversely affected by a suspension order may request a hearing before the
17 department, as provided in ch. 227, Stats., and ch. ATCP 1.

18 **NOTE:** If a herd is suspended from enrollment in the herd monitoring program,
19 no live farm-raised deer may be moved from that herd to another herd.
20 See ss. ATCP 10.66(2) and 11.56(1).

21
22 (8) **HERD ADDITIONS.**

23 (a) No person may add a farm-raised deer to a herd monitored under this section
24 unless one of the following applies:

- 1 1. The farm-raised deer originates from another herd in this state that is
2 monitored under this section.
- 3 2. The farm-raised deer is imported in compliance with s. ATCP 11.55, and
4 originates from a herd that is monitored under a state-recognized chronic wasting disease
5 monitoring program that complies with federal uniform methods and rules.
- 6 (b) A person shall notify the department whenever that person adds, to a herd
7 monitored under this section, a farm-raised deer originating from a herd that has been
8 monitored under par. (a) for a shorter period than the receiving herd. The person shall
9 give the notice within 14 days after the person adds the farm-raised deer to the monitored
10 herd. The notice shall identify all of the following:
- 11 1. The official individual identification of the farm-raised deer.
12 2. The date on which the farm-raised deer was added to the herd.
13 3. The keeper and location of the farm-raised deer's herd of origin, and the date
14 on which that herd was accepted into a monitoring program under par. (a).
- 15 (c) If a person adds a farm-raised deer to a herd that is monitored under this
16 section, the entire herd is deemed to be enrolled in the monitoring program under this
17 section beginning on the later of the following dates:
- 18 1. The date specified in sub. (3).
19 2. The date on which the farm-raised deer's herd of origin was enrolled in a
20 monitoring program under par. (a).
- 21 (9) NEW HERD; ENROLLMENT DATE. If a person assembles a new herd consisting
22 solely of farm-raised deer from source herds that are already enrolled in a monitoring
23 program under sub. (8)(a), the new herd is enrolled in the monitoring program under this

1 section on the latest enrollment date assigned to any of those source herds if all the
2 following apply:

3 (a) The herd keeper submits an enrollment application under sub. (2) within 90
4 days after he or she acquires the first farm-raised deer to create the new herd, and the
5 department accepts that enrollment application.

6 (b) The herd keeper complies with this section.

7 (c) The herd keeper includes the following information in the initial herd census
8 report under sub. (2)(d), in addition to the information required under sub. (2)(d):

9 1. The official individual identification of every farm-raised deer in the new herd,
10 including those less than one year old.

11 2. The source herd from which each farm-raised deer in the new herd originated,
12 including the location of the source herd and the name and address of the source herd
13 keeper.

14 3. The date on which each farm-raised deer was added to the new herd.

15 (d) The herd keeper tests, for chronic wasting disease, any farm-raised deer in the
16 new herd that dies or is killed before the herd is accepted into the chronic wasting disease
17 monitoring program under this section. This paragraph does not apply to a farm-raised
18 deer that is less than 16 months old.

19 (e) The herd is not kept at a location where a prior herd was depopulated because
20 of exposure to or infection with chronic wasting disease.

21 SECTION 23. ATCP 10.68 is renumbered ATCP 10.73.

22 SECTION 24. ATCP 10 subchapter VIII (title) is amended to read:

23 SUBCHAPTER VIII – ~~ENFORCEMENT~~ FISH DISEASES

1 **SECTION 25.** ATCP 10.70, 10.705, 10.71 and 10.72 are renumbered ATCP 10.91
2 to 10.94.

3 **SECTION 26.** ATCP 10 subchapter IX (title), inserted immediately prior to s.
4 ATCP 10.81, is created to read:

5 **SUBCHAPTER IX -- OTHER DISEASES**

6 **SECTION 27.** ATCP 10 Subchapter X (title), inserted immediately prior to s.
7 ATCP 10.91, is created to read:

8 **SUBCHAPTER X – ENFORCEMENT**

9 **SECTION 28.** ATCP 11.01(1)(a) and (b) are amended to read:

10 ATCP 11.01(1)(a) The department under s. ATCP 10.17, ~~10.62 or 10.67(1)~~ 10.63
11 or 10.82.

12 (b) The authorized animal health agency of the state in which the herd is located,
13 under standards comparable to s. ATCP 10.17, ~~10.62 or 10.67(1)~~ 10.63 or 10.82.

14 **SECTION 29.** ATCP 11.01(12m)(a) and (b) are amended to read:

15 ATCP 11.01(12m)(a) The department under s. ATCP ~~10.675~~ 10.65.

16 (b) The authorized animal health agency in the state where the herd is located,
17 under standards comparable to s. ATCP ~~10.675~~ 10.65.

18 **SECTION 30.** ATCP 11.01(17m)(a) and (b) are amended to read:

19 ATCP 11.01(17m)(a) The department under s. ATCP ~~10.64~~ 10.84.

20 (b) The authorized animal health agency in the state where the flock is located,
21 under standards comparable to s. ATCP ~~10.64~~ 10.84.

22 **SECTION 31.** ATCP 11.01(18)(a) and (b) are amended to read:

1 ATCP 11.01(18)(a) The department under s. ATCP 10.14, ~~10.61 or 10.675~~ 10.65
2 or 10.81.

3 (b) The authorized animal health agency in the state where the herd is located,
4 under standards comparable to s. ATCP 10.14, ~~or 10.61~~ 10.65 or 10.81.

5 SECTION 32. ATCP 11.01(18r) is created to read:

6 ATCP 11.01(18r) "Chronic wasting disease registration tag" means an eartag,
7 used to identify a cervid, which includes all the following:

8 (a) A premises identification number assigned by the department.

9 (b) A number that uniquely identifies the cervid.

10 SECTION 33. ATCP 11.01(29m), (42), (44) and (45) are amended to read:

11 ATCP 11.01(29m) "Farm-raised deer" has the meaning given in ~~s. 95.001(1)(a)~~ s.
12 95.001(1)(ag), Stats., but does not include cervids kept by an institution accredited by the
13 ~~american~~ American association of zoological parks and aquariums.

14 (42) "Livestock dealer" ~~has the meaning specified~~ means an animal dealer as
15 defined under s. 95.69(1)(c), Stats., and includes any person who leases livestock to
16 others.

17 (44) "Livestock market" ~~has the meaning specified~~ means an animal market as
18 defined under s. ~~95.68(1)(e)~~ 95.68(1)(ag), Stats.

19 (45) "Livestock trucker" ~~has the meaning specified~~ means an animal trucker as
20 defined under s. 95.71(1)(e), Stats.

21 SECTION 34. ATCP 11.01(54)(j) is renumbered ATCP 11.01(54)(i).

22 SECTION 35. ATCP 11.01(54)(j) and (k) are created to read:

23 ATCP 11.01(54)(j) A chronic wasting disease registration tag.

1 (k) A premises tattoo for a farm-raised deer, provided the farm-raised deer also
2 has a unique individual identification number.

3 SECTION 36. ATCP 11.01(70m) is amended to read:

4 ATCP 11.01(70m) "Single cervical tuberculin test" means a test under s. ATCP
5 ~~10.66(4)~~ 10.62(4) that is used to detect tuberculosis in ~~cervidae~~ cervids.

6 SECTION 37. ATCP 11.01(80m)(a) and (b) are amended to read:

7 ATCP 11.01(80m)(a) The department under s. ATCP ~~10.67~~ 10.63.

8 (b) The authorized animal health agency of the state where the herd is located,
9 using standards comparable to those under s. ATCP ~~10.67~~ 10.63.

10 SECTION 38. ATCP 11.01(80r)(a) and (b) are amended to read:

11 ATCP 11.01(80r)(a) The department under s. ATCP ~~10.67~~ 10.63.

12 (b) The authorized animal health agency of the state where the herd is located,
13 using standards comparable to those under s. ATCP ~~10.67~~ 10.63.

14 SECTION 39. ATCP 11.02(4)(f) is amended to read:

15 ATCP 11.02(4)(f) If the certificate pertains to ~~a shipment of~~ farm-raised deer
16 shipped from ~~any location~~ a herd in this state, the herd registration number ~~of the person~~
17 registered under s. ATCP ~~10.652~~ 10.61 ~~who kept those farm-raised deer at that location.~~

18 SECTION 40. ATCP 11.545(1)(a)2. is renumbered ATCP 11.545(1)(a)3.

19 SECTION 41. ATCP 11.545(1)(a)2. is created to read:

20 ATCP 11.545(1)(a)2. A chronic wasting disease registration tag.

21 SECTION 42. ATCP 11.545(1)(b)(intro.) is amended to read:

22 ATCP 11.545(1)(b) *Veterinarian required to identify cervids.* A veterinarian
23 who does any of the following to any cervid shall identify that cervid with an official

1 eartag, a chronic wasting disease registration tag or other official individual identification
2 unless the cervid already bears an official individual identification:

3 SECTION 43. ATCP 11.545(1)(c) is repealed and recreated to read:

4 ATCP 11.545(1)(c) *Keeper of farm-raised deer required to identify farm-raised*
5 *deer.* A person who keeps farm-raised deer in this state shall identify, with an official
6 eartag, a chronic wasting disease registration tag or other official individual
7 identification, each of the following farm-raised deer unless that farm-raised deer already
8 bears an official individual identification:

- 9 1. Each farm-raised deer that the person receives from another person.
- 10 2. Each farm-raised deer that the person ships or delivers to another person.
- 11 3. Each farm-raised deer that the person moves from one farm-raised deer herd to
12 another.
- 13 4. Each farm-raised deer that the person moves between locations that are
14 registered under one registration certificate under s. ATCP 10.61(3)(b).

15 SECTION 44. ATCP 11.545(1)(d) is amended to read:

16 ATCP 11.545(1)(d) *Livestock dealer or livestock market operator required to*
17 *identify farm-raised deer.* 1. Whenever a livestock dealer or livestock market operator
18 receives any farm-raised deer, the livestock dealer or livestock market operator shall
19 immediately identify that farm-raised deer with an official eartag, a chronic wasting
20 disease registration tag or other official individual identification unless the farm-raised
21 deer already bears an official individual identification or is backtagged for slaughter
22 under sub. (2).

1 2. No livestock dealer or livestock market operator may deliver a farm-raised
2 deer to the custody of any other person unless that farm-raised deer bears an official
3 individual identification, or ~~unless that deer~~ is backtagged under sub. (2) and shipped
4 directly to slaughter.

5 SECTION 45. ATCP 11.545(3) is amended to read:

6 ATCP 11.545(3) TUBERCULOSIS REACTOR. Whenever the department classifies a
7 cervid as a tuberculosis reactor, the owner of the cervid shall take the actions required
8 under s. ATCP ~~10.66(7)~~ 10.62(7).

9 SECTION 46. ATCP 11.55(1)(d) to (i) are created to read:

10 ATCP 11.55(1)(d) If the import occurs before January 1, 2004, one of the
11 following statements or a substantially similar statement:

12 1. **“All cervids identified on this certificate originate from a herd whose**
13 **members have all been born in the herd or kept in the herd for at least 12 months.**
14 **No cervids have been added from any outside source, nor has the herd been exposed**
15 **to cervids from any outside source, during the past 12 months. No cervid in the**
16 **herd has been diagnosed with, or shown clinical signs of, chronic wasting disease in**
17 **the last 5 years. There has been no epidemiological evidence of chronic wasting**
18 **disease in the herd during the past 5 years. The herd is being monitored under a**
19 **state-recognized chronic wasting disease monitoring program that complies with**
20 **federal uniform methods and rules. The herd owner keeps complete herd records,**
21 **including records of all deaths and causes of death during the last 5 years, and**
22 **makes these records available to state animal health officials.”**

23
24 2. **“All cervids identified on this certificate originate from a herd monitored**
25 **for the last 5 years under a state-recognized chronic wasting disease monitoring**
26 **program that complies with federal uniform methods and rules.”**

27
28 (e) If the import occurs in 2004, one of the following statements or a substantially
29 similar statement:

30 1. **“All cervids identified on this certificate originate from a herd whose**
31 **members have all been born in the herd or kept in the herd for at least 12 months.**
32 **No cervids have been added from any outside source, nor has the herd been exposed**
33 **to cervids from any outside source, during the past 12 months. No cervid in the**

1 herd has been diagnosed with, or shown clinical signs of, chronic wasting disease in
2 the last 5 years. There has been no epidemiological evidence of chronic wasting
3 disease in the herd during the past 5 years. The herd has been monitored for the
4 last year under a state-recognized chronic wasting disease monitoring program that
5 complies with federal uniform methods and rules. The herd owner keeps complete
6 herd records, including records of all deaths and causes of death during the last 5
7 years, and makes these records available to state animal health officials.”
8

9 2. “All cervids identified on this certificate originate from a herd monitored
10 for the last 5 years under a state-recognized chronic wasting disease monitoring
11 program that complies with federal uniform methods and rules.”
12

13 (f) If the import occurs in 2005, one of the following statements or a substantially
14 similar statement:

15 1. “All cervids identified on this certificate originate from a herd whose
16 members have all been born in the herd or kept in the herd for at least 12 months.
17 No cervids have been added from any outside source, nor has the herd been exposed
18 to cervids from any outside source, during the past 12 months. No cervid in the
19 herd has been diagnosed with, or shown clinical signs of, chronic wasting disease in
20 the last 5 years. There has been no epidemiological evidence of chronic wasting
21 disease in the herd during the past 5 years. The herd has been monitored for the
22 last 2 years under a state-recognized chronic wasting disease monitoring program
23 that complies with federal uniform methods and rules. The herd owner keeps
24 complete herd records, including records of all deaths and causes of death during
25 the last 5 years, and makes these records available to state animal health officials.”
26

27 2. “All cervids identified on this certificate originate from a herd monitored
28 for the last 5 years under a state-recognized chronic wasting disease monitoring
29 program that complies with federal uniform methods and rules.”
30

31 (g) If the import occurs in 2006, one of the following statements or a substantially
32 similar statement:

33 1. “All cervids identified on this certificate originate from a herd whose
34 members have all been born in the herd or kept in the herd for at least 12 months.
35 No cervids have been added from any outside source, nor has the herd been exposed
36 to cervids from any outside source, during the past 12 months. No cervid in the
37 herd has been diagnosed with, or shown clinical signs of, chronic wasting disease in
38 the last 5 years. There has been no epidemiological evidence of chronic wasting
39 disease in the herd during the past 5 years. The herd has been monitored for the
40 last 3 years under a state-recognized chronic wasting disease monitoring program
41 that complies with federal uniform methods and rules. The herd owner keeps

1 complete herd records, including records of all deaths and causes of death during
2 the last 5 years, and makes these records available to state animal health officials.”
3

4 2. “All cervids identified on this certificate originate from a herd monitored
5 for the last 5 years under a state-recognized chronic wasting disease monitoring
6 program that complies with federal uniform methods and rules.”
7

8 (h) If the import occurs in 2007, one of the following statements or a
9 substantially similar statement:

10 1. “All cervids identified on this certificate originate from a herd whose
11 members have all been born in the herd or kept in the herd for at least 12 months.
12 No cervids have been added from any outside source, nor has the herd been exposed
13 to cervids from any outside source, during the past 12 months. No cervid in the
14 herd has been diagnosed with, or shown clinical signs of, chronic wasting disease in
15 the last 5 years. There has been no epidemiological evidence of chronic wasting
16 disease in the herd during the past 5 years. The herd has been monitored for the
17 last 4 years under a state-recognized chronic wasting disease monitoring program
18 that complies with federal uniform methods and rules. The herd owner keeps
19 complete herd records, including records of all deaths and causes of death during
20 the last 5 years, and makes these records available to state animal health officials.”
21

22 2. “All cervids identified on this certificate originate from a herd monitored
23 for the last 5 years under a state-recognized chronic wasting disease monitoring
24 program that complies with federal uniform methods and rules.”
25

26 (i) If the import occurs after December 31, 2007, the following statement or a
27 substantially similar statement:

28 “All cervids identified on this certificate originate from a herd monitored for
29 the last 5 years under a state-recognized chronic wasting disease monitoring
30 program that complies with federal uniform methods and rules.”
31

32 SECTION 47. ATCP 11.55(2)(a)1. is amended to read:

33 ATCP 11.55(2)(a)1. The cervid tests negative on 2 pre-import tuberculosis tests
34 conducted not less than 90 days and not more than 150 days apart. The second test shall
35 be conducted not more than 90 days prior to the import date. The cervid shall be tested
36 using the single cervical tuberculin test unless the department authorizes the use of a
37 different tuberculosis test.

1 SECTION 48. ATCP 11.55(4) is amended to read:

2 ATCP 11.55(4) IMPORT PERMIT REQUIRED. No person may import a cervid into
3 this state without a written import permit under s. ATCP 11.03. The department may not
4 issue a permit until the department receives a certificate of veterinary inspection that
5 complies with sub. (1).

6 SECTION 49. ATCP 11.56(1) is repealed and recreated to read:

7 ATCP 11.56(1) MOVING LIVE FARM-RAISED DEER FROM HERDS IN THIS STATE.

8 Except as provided in sub. (2), no person may move a live farm-raised deer from a herd
9 in this state unless all the following apply:

10 (a) The farm-raised deer is accompanied by a certificate of veterinary inspection.

11 A Wisconsin certified veterinarian shall sign the certificate, and shall certify that he or
12 she is the herd veterinarian for the herd of origin.

13 (b) The certificate of veterinary inspection under par. (a) certifies one of the
14 following:

15 1. The farm-raised deer originates from a herd that qualifies as an accredited
16 tuberculosis free herd under s. ATCP 10.63, based on a whole herd test completed within
17 the preceding 24 months.

18 2. The farm-raised deer originates from a herd that qualifies as a tuberculosis
19 qualified herd under s. ATCP 10.63 , based on a whole herd test completed within the
20 preceding 90 days.

21 3. The farm-raised deer originates from a herd that qualifies as a tuberculosis
22 qualified herd under s. ATCP 10.63, based on a whole herd test completed at least 91
23 days but not more than 365 days before the farm-raised deer is moved from that herd, and

1 the farm-raised deer tests negative on a tuberculosis test conducted within 90 days prior
2 to movement.

3 4. The farm-raised deer is being moved directly to a tuberculosis isolation and
4 testing facility under sub. (4), pursuant to a department permit under s. ATCP 11.60(4).

5 (c) The certificate of veterinary inspection under par. (a) certifies that no farm-
6 raised deer in the herd has shown clinical signs of chronic wasting disease in the last 12
7 months.

8 (d) If the farm-raised deer is moved before January 1, 2004, the herd is currently
9 enrolled in the chronic wasting disease monitoring program under s. ATCP 10.66.

10 (e) If the farm-raised deer is moved in 2004, the herd has been enrolled in the
11 chronic wasting disease monitoring program under s. ATCP 10.66 for at least one year.

12 (f) If the farm-raised deer is moved in 2005, the herd has been enrolled in the
13 chronic wasting disease monitoring program under s. ATCP 10.66 for at least 2 years.

14 (g) If the farm-raised deer is moved in 2006, the herd has been enrolled in the
15 chronic wasting disease monitoring program under s. ATCP 10.66 for at least 3 years.

16 (h) If the farm-raised deer is moved in 2007, the herd has been enrolled in the
17 chronic wasting disease monitoring program under s. ATCP 10.66 for at least 4 years.

18 (i) If the farm-raised deer is moved after December 31, 2007, the herd has been
19 enrolled in the chronic wasting disease monitoring program under s. ATCP 10.66 for at
20 least 5 years.

21 (j) The herd, if located on premises where a prior herd was depopulated because
22 of exposure to or infection with chronic wasting disease, has been enrolled in the chronic
23 wasting disease monitoring program under s. ATCP 10.66 for at least 5 years.

1 **SECTION 50.** Notwithstanding the treatment of ATCP 11.56(2) in Clearinghouse
2 Rule 02-054, ATCP 11.56(2) is repealed and recreated to read:

3 ATCP 11.56(2) **EXEMPTIONS.** Subsection (1) does not apply to any of the
4 following:

5 (a) A farm-raised deer moved directly to slaughter, if all the following apply:

- 6 1. The farm-raised deer is accompanied by a slaughter movement permit (APHIS
7 form VS 1-27, or an equivalent form approved by the department).
8 2. The farm-raised deer, if at least 16 months old, is tested for chronic wasting
9 disease.

10 (b) A farm-raised deer that is moved between institutions that are accredited by
11 the American association of zoological parks and aquariums.

12 **SECTION 51.** ATCP 11.56(2)(note) is created to read:

13 **NOTE:** Section ATCP 10.66(1)(a) requires a herd owner to have a farm-raised
14 deer carcass tested for chronic wasting disease if the farm-raised deer was
15 at least 16 months old and any part of the carcass leaves the herd premises.
16

17 **SECTION 52.** ATCP 11.58(2)(c) is amended to read:

18 ATCP 11.58(2)(c) Holding the live fish or hatching the fish eggs at a fish farm
19 for which a registration certificate is required under s. ATCP ~~10.68(2)~~ 10.73(2).

20 **SECTION 53.** ATCP 11.58(6)(a) is amended to read:

21 ATCP 11.58(6)(a) A person holding a current fish farm registration certificate,
22 under s. ATCP ~~10.68~~ 10.73, which authorizes that person to hold live fish or fish eggs of
23 the type imported.

24 **SECTION 54.** ATCP 11.58(12)(a)4. is amended to read:

1 ATCP 11.58(12)(a)4. The name, address and telephone number of the person
2 receiving the import shipment if that person is not the importer. The importer shall also
3 record the recipient's fish farm registration number under s. ATCP ~~10.68~~ 10.73, stocking
4 permit number under s. 29.736, Stats., or bait dealer license number under s. 29.509,
5 Stats., if any.

6 SECTION 55. ATCP 11.60(2) and (note) are amended to read:

7 ATCP 11.60(2) PARATUBERCULOSIS REACTORS; SALE OR MOVEMENT. No person
8 may sell or move, from a location in this state, an animal determined to be a
9 paratuberculosis reactor under s. ATCP 10.21(9) or ~~10.63(9)~~ 10.83(9) unless a Wisconsin
10 certified veterinarian first identifies that animal under s. ATCP 10.21(11) or s. ATCP
11 ~~10.63(11)~~ 10.83(11).

12 NOTE: ATCP 10.21(11) and ATCP ~~10.63(11)~~ 10.83(11) also require the seller of
13 a paratuberculosis reactor to disclose to the buyer, in writing, that the
14 animal is a paratuberculosis reactor unless the animal is sold directly to
15 slaughter or as a feeder animal.

16 SECTION 56. ATCP 12.01(2m) is created to read:

17 ATCP 12.01(2m) "Chronic wasting disease registration tag" means an eartag,
18 used to identify a cervid, which includes all the following:

19 (a) A premises identification number assigned by the department.

20 (b) A number that uniquely identifies the cervid.

21 SECTION 57. ATCP 12.01(8w) is amended to read:

22 ATCP 12.01(8w) "Farm-raised deer" has the meaning given in s. ~~95.001(1)(a)~~ s.
23 95.001(1)(ag), Stats., but does not include cervids kept by an institution accredited by the
24 American association of zoological parks and aquariums.

25 SECTION 58. ATCP 12.01(14), (16) and (17) are amended to read:

1 (14) "Livestock dealer" ~~has the meaning specified~~ means an animal dealer as
2 defined under s. 95.69(1)(c), Stats., and includes any person who leases livestock to
3 others.

4 (16) "Livestock market" ~~has the meaning specified~~ means an animal market as
5 defined under s. ~~95.68(1)(e)~~ 95.68(1)(ag), Stats.

6 (17) "Livestock trucker" ~~has the meaning specified~~ means an animal trucker as
7 defined under s. 95.71(1)(e), Stats.

8 **SECTION 59.** ATCP 12.01(20)(j) is renumbered ATCP 12.01(20)(l).

9 **SECTION 60.** ATCP 12.01(20)(j) and (k) are created to read:

10 ATCP 12.01(20)(j) A chronic wasting disease registration tag.

11 (k) A premises tattoo for a farm-raised deer, provided the farm-raised deer also
12 has a unique individual identification number.

13 **SECTION 61.** ATCP 12.03(1)(note) is amended to read:

14 **NOTE:** A registration certificate for a keeper of farm-raised deer under s. ATCP
15 ~~10.652~~ 10.61 does not entitle the holder of that certificate to operate as a
16 livestock dealer unless that person is also licensed under this section. A
17 livestock dealer license under this section does not entitle the holder of that
18 license to keep farm-raised deer unless that person is also licensed under
19 this section. A livestock dealer license under this section does not entitle
20 the holder of that license to keep farm-raised deer unless that person also
21 holds a registration certificate under s. ATCP ~~10.652~~ 10.61.

22
23 **SECTION 62.** ATCP 12.05(5)(a)3. is amended to read:

24 ATCP 12.05(5)(a)3. Official individual identification under this paragraph shall
25 consist of an official eartag, a chronic wasting disease registration tag or another form of
26 official individual identification which the department approves in writing.

1 **EFFECTIVE DATE:** This rule shall take effect on the first day of the month
2 following publication in the Wisconsin administrative register, as provided in s.
3 227.22(2)(intro.), Stats.

Dated this ____ day of _____, 2002.

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

James E. Harsdorf
Secretary

FISCAL ESTIMATE

DOA-2048 N(R10/94)

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB and Bill No/Adm. Rule No.

ATCP 10,11

Amendment No. If Applicable

Subject Chronic Wasting Disease - Permanent Rule

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 Village Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

20.115 2(ha) balance to be determined

Assumptions Used in Arriving at Fiscal Estimate

As of January 1, 2003 the Department of Agriculture Trade and Consumer Protection will be responsible for registration and oversight of 985 registered deer farms housing approximately 35,000 deer. All of these deer farms will be affected to different degrees by this rule. This rule establishes a regulatory program aimed at preventing and controlling chronic wasting disease in farm raised cervids. This is accomplished by establishing a herd-monitoring program; mandatory testing of all cervids that die, for any reason, on a farm raised deer premises; increased annual reporting requirements; and movement restrictions for farm raised cervids moving into and within the state of Wisconsin.

These new regulations will be financially burdensome and time consuming for the herd owners, creating an elevated need for all farms to be actively monitored to assure compliance. To adequately accomplish this task and enforce these new regulations the department will incur increased costs for record keeping, data maintenance and staff to adequately conduct surveillance and monitoring of farm raised deer activities. DATCP is requesting 16.5 FTE and 2.0 project FTE staff to manage deer farms. These staff will be responsible for conducting yearly audits on all farms enrolled in the CWD program; conducting semi-annual audits of all farms not enrolled in the program; pursuing violations of DATCP rules and statutes; handling any additional findings of CWD on Wisconsin deer farms; and general program development. The workload is based on the assumption of an occurrence a year involving approximately six farms and requiring depopulation of three of those farms.

Additionally, DATCP will be conducting public and industry outreach and education to disseminate accurate and timely information about what is known regarding CWD, what can be done to prevent the spread and what measures DATCP is taking. The Department will also be providing training for herd owners and veterinarians (department employed and private), on measures that can be taken to prevent the spread of CWD.

DATCP is anticipating that 3 herds per year will need to be condemned by DATCP based on testing results and epidemiological evaluation. DATCP pays an indemnity to the owner that is based on 2/3 of the appraised value up to \$1,500. This cost for three herds is estimated at \$187,500/ year.

Revenue will be generated by additional registration requirements. One premise can have two separate herds registered. However these locations must be inspected by DATCP for a fee of \$150. Additional revenues are estimated at \$45,645. This is based on the following assumptions:

1. White-tailed deer farms will generate \$43,125 annually in registration fees.
2. For a multiple registration on one premise, inspections are estimated to generate \$2,500 annually

Long-Range Fiscal Implications

These costs will be continuing. If there is a major disease outbreak costs will increase significantly based on the need to quarantine, inspect, investigate, and eliminate additional herds.

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

DATCP Melissa Mace 224-4883

Authorized Signature/Telephone No.

Barbara Knapp
Barb Knapp 608-224-4746

Date

11/26/02
11/19/2002

FISCAL ESTIMATE WORKSHEET

2001 Session

Detailed Estimate of Annual Fiscal Effect

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.

Amendment No.

DOA-204 DOA-2047 (R10/94)

ATCP 10, 11

Subject

Chronic Wasting Disease - Permanent Rule

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

The Department will be submitting a 13.10 request for FY03.

II. Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
None		Increased Costs	Decreased Costs
A. State Costs by Category		\$921,600	
State Operations - Salaries and Fringes			
(FTE Position Changes)		(18.5 FTE)	(- FTE)
State Operations - Other Costs		\$590,500	
Local Assistance			
Aids to Individuals and Organizations			
TOTAL State Costs by Category		\$1,512,100	
B. State Costs by Source of Funds		Increased Costs	Decreased Costs
GPR - Balance to be determined			
FED			
PRO/PRS		\$85,000	
SEG/SEG-S			
III. State Revenues		Increased Rev.	Decreased Rev.
GPR Taxes			
GPR Earned			
FED			
PRO/PRS		\$45,600	
SEG/SEG-S			
TOTAL State Revenues		\$45,600	

NET ANNUALIZED FISCAL IMPACT

STATE

LOCAL

NET CHANGE IN COSTS

\$1,512,100

NET CHANGE IN REVENUES

\$45,600

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

DATCP Melissa Mace 224-4883

Authorized Signature/Telephone No.

Barb Knapp 608-224-4746 *Barb Knapp*

Date

11/26/02 11/40/2002

**Wisconsin Department of Agriculture, Trade and Consumer
Protection**

Final Regulatory Flexibility Analysis

Rule Subject: Farm-Raised Deer and Chronic Wasting Disease
Adm. Code Reference: ATCP 10, 11 and 12
Rules Clearinghouse #: 02-078
DATCP Docket #: 99-R-07

Rule Description

This rule affects farm-raised deer keepers. It includes general registration requirements and provisions related specifically to chronic wasting disease. This rule does the following:

- Includes white-tail deer farmers in the registration requirements that already exist for farm-raised deer keepers. This implements the new captive wildlife law (2001 Act 56) which will be effective January 1, 2003.
- Changes requirements for persons keeping 2 or more farm-raised deer herds.
- Increases recordkeeping requirements for farm-raised deer keepers.
- Prohibits farm-raised deer keepers from accepting into his herd, on a permanent or temporary basis, any cervid from a wild herd.
- Imposes import restrictions specifically related to reducing the likelihood that chronic wasting disease will be imported to a farm-raised deer herd.
- Imposes restrictions on movement of farm-raised deer within Wisconsin. Requires participation in CWD herd monitoring program before any live cervid can be moved off farm-raised deer premises in Wisconsin.
- Requires CWD testing of every farm-raised deer over the age of 16 months that dies or is taken to slaughter.

- Requires official identification on all farm-raised deer before the deer or deer carcass leaves the registered premises.
- Requires that a farm-raised deer herd be either an accredited tuberculosis free herd or a tuberculosis qualified herd before any live farm-raised deer is allowed to leave the farm-raised deer premises.

Small Businesses Affected by this Rule

Currently there are approximately 985 persons who are either registered as farm-raised deer keepers or licensed by DNR as game farms. After January 1, 2003, all of these people will be required to register with DATCP as farm-raised deer keepers. Most of these people qualify as a small business and will be affected by this rule.

Effects on Small Business

This rule will have a substantial impact on registered farm-raised deer keepers. It increases costs by requiring the farm-raised deer keeper to have CWD testing done on any cervid over 16 months of age that dies on the registered premises. It also requires CWD testing of any cervid over 16 months of age that is shipped directly to slaughter. All costs of testing are the responsibility of the farm-raised deer keeper. It is not clear how much the testing will cost, but it is estimated it could cost as much as \$100 per test.

If the farm-raised deer keeper plans to move any live animal off the registered premises, the herd will have to be enrolled in the CWD herd monitoring program. The farm-raised deer keeper whose herd is enrolled in the CWD herd monitoring program under this rule will incur additional costs. Every cervid in the herd must be identified with official individual identification before it reaches 1 year of age, or before it leaves the premises whichever occurs first and any carcass that leaves the herd premises must bear official identification. If the herd owner applies the identification herself or himself, it could be done for \$1.00 or less per animal. If a veterinarian is used to apply the identification, the costs could be substantially more. As part of the CWD herd monitoring program, the herd owner will have to maintain more detailed records and file an annual census with the department. Under this rule, the requirement that cervids moving off registered premises must originate from a herd that is enrolled in the CWD monitoring program is effective immediately. The requirement is gradually increased so that effective in 2008, the herd of origin must have been in the herd monitoring program for 5 years prior to movement of animals from the herd.

Under current rules, a farm-raised deer may not be removed from the herd premises unless a certified veterinarian completes a certificate of veterinary inspection and the cervid has tested negative for tuberculosis. This rule prohibits moving any farm-raised deer of the herd premises unless the herd of origin is either an accredited tuberculosis free herd or a tuberculosis qualified herd. If the herd of origin is a tuberculosis qualified herd, the herd or the individual animal must have been tested for tuberculosis within 90 days prior to the movement. To be a tuberculosis qualified herd, the herd must undergo a whole herd tuberculosis test every 12 months. After three successive negative whole herd tests, the herd will qualify to become an accredited tuberculosis free herd. To maintain the accredited tuberculosis free herd status, the herd must undergo a whole herd tuberculosis test once each 24 months. Each tuberculosis test costs approximately \$8 - \$10, and if the deer must be anesthetized that cost would be additional. The increased cost to individual deer farmers depends on the number of deer in the herd. This increased cost will only apply to deer farmers who do not currently have whole herd tuberculosis tests performed and will be moving live deer from the herd.

In addition to the costs to obtain a certificate of veterinary inspection and to complete the tuberculosis tests, many keepers of farm-raised deer will find that efficiency in completing the tuberculosis tests requires the keeper to purchase new animal handling equipment that will permit testing of the deer without anesthetization. The rule does not require installation of animal handling equipment, only completion of the test. We estimate this type of animal handling equipment could cost about \$3000 - 5000.

Under this rule a farm-raised deer keeper may register more than one herd at a location if the fences and facilities are adequate to maintain a "medically significant separation" between the herds. One instance where this would be necessary is if the farm-raised deer keeper maintains a breeding herd that he wants to ship live animals out of, and a hunting herd at the same location. If the keeper ships live animals out of the breeding herd, he or she must either enroll all the animals in both herds in the herd monitoring program, including applying official individual identification to all the animals and maintaining an accurate census, or maintain and register two separate herds. If the keeper maintains two separate herds at one location, he or she will incur the additional registration fee and an inspection fee of \$150 per inspection for a DATCP employee to inspect the premises to assure that the fences and/or facilities are adequate to maintain a "medically significant separation."

Under this rule, cervids may not be imported into Wisconsin unless they originated from a herd that has been under surveillance or monitored for CWD for a period of 5 years. A herd that is under surveillance for CWD is being watched by an accredited veterinarian to determine whether animals in the herd show clinical signs of CWD. A herd that is being monitored for CWD is being watched

for clinical signs of CWD and animals that die are being tested for CWD. In addition, the herd owner identifies each animal, maintains in depth records of each animal and makes those records available to the animal health officials in the state of origin. This rule immediately requires that any cervid being imported originate from a herd that has been under surveillance for 5 years. The rule gradually phases in a change from 5 years of surveillance to 5 years as a monitored herd. This requirement reduces the number of potential sources for a farm-raised deer farmer to purchase animals for addition to the herd. Because the number of sources is reduced, the price of the cervids may increase. It is not possible to determine how much of a price increase might occur.

Steps to Assist Small Business

For purposes of controlling this disease threat, it is essential that cervids be identified with official individual identification and records maintained of their movements. Prior to this rule, official individual identification generally required a veterinarian to insert an official eartag in the ear of the animal. This could become very costly and caused extreme stress for some of the animals. This rule recognizes a new form of official individual identification called a "chronic wasting disease registration tag." The herd owner will register with DATCP and receive a premises ID. The herd owner then is allowed to contact an approved manufacturer to obtain eartags that will include both the premises ID and an individual ID number that the owner will assign to each individual animal. The owner will be able to apply these tags to the cervids and will probably be able to do so at a cost of less than \$1.00 per animal.

The department would like to require that any cervid moving interstate or within Wisconsin originate from a herd that has been participating in a CWD monitoring program for at least 5 years. However, the department recognizes that imposing such a restriction at this time would be onerous. Therefore, the department is phasing in the restriction to allow people to get enrolled in the program and meet shipment requirements as the requirements increase. By 2008, the requirements for 5 years of participation in the herd monitoring program will be fully implemented.

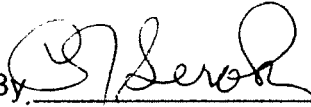
During public hearings on this rule, several deer farmers requested that the department permit a person who is assembling a new herd to assume the CWD herd monitoring history of the herd from which the animals are obtained, thereby allowing the new herd to fulfill the requirement of 5 years participation in the herd monitoring program sooner. This rule allows a new herd to assume the CWD herd monitoring history of the herd of origin. This will allow the owner of the new herd to move live animals from the herd sooner than would otherwise be allowed.

Conclusion

This rule will have a significant impact on farm-raised deer keepers throughout Wisconsin. It may be costly for farm-raised deer keepers to comply with the requirements of the rule. However, the alternative may be the total failure of the industry. If Chronic Wasting Disease becomes established in the farm-raised deer industry in Wisconsin, we will see significant loss of animals due to the disease, a complete closing of markets for live animals from Wisconsin and we may see a significant reduction in the number of hunters willing to pay for a hunt in Wisconsin. In addition, we would likely see a significant call from politicians and the public for the elimination of legal deer farms in the state. The provisions of this rule are designed to minimize the risk that chronic wasting disease will be introduced to Wisconsin deer farms, and if it is discovered in a deer farm, they should help confine and potentially eliminate the disease from the farmed population. Ultimately, if the industry is to survive, these provisions need to be adopted.

Dated this 21 day of November, 2002

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

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