

👉 05hr_CRule_04-103_AC-Ag_pt03



Details:

(FORM UPDATED: 07/12/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Agriculture (AC-Ag)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

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

Rule 04-103 ?

Napralla, Erin

From: Napralla, Erin
Sent: Tuesday, June 14, 2005 4:32 PM
To: Rep.Nerison; Rep.Ainsworth; Rep.Petrowski; Rep.Suder; Rep.WilliamsM; Rep.Loeffelholz; Rep.Towns; Rep.Gronemus; Rep.Vruwink; Rep.Sinicki; Rep.Molepske; Rep.Parisi; Rep.Hines; Ziegelbauer, Bob
Cc: Patronskey, Mark; Loomans, Scott; Redell, Carol; Scott, Katie; Emerson, Anne; Hilgemann, Luke; Junck, Linda; Langan, Casey; Shea, Heather; Cross, William; Anderson, John; Kostelic, Luanne; George, Mary Beth; Christopher, Marc; Whitmore, Lori; Parrott, Douglas; Polzin, Cindy; Smyrski, Rose; Mueller, Virginia (Legislature); Berken, Nathan; Smyrski, Rose
Subject: Memo From Mark Patronskey and David Lovell - Premises Registration Rule Modifications
Attachments: agriculture_memo

Good Afternoon!

Please find attached a memo from Legislative Council - requested by Rep. Ott and Sen. Kapanke - relative to the DATCP modifications to the Premises Registration rule.

Erin Napralla
Research Assistant
Clerk, Assembly Committee on Agriculture
Office of State Representative Al Ott
 608.266.5831
 erin.napralla@legis.state.wi.us



Acr383.pdf (114 KB)

Tracking:

Recipient	Read
Rep.Nerison	
Rep.Ainsworth	
Rep.Petrowski	
Rep.Suder	
Rep.WilliamsM	
Rep.Loeffelholz	
Rep.Towns	
Rep.Gronemus	
Rep.Vruwink	
Rep.Sinicki	
Rep.Molepske	
Rep.Parisi	
Rep.Hines	
Ziegelbauer, Bob	Read: 06/14/2005 5:03 PM
Patronskey, Mark	
Loomans, Scott	
Redell, Carol	
Scott, Katie	



WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director
Laura D. Rose, Deputy Director*

TO: SENATOR DAN KAPANKE AND REPRESENTATIVE ALVIN OTT
FROM: Mark Patronsky, Senior Staff Attorney ^{WMS}; and David L. Lovell, Senior Analyst ^{DL}
RE: Review of Proposed Modifications to the Livestock Premises Registration Rule
DATE: June 14, 2005

This memorandum is in response to your request for a review of the proposed modifications to the livestock premises registration rule (Clearinghouse Rule 04-103). The Assembly Committee on Agriculture requested modifications to the proposed rule on May 12, 2005, without specifying the requested modifications. At your request, the members of the Assembly Committee on Agriculture and the Senate Committee on Agriculture and Insurance submitted a number of comments on the proposed rule, which you forwarded to the Department of Agriculture, Trade, and Consumer Protection (DATCP) for its consideration. Most of the comments from committee members were issues that were raised and discussed at the joint public hearing on the proposed rule.

The DATCP has returned the proposed rule to the committees with several modifications, together with a cover letter commenting on the agency's response to each of the modifications suggested by committee members. You have asked us to provide a brief comment on the DATCP response to each of the suggestions.

Fees

Comment: No fee should be imposed on farmers to support the livestock premises registration program.

DATCP response: DATCP does not have authority to impose a fee and has not done so in the rule.

The DATCP response is correct.

Penalties

Comment: Remove penalties for failing to register.

DATCP response: Penalties are set by statute and cannot be changed or eliminated by rule.

The DATCP statement is correct.

Annual Renewal

Comment: Eliminate requirement for annual registration renewal. Require renewal every other year, or only when species are added or eliminated.

DATCP response: DATCP retains the annual registration in the proposed rule.

The statute does not specify the frequency of registration. This is a policy choice made by DATCP, based on the reasoning in its response.

Federal Animal ID Plan

Comment: Delay rule promulgation until the federal government fully implements the individual animal identification plan.

DATCP response: The legislation specifies an effective date of November 1, 2005.

The DATCP response is correct.

"Fair Animals"

Comment: Remove requirement to register premises that temporarily house a small number of "fair animals."

DATCP response: DATCP retains the applicability of the rule to fairs.

Although DATCP has authority, in s. 95.51 (3m), Stats., to create exemptions to the registration requirement based on the number or type of livestock kept or the type of locations where livestock is kept, DATCP has made the policy choice not to do so.

Terminology

Comment: Change the term "public health" to "human health."

DATCP response: The rule uses the same terminology as the statute.

The DATCP statement is correct, and consistent use of terminology is the preferred drafting practice.

Contract Agent

Comment: Remove provisions that allow a contract agent to register premises on behalf of the department.

DATCP response: The statute gives DATCP authority to contract with an agent to administer the registration program, and DATCP intends to do so.

The statute clearly provides DATCP with authority to contract with an agent to administer the program.

Game Birds

Comment: Clarify the applicability of the rule to “game birds.”

DATCP response: The rule applies to captive game birds and does not require clarification.

No clarification of the rule is necessary.

If we can provide further information on this subject, please feel free to contact us.

MCP:DLL:jal:rv



State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection
Rod Nilsestuen, Secretary

June 10, 2005

The Honorable Al Ott, Chair, Assembly Committee on Agriculture
The Honorable Dan Kapanke, Chair, Senate Committee on Agriculture and Insurance
Wisconsin Legislature
P.O. Box 8952
Madison, Wisconsin 53708

Re: Livestock Premises Registration Rule (*Clearinghouse Rule 04-R-03*)

Dear Representative Ott and Senator Kapanke:

Thank you for forwarding committee member comments on the above rule. The department has carefully considered the committee member comments. Comments and responses are summarized below:

Comment: No fee should be imposed on farmers to support the livestock premises registration program.

Response: DATCP does not have any authority to impose a fee, and has not done so in this rule. Proposed s. ATCP 17.02(1) specifically states that "[t]here is no fee to register" (p. 15, line 5). The livestock premises registration law does not authorize the department to charge a fee. The department will modify the plain language analysis to reiterate that there is no fee requirement, and no plan or authority to charge a fee (we will delete the phrase "the Legislature will determine the funding source and amount" on page 3). The program is currently funded by federal dollars, and the department has applied for a continuation of that funding.

Comment: Remove penalties for failing to register.

Response: This rule does not create any penalties. Penalties are set by statute and cannot be changed or eliminated by rule. Penalties are the same as for other animal health laws. The department cannot impose monetary penalties by administrative action (only a court can do so, when the court is satisfied that the penalty amount is warranted based on the nature and seriousness of the proven violations). The department has a longstanding reputation for sound enforcement discretion and for working cooperatively with the affected industry to achieve voluntary compliance. We intend to apply that philosophy to this program as well.

Agriculture generates \$51.5 billion for Wisconsin

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Comment: Eliminate requirement for annual registration renewal. Require renewal every other year, or only when species are added or eliminated.

Response: Experience in other programs has shown that annual registration is important for maintaining up-to-date premises information that may be critical in the event of a serious disease outbreak. Nearly all department licenses and registrations are annual, and the livestock premises program is designed to dovetail with those annual cycles. Annual registration captures changing ownership and business contact information, as well as changes in livestock species.

The department believes that annual renewal is important, especially in the early years of the program. However, the department will simplify annual renewal by preprinting existing registration information on renewal forms, so that *producers will not have to enter any new information unless prior information has changed*. The department will also offer an online renewal option. There is no fee for initial registration or for annual renewal. The department will reconsider whether annual renewal is still needed after 3 years, when the premises registration database is well established.

Comment: Delay rule promulgation until the federal government fully implements the individual animal identification plan.

Response: 2003 Wis. Act 229 specified an effective date of November 1, 2005, for the livestock premises registration program. The department is therefore obligated to promulgate the rules on or before that date. This rule already includes slightly delayed effective dates, so that livestock premises registration will be synchronized with current annual license cycles (the delayed effective dates will also give time for industry education and voluntary compliance). The department does not believe that further delays are warranted, given the timetable established by the legislation.

Livestock premises registration is a first preliminary step toward an animal identification program (this rule addresses only premises registration, *not* animal identification). The United States Department of Agriculture (USDA) has published a national strategic plan for animal identification. Although that plan proposes to implement individual animal identification by 2009, it calls for *premises registration* by the end of *this year* (2005). The Wisconsin premises registration law and this rule are consistent with the national plan. Delaying the effective date of this rule until 2009 would put Wisconsin out of step with the national plan.

Comment: Remove requirement to register premises that temporarily house a small number of “fair animals.”

Response: Under this rule, a person must register a location at which the person keeps livestock, regardless of the number of livestock or the purpose for which they are kept. Disease outbreaks often originate from premises that keep small numbers of livestock, and the State Veterinarian has noted that fairs and exhibitions are *particularly susceptible* to the transmission of disease. From a disease control standpoint, it is especially important to register fairs and exhibitions, and the source locations from which animals are brought to those events. The Wisconsin Association of County and District Fairs supports the proposed rule as drafted, and the department is reluctant to modify the rule at this time.

Comment: Change the term “public health” to “human health.”

Response: As mentioned by the legislative council attorney during the hearing, the livestock premises registration law (which directs the department to adopt this rule) specifically uses the term “public health.” The department prefers to use the same term in the rule to maintain consistency with the statute and to avoid confusion.

Comment: Remove provisions that allow a contract agent to register premises on behalf of the department.

Response: 2003 Wis. Act 229 specifically authorized the department to contract with an agent to register premises on behalf of the department (see s. 95.51(8), Stats.). Registration information belongs to the department, not the contract agent. This rule contains extensive provisions to ensure the confidentiality of information, and to prohibit conflicts of interest and misuse of information. The department will incorporate those provisions in the agent contract.

The department expects to contract with the Wisconsin Livestock Identification Consortium (WLIC) to act as the state’s agent in registering premises. The WLIC represents a broad consortium of Wisconsin agricultural and livestock groups (see membership attached). The WLIC and its member organizations have a strong interest in ensuring an efficient, well-run registration program that protects the confidentiality of registrants.

The WLIC has played a key role in the development of the livestock premises registration program, and has already registered over 10,000 Wisconsin livestock premises on a voluntary basis (via its online registration software, which it developed with a grant from USDA). WLIC members have a strong interest in keeping costs as low as possible, and WLIC already has a proven operational program in place.

Because WLIC has already completed work on system development, outreach and related materials, it can implement the program in a highly cost-effective manner. It will be substantially cheaper for the department to contract with WLIC, rather than to create its own software systems, materials, outreach networks, staffing and expertise from scratch. DATCP estimates that it could save as much as 35% by using WLIC systems and expertise, rather than by duplicating work that WLIC has already done.

The information collected by the WLIC, as the department's agent, will be the property of the department (not of WLIC). This rule prohibits the WLIC (or any other contract agent) from collecting or using information without specific written authorization from the department. The WLIC must honor confidentiality requirements under this rule, and staff who have access to confidential information must sign individual confidentiality agreements with the department.

Comment: Clarify the applicability of the rule to "game birds."

Response: The rule itself clearly provides that captive game birds are covered. *See* proposed s. ATCP 17.01(23). However, the plain language analysis is not clear on this point. We will modify the plain language analysis to make it clearer.

Other Concerns:

The following concerns, though not included in the written committee member comments, were raised at the committee hearing or by Legislative Council staff:

- ***Application to Amish livestock producers.*** When the Legislature enacted the livestock premises registration law, it gave no exemption to Amish livestock producers. The department does not believe that it is authorized to exempt Amish producers, and is not inclined to do so (Amish livestock are no less susceptible to disease than other livestock).

While Amish producers expressed concerns about registering their premises with the state, it should be noted that Amish dairy farms are already licensed by the department. The department is sensitive to Amish concerns and will, to the maximum extent feasible, work with Amish representatives to implement registration requirements in a manner that is compatible with Amish beliefs. The department will provide outreach and education to the Amish community by meeting with Amish elders and offering personal assistance to complete premises registration applications.

- ***Release of aggregate information by contract agent.*** Legislative Council staff identified an apparent inconsistency between s. 95.51(8), Stats., and proposed s. ATCP 17.03(5). The department will revise the proposed rule provision to eliminate this possible inconsistency.

Honorable Al Ott
Honorable Dan Kapanke
June 9, 2005
Page 5

We hope that these matters have been addressed to your satisfaction. The livestock premises registration program is critical for disease control and for the continued prosperity and competitiveness of Wisconsin's livestock industry. Like you, we want to implement this critical program with a minimum of inconvenience to all concerned.

Sincerely,



Rodney J. Nilsestuen
Secretary

Attachment: List of WLIC Members

cc: DATCP Board

WISCONSIN LIVESTOCK IDENTIFICATION CONSORTIUM (WLIC) BOARD, MEMBERS, EX OFFICIO AND STAFF

Board of Directors

Gary Tauchen
Kevin Jorgensen
Tod Fleming
Mike Bishop
Patrick Fitzgibbons
Deb Reinhart
Jay Mattison
John Freitag
Terry Quam
Linda Hodorff
Gary Sutherland
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Members

Amy Ryan
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Don DeMotts
David Kendall
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Frank Friar
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Tom Everson
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Bob Kleemeier
Ray Cherry
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Jim Bird
Greg Marrs
Travis Choat
Bob Richmond
Yvonne Preder
Dan Catherman
Rebecca Ries
Joel Espe
Joylene Reavis
Jim Holte
Richard Keller
Bill Oemichen
Calvin Larson
Airling Gunderson
James Robson
Don Hamm
Darryl Craig
Clark Vilter
Brian Bolan
David Guif

Dairy Business Association
East Central/Select Sires
Equity Cooperative Livestock Sales Association
MB Genetics
Peck Meat Packing
Professional Dairy Producers of Wisconsin
ReQuest, Ltd
Wisconsin Beef Council
Wisconsin Cattlemen's Association
Wisconsin Holstein Association
Wisconsin Independent Livestock Dealers
Wisconsin Pork Association

ABS Global
Accelerated Genetics
Allflex USA
Alta Genetics
Alto Dairy Cooperative
American Milking Shorthorn Association
Animart
Badgerland Farm Credit Services
Brown Swiss Cattle Breeders Association
California DHIA
Cooperative Resources International/Ag Source
Dairy Farmers of America
DairyLea Cooperative
Digital Angel
Family Dairies USA
FoodOrigins
FCS Financial Services
Foremost Farms USA Cooperative
Global Animal Management
Grande Cheese Company
Holstein Association USA
IDology
Land O'Lakes
Leon Valley Veterinary Service, LLC
M & I Marshall & Ilsley Bank
Manitowoc Milk Producers Cooperative
Milwaukee Cooperative Milk Producers
National Dairy Herd Improvement Association
Packerland Packing Company
Research Management Systems
Semex USA, Inc.
Veal Quality Assurance Program
Wisconsin Bison Producers Association
Wisconsin Commercial Deer & Elk Farmers Association
Wisconsin Emu Association
Wisconsin Farm Bureau Federation
Wisconsin Farmers Union
Wisconsin Federation of Cooperatives
Wisconsin Horse Council
Wisconsin International Poultry Club
Wisconsin Milk Marketing Board
Wisconsin National Farmers Organization
Wisconsin Polled Hereford Association
Wisconsin Purebred Dairy Cattle Association
Wisconsin State Fair Park
Wisconsin Veal Growers Association

- More on Back -

WISCONSIN LIVESTOCK IDENTIFICATION CONSORTIUM (WLIC) BOARD, MEMBERS, EX OFFICIO AND STAFF

Ex Officio

Dr. Linn Wilbur, Dr. John Wiemers, Tom Dressel, Neil Hammerschmidt	USDA, APHIS, VS
Dr. Bob Ehlenfeldt, Sue Buroker, Dr. Paul McGraw	Wisconsin Department of Agriculture, Trade and Consumer Protection University of Wisconsin (UW) College of Agricultural and Life Sciences
Dr. Rick Klemme	UW Extension, Animal Sciences
Dr. Jeff Lehmkuhler	UW Extension, Discovery Farms
Dennis Frame	Wisconsin Veterinary Diagnostic Laboratory
Dr. Robert Shull	

Staff

Robert Fourdraine	Chief Operating Officer
Leanne Ketterhagen	Manager of Communications and Marketing
Melody Feller	Administrative Assistant

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WISCONSIN LIVESTOCK IDENTIFICATION CONSORTIUM
FEBRUARY, 2004

Napralla, Erin

From: Napralla, Erin
Sent: Friday, June 10, 2005 3:05 PM
To: Rep.Nerison; Rep.Ainsworth; Rep.Petrowski; Rep.Suder; Rep.WilliamsM; Rep.Loeffelholz; Rep.Towns; Rep.Gronemus; Rep.Vruwink; Rep.Sinicki; Rep.Molepske; Rep.Parisi; Rep.Hines; Ziegelbauer, Bob
Cc: Patronsky, Mark; Loomans, Scott; Redell, Carol; Scott, Katie; Emerson, Anne; Hilgemann, Luke; Junck, Linda; Langan, Casey; Shea, Heather; Cross, William; Anderson, John; Kostelic, Luanne; George, Mary Beth; Christopher, Marc; Whitmore, Lori; Parrott, Douglas; Polzin, Cindy; Smyrski, Rose; Mueller, Virginia (Legislature); Berken, Nathan; Smyrski, Rose
Subject: Livestock Premises Registration Rule (Clearinghouse Rule 04-R-03)
Importance: High
Attachments: Ott and Kapanke letter 6-10-05.doc; Attachment 6-07-05 letter.pdf; ATCP 17 Final Draft (6-09-05).doc

Please find attached DATCP's response to the Assembly Committee on Agriculture request for modifications to Clearinghouse Rule 04-103.

The Department has made modifications to the rule (highlighted in grey in the rule language). The attached letter responds to the concerns raised by committee members and summarizes the changes made.

Committee jurisdiction on the rule ends at 5:00 p.m. on Friday, June 24th.

Feel free to contact me with any questions.

Erin Napralla
Research Assistant
Clerk, Assembly Committee on Agriculture
Office of State Representative Al Ott
608.266.5831
erin.napralla@legis.state.wi.us

From: Nilsestuen, Rod J DATCP
Sent: Friday, June 10, 2005 1:46 PM
To: Rep.Ott; Sen.Kapanke
Subject: Livestock Premises Registration Rule (Clearinghouse Rule 04-R-03)



Ott and Kapanke
letter 6-10-05...



Attachment
5-07-05 letter.pdf ...



ATCP 17 Final Draft
(6-09-05)....

Tracking:

Recipient

Rep.Nerison
Rep.Ainsworth
Rep.Petrowski
Rep.Suder
Rep.WilliamsM

Read

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

The state of Wisconsin department of agriculture, trade and consumer protection proposes the following order to amend ATCP 10.61(1)(a), 10.73(4)(a), 11.32(3)(intro.), 12.02(1), 12.03(3), 12.04(1), 55.03(1) and 60.02(1); and to create ATCP 10.61(5)(f), 10.73(7)(hm), 11.32(3)(dm), 12.02(3)(fm), 12.03(4)(dm), 12.04(3)(dm), ch. ATCP 17, 55.03(3)(dm) and 60.02(2)(am); relating to livestock premises registration.

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

This rule implements the livestock premises registration program created by 2003 Wis. Act 229. This program is intended to protect animal health and the security of the food chain. Among other things, premises registration will facilitate more rapid response to animal disease emergencies.

Under this rule, persons who keep livestock in this state must register annually with the Department of Agriculture, Trade and Consumer Protection ("DATCP"). DATCP will assign a unique premises registration number, generated by the United States Department of Agriculture ("USDA"), to each registered premises. **Registration information is confidential, and there is no fee to register.** Registration complies with standards contained in the National Animal Identification System ("national plan").

Statutory Authority

Statutory Authority: ss. 93.07(1), 93.07(10), 95.51(3m) and (7), 95.55(6), 95.68(8), 95.69(8), 95.71(8), 95.72(5), 97.22(8) and 97.42(4), Stats.

Statutes Interpreted: ss. 93.07(10), 95.51, 95.55, 95.60, 95.68, 95.69, 95.71, 95.72, 97.22 and 97.42, Stats.

DATCP has broad general authority under s. 93.07(1), Stats., to make and enforce rules to implement laws under its jurisdiction. Section 95.51, Stats., creates a livestock premises registration program and directs DATCP to implement the program. The following statutes specifically authorize DATCP to adopt rules related to the following subjects:

- Section 93.07(10), Stats. (animal health).
- Section 95.51(3m) and (7), Stats. (livestock premises registration program).
- Section 95.55(6), Stats. (deer farms).
- Section 95.68(8), Stats. (animal markets).
- Section 95.69(8), Stats. (animal dealers).
- Section 95.71(8), Stats. (animal truckers).
- Section 95.72(5), Stats. (rendering plants and other entities that collect and process livestock carcasses).
- Section 97.22(8), Stats. (dairy farms).
- Section 97.42(4), Stats. (slaughter establishments).

Background

Wisconsin is the first state in the nation to mandate a livestock premises registration program. The Wisconsin program is part of a national effort to create a comprehensive livestock identification system. The national plan spells out the goals and standards for all states to follow.

The national plan was developed under the auspices of USDA and the United States Animal Health Association, in cooperation with the livestock industry. It calls for a system that can identify all animals and premises exposed to a foreign animal disease (such as foot and mouth disease) within 48 hours after the disease is discovered. This rapid response capability will be critically important in the event of a major animal disease emergency.

This rule addresses livestock *premises* registration, not *animal* identification. But premises registration is a necessary first step toward a comprehensive livestock identification system. By itself, premises registration will also facilitate more effective disease control and emergency response. Under the national plan, each state is responsible for establishing an effective premises registration program that meets national standards.

Program Administration

The Wisconsin Livestock Identification Consortium (“WLIC”), which represents a broad spectrum of the livestock industry groups, has led the nation in developing a premises registration system that meets national standards. Recently, USDA picked the WLIC system as the prototype for a national premises registration system. DATCP will likely contract with WLIC to administer the livestock registration program on behalf of DATCP. This rule spells out contract standards, including confidentiality requirements.

DATCP has no authority to impose a fee for premises registration, and there is no fee requirement in this proposed rule. DATCP has received \$2,000,000 in federal funding for FY 2005 and has applied for a continuation of that funding. However, if future federal funding cannot be obtained, DATCP will return to the Legislature to seek funding with state tax dollars.

DATCP estimates that the program will affect at least 60,000 livestock premises in Wisconsin and will cost approximately \$918,000 each year. DATCP will work with the livestock industry and others to promote voluntary compliance but may also take enforcement action against persons who knowingly refuse to comply. Penalties are set by statute and are equivalent to those under other animal health and food safety laws.

Rule Content

This rule implements Wisconsin's Livestock Premises Registration Law (2003 Wis. Act 229), which takes effect on November 1, 2005. The rule includes the following key provisions:

Annual Registration Required

A person may not keep "livestock" in this state unless the livestock premises are annually registered with DATCP. "Livestock" includes cattle, swine, poultry, sheep, goats, horses, farm-raised deer, bison, camelids (such as llamas), ratites (such as ostriches and emus), captive games birds (such as pheasants and quail), and fish.

If 2 or more persons have a role in keeping livestock at the same location (for example, if one person owns the livestock, another tends them, and a 3rd owns the land), any one of those persons may register that location (the others need not register). Registration does not create any "ownership" rights that do not otherwise exist. It merely identifies a location in this state at which livestock are kept. DATCP assigns a unique premises code that continues with that location, even if the registrant changes (some exceptions apply).

Operators of livestock facilities currently licensed by DATCP (dairy farms, deer farms, fish farms, animal markets, animal dealer premises, animal trucker premises, slaughter establishments, equine quarantine facilities and rendering establishments) must register the facilities licensed to them and may not let others register those premises for them. Generally, license holders will be able to register as part of their annual license renewal.

Effective Dates

The registration requirement under this rule will take effect on January 1, 2006, except that for livestock facilities currently licensed by DATCP, the registration requirement will take effect on the first day of the first full license year beginning after January 1, 2006. For example, the registration requirement first applies to dairy farms on May 1, 2006, because dairy farm licenses expire on April 30 of each year.

An annual registration *expires* on December 31 or, in the case of livestock premises currently licensed by DATCP, on the annual license expiration date.

How to Register

There is no fee to register livestock premises. A person may register on-line or in writing on forms prescribed by DATCP. Forms will be readily available from DATCP and its contract agent. DATCP will send annual renewal forms to registrants to make renewal as easy as possible. Renewals, like initial registrations, may be transacted on-line.

Each registrant must provide the following information:

- Registrant's legal name, trade names if any, mailing address, and phone number.
- Primary premises location and up to 3 secondary locations included in the registered premises.
- Name and phone number of a contact person with knowledge of livestock movements to and from all locations comprising the premises.
- Type(s) of livestock operation.
- Type(s) of livestock kept.

DATCP or its agent will issue a written or electronic premises registration certificate to each registrant, depending on the form of registration. The registration certificate will include a unique premises registration code generated by USDA (the premises code is assigned to the primary premises location). If the registrant is also licensed by DATCP (dairy farms, deer farms, livestock markets, etc.), the premises code will be included with the registrant's license.

Confidentiality

Premises registration information required under this rule is confidential. However, the premises code itself is not confidential. Neither DATCP nor its contract agent may disclose confidential registration information to any other person or agency (except USDA). DATCP may disclose confidential registration information if necessary to prevent or control disease, or to protect public health, safety or welfare (as provided in the livestock premises registration law). DATCP may also disclose information with the registrant's permission.

This confidentiality does not apply to information that is required (and open to public inspection) under other laws. For example, information that was required of license holders and was open to public inspection prior to the effective date of the livestock premises registration law remains open to public inspection. But premises registration information required for the first time under the livestock premises registration law, or under this rule, must be kept confidential.

DATCP may create aggregate information (such as maps and statistics) from registration information, but may not disclose that information if it would reveal (or make it possible to deduce with certainty) the address or identity of any registrant.

Contract Agent

DATCP may contract with an agent (presumably WLIC) to process registrations, manage registration information, and perform other functions on behalf of DATCP. The registration process must be conducted under the name of DATCP, not the contract agent. DATCP must approve the registration process and forms.

The contract agent may not do any of the following without DATCP approval:

- Change the registration process or forms, or charge any registration fee.
- Use or disclose any information that it acquires as DATCP's agent.
- Purport to collect information as DATCP's agent.
- Ask a registrant for permission to use or release confidential registration information.

A contract agent must specifically identify to DATCP the individuals who will handle confidential information. Each of those individuals must sign a confidentiality agreement with DATCP. Neither the contract agent, nor any individual affiliated with the contract agent, may disclose confidential information or use it for financial advantage.

A contract agent must comply with applicable state standards related to the storage, handling and disposition of state records. If a contract is terminated, the contract agent must return all registration records to DATCP. DATCP may terminate a contract at any time.

Receiving Livestock from Unregistered Premises

This rule prohibits the receipt of livestock from unregistered premises for purposes of sale, exhibition or slaughter. But this prohibition does not apply unless USDA or surrounding states impose an equivalent prohibition in all of the surrounding states.

Changes to Existing Rules

This rule modifies current DATCP rules related to the licensing of dairy farms, deer farms, fish farms, animal markets, animal dealer premises, animal trucker premises, slaughter establishments, equine quarantine facilities and rendering establishments by incorporating by reference the new livestock premises registration requirements under this rule.

Fiscal Impact

The livestock premises registration program will have no fiscal impact on local government, but it will have a significant fiscal impact on DATCP. DATCP expects to incur one-time costs of \$42,000 and annual costs of \$918,600 to implement the program

(see fiscal estimate attached). DATCP has received federal funding to cover these costs in FY 2005. However, future federal funding is not assured.

If federal funding is not forthcoming, state funding will be needed. As required by 2003 Wisconsin Act 229, DATCP will submit a biennial budget request for state appropriations (tax dollars or fee revenues) to fund the program through the FY 2005-07 biennium. The Legislature will determine the funding source and amount. This rule does not create any registration fees.

Business Impact

This rule implements the livestock premises registration program mandated by the Legislature in 2003 Wisconsin Act 229. This rule will affect an estimated 60,000 Wisconsin businesses, including the following (many of these businesses are “small businesses”):

- Livestock producers, including dairy, beef, swine, poultry, farm-raised deer, sheep, goat, fish and other livestock producers.
- Horse owners and stable operators.
- Livestock markets, dealers and truckers.
- Slaughter establishments.
- Rendering and dead animal processing establishments.
- Operators of livestock exhibitions.
- Veterinary clinics.

Affected businesses must register their premises annually with DATCP. There is no fee. Businesses can register on-line or in writing. Some businesses currently licensed by DATCP, including deer farms, fish farms, animal markets, animal dealers, animal truckers, slaughter establishments, equine quarantine facilities and rendering establishments, can comply by completing a form as part of the business’s regular annual license renewal. DATCP will facilitate annual renewals by sending automatic renewal notices to all registrants.

This rule does not create any new record-keeping or reporting requirements, other than the basic annual registration requirement. It does not require businesses to hire any new professional services. This rule establishes a delayed registration deadline of January 1, 2006, so that affected business will have time to understand and comply with the new registration requirement. For persons currently licensed by DATCP, the registration deadline is further delayed to coincide with the start of an annual licensing period.

DATCP and its contract agent will work with the livestock industry to implement the new program, which will have important benefits for the industry. DATCP will make it easy to register and renew. DATCP will send automatic renewal forms to registrants, so that registrants need only update pre-printed information as necessary. DATCP will provide information and education related to the registration process.

This rule will not have a significant adverse economic impact on small business. Therefore, it is not subject to the delayed small business effective date provision in s. 227.22(2)(e), Stats. A small business analysis (“final regulatory flexibility analysis”) is attached.

Under 2003 Wis. Act 145, DATCP and other agencies must adopt rules spelling out their rule enforcement policy for small businesses. DATCP has not incorporated a small business enforcement policy in this rule, but it will propose a separate rule on that subject. DATCP will, to the maximum extent feasible, seek voluntary compliance with this rule.

Federal Regulation

There is, as yet, no federal law mandating livestock premises registration at the state level. However, USDA plans to implement a comprehensive livestock identification program that includes state registration of livestock premises. USDA and the United States Animal Health Association have developed a national plan in cooperation with the livestock industry.

Under 2003 Wis. Act 229, Wisconsin rules must be consistent with the national plan. This rule is consistent with the current national plan and will be modified as necessary as the national plan evolves. USDA has funded the development of Wisconsin’s premises registration system and may fund its implementation.

Surrounding State Programs

As of January 1, 2005, Michigan requires livestock premises registration and individual identification of all cattle. The other surrounding states (Illinois, Minnesota or Iowa) have not yet enacted a livestock premises registration program.

Agency Contact for Submitting Comments

Questions and comments related to this rule may be sent to the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911
Telephone: (608) 224-4883

1 **SECTION 1.** ATCP 10.61(1)(a) is amended to read:

2 ATCP 10.61(1)(a) Except as provided in par. (b), no person may keep farm-
3 raised deer unless that person holds a current annual registration certificate issued by the
4 department under this section. A registration certificate is not transferable between
5 persons or locations. Each registration certificate shall bear a livestock premises code
6 issued under s. ATCP 17.02(7).

7 **SECTION 2.** ATCP 10.61(5)(f) is created to read:

8 ATCP 10.61(5)(f) Additional information, if any, required under s. ATCP
9 17.02(4) for purposes of livestock premises registration.

10 **SECTION 3.** ATCP 10.73(4)(a) is amended to read:

11 ATCP 10.73(4)(a) Except as provided in par. (b), a person required to hold a fish
12 farm registration certificate under sub. (2) may hold either a type 1 or type 2 registration
13 certificate. Each registration certificate shall bear a livestock premises code issued under
14 s. ATCP 17.02(7).

15 **SECTION 4.** ATCP 10.73(7)(hm) is created to read:

16 ATCP 10.73(7)(hm) Additional information, if any, required under s. ATCP
17 17.02(4) for purposes of livestock premises registration.

18 **SECTION 5.** ATCP 11.32(3)(intro.) is amended to read:

19 ATCP 11.32(3)(intro.) APPROVED EQUINE QUARANTINE STATION; PERMIT. No
20 person may operate an approved equine quarantine station without an annual permit from
21 the department. Each permit shall bear a livestock premises code issued under s. ATCP
22 17.02(7). A permit expires on June 30 of each year. Application for a permit shall be

1 made on a form prescribed by the department. The department shall grant or deny a
2 permit application within 90 days after it receives a complete application. Every
3 application shall include:

4 **SECTION 6.** ATCP 11.32(3)(dm) is created to read:

5 ATCP 11.32(3)(dm) Additional information, if any, required under s. ATCP
6 17.02(4) for purposes of livestock premises registration.

7 **SECTION 7.** ATCP 12.02(1) is amended to read:

8 ATCP 12.02(1) LICENSE REQUIRED. No person may operate an animal market
9 without an annual license from the department. A separate license is required for each
10 animal market. The license shall bear a livestock premises code issued to the license
11 holder under s. ATCP 17.02(7). An annual license expires on June 30 of each year. A
12 license is not transferable between persons or livestock markets.

13 **SECTION 8.** ATCP 12.02(3)(fm) is created to read:

14 ATCP 12.02(3)(fm) Additional information, if any, required under s. ATCP
15 17.02(4) for purposes of livestock premises registration.

16 **SECTION 9.** ATCP 12.03(3) is amended to read:

17 ATCP 12.03(3) ~~LICENSE TERM PROVISIONS.~~ An annual license under sub. (1)
18 expires on June 30 and is not transferable. If the animal dealer keeps livestock at animal
19 dealer premises, the license shall bear a livestock premises code issued to the animal
20 dealer under s. ATCP 17.02(7).

21 **SECTION 10.** ATCP 12.03(4)(dm) is created to read:

22 ATCP 12.03(4)(dm) Additional information, if any, required under s. ATCP
23 17.02(4) for purposes of livestock premises registration.

1 **SECTION 11.** ATCP 12.04(1) is amended to read:

2 ATCP 12.04(1) LICENSE REQUIRED. Except as provided in sub. (2), no person
3 may transport livestock or wild animals for hire without an annual animal trucker license
4 from the department. An animal market operator or animal dealer shall also hold a
5 license under this section if that animal market operator or animal dealer transports
6 livestock or wild animals for hire. If the animal trucker keeps livestock on premises
7 owned or controlled by the animal trucker, the license shall bear a livestock premises
8 code issued to the animal trucker under s. ATCP 17.02(7). An annual license under this
9 section expires on June 30 and is not transferable.

10 **SECTION 12.** ATCP 12.04(3)(dm) is created to read:

11 ATCP 12.04(3)(dm) Additional information, if any, required under s. ATCP
12 17.02(4) for purposes of livestock premises registration.

13 **SECTION 13.** Chapter ATCP 17 is created to read:

14 **Chapter ATCP 17**

15 **LIVESTOCK PREMISES REGISTRATION**

16 **NOTE:** This chapter is adopted under authority of ss. 93.07(1), 93.07(10),
17 95.51(3m) and (7), 95.55(6), 95.68(8), 95.69(8), 95.71(8), 95.72(5),
18 97.22(8) and 97.42(4), Stats. This rule interprets ss. 93.07(10), 95.51,
19 95.55, 95.60, 95.68, 95.69, 95.71, 95.72, 97.22 and 97.42, Stats. A person
20 who violates this chapter is subject to applicable penalties and remedies
21 provided in s. 93.06(7) and (8), 95.99, 97.72 and 97.73, Stats. According
22 to s. 95.36(10), Stats., a violator may also be disqualified from receiving
23 livestock indemnities for which that person might otherwise be eligible
24 under ch. 95, Stats., if the department condemns livestock for disease
25 control purposes.
26

27 **ATCP 17.01 Definitions.** In this chapter:

28 **(1)** “Address” means one of the following:

29 **(a)** A street address.
30

1 (b) Township, range and section numbers, if the location has no street address.

2 (c) Global positioning system coordinates, if the location has no street address
3 and no township, range and section numbers.

4 (2) “Animal dealer” means a person who is required to be licensed under s.
5 ATCP 12.03.

6 (3) “Animal dealer premises” means any real estate, owned or controlled by an
7 animal dealer, at which the dealer keeps, exhibits or receives livestock or wild animals, or
8 from which the animal dealer ships livestock or wild animals.

9 (4) “Animal market” means any premises that are open to the public for the
10 purpose of buying or selling livestock or wild animals, and that have facilities to keep,
11 feed and water livestock or wild animals prior to sale.

12 (5) “Animal market operator” means a person who is required to be licensed
13 under s. ATCP 12.02(1).

14 (6) “Animal trucker” means a person who is required to be licensed under s.
15 ATCP 12.04(1).

16 (7) “Animal trucker premises” means any real estate, owned or controlled by an
17 animal trucker, at which the animal trucker collects or holds livestock for transportation.

18 (8) “Bovine animal” means cattle or American bison of any age or sex.

19 (9) “Captive game birds” means birds of a normally wild type, such as
20 pheasants, quail, wild turkeys, migratory wildfowl, pigeons, and exotic birds, that are
21 raised in captivity. “Captive game birds” does not include poultry or ratites.

22 (10) “Cervid” means a member of the family of animals that includes deer, elk,
23 moose, caribou, reindeer and the subfamily musk deer.

1 (11) “Clinic” means a place where livestock are kept primarily for purposes of
2 health care or rehabilitation.

3 (12) “Confidential information” means information that the department is
4 required, under s. 95.51, Stats., and this chapter, to keep confidential.

5 (13) “Contiguous” means adjacent, or separated only by a transportation corridor,
6 stream or like feature.

7 (14) “Contract agent” means a person who acts on behalf of the department,
8 pursuant to a written contract with the department.

9 **NOTE:** The department may contract with an agent to process registrations under
10 this chapter, and to manage registration information on behalf of the
11 department. The contract agent must comply with this chapter and the
12 agent’s contract with the department. The contract must include
13 provisions specified in this chapter, including provisions related to
14 confidentiality of information collected under this chapter. *See* ss. ATCP
15 17.03 and 17.04.

16
17 (15) “Dairy farm” means a dairy farm as defined under s. 97.22(1)(a), Stats.,
18 operated by a milk producer.

19 (16) “Deer farm” means real estate on which a person, who is required to register
20 under s. ATCP 10.61, keeps farm-raised deer.

21 (17) “Department” means the Wisconsin department of agriculture, trade and
22 consumer protection.

23 **NOTE:** The department’s contract agent may act on behalf of the department, to
24 the extent authorized under this chapter and the agent contract. *See* s.
25 ATCP 17.04.

26
27 (18) “Description” of a location means an address or other information that
28 identifies that location.

29 (19) “Farm-raised deer” means a captive cervid.

1 **(20)** “Fish farm” means a facility, at which a person hatches fish eggs or keeps
2 live fish, which is required to be registered under s. ATCP 10.73(2).

3 **(21)** “Individual” means a human being.

4 **(22)** “Keep livestock” means to own, feed, house, confine or care for livestock, or
5 to exercise legal or physical control over livestock. “Keep livestock” does not include
6 the quarantine or confinement of livestock by the department or by the United States
7 department of agriculture.

8 **NOTE:** At any given time, several persons may be “keeping” the same livestock.
9 For example, livestock owned by *Person A* might be fed and cared for by
10 *Person B* on property owned and maintained by *Person C*.

11 **(23)** “Livestock” means bovine animals, equine animals, goats, poultry, sheep,
12
13 swine other than wild hogs, farm-raised deer, captive game birds, camelids, ratites and
14 fish.

15 **(24)** “Livestock exhibition” means a state, county or district fair, or a recurring
16 event at which livestock from different premises are exhibited to the public at a common
17 location.

18 **(25)** “Location” means a parcel of real estate in this state, or a group of 2 or more
19 contiguous parcels of real estate in this state, on which livestock are kept.

20 **(26)** “Milk producer” has the meaning given in s. 97.22(1)(f), Stats.

21 **(27)** “Person” means an individual, corporation, partnership, cooperative, limited
22 liability company, trust or other legal entity.

23 **(28)** “Poultry” means domesticated fowl commonly used for human food,
24 including domesticated chickens, turkeys, geese, ducks, guinea fowl and squab.
25
26 “Poultry” does not include ratites or captive game birds.

1 **(29)** “Premises” means one or more locations that a person registers under a
2 single premises code.

3 **NOTE:** A person may register a livestock “premises” that includes, in addition to
4 the primary premises location (to which the premises code is assigned),
5 one or more secondary locations at which the person keeps the livestock
6 from time to time. For example, a dairy farm “premises” may include a
7 primary location (that includes the milking barn or parlor) and one or more
8 secondary locations (such as a non-contiguous pasture or heifer facility).
9 If a person keeps livestock at multiple locations but never moves or
10 commingles livestock between those locations, the person is advised to
11 register those locations as separate premises (separate primary locations,
12 each with its own premises code). See s. ATCP 17.02.

13
14 **(30)** “Premises code” means a code issued under s. ATCP 17.02(7).

15
16 **(31)** “Primary location” means a premises location to which a premises code is
17 assigned.

18 **(32)** “Ratite” means a member of the group of flightless birds that includes the
19 ostrich, emu, cassowary, kiwi and rhea.

20 **(33)** “Register” means to apply for and obtain from the department an annual
21 premises registration certificate under s. ATCP 17.02.

22 **(34)** “Registered location” means a primary or secondary location that is covered
23 by a current annual premises registration certificate under s. ATCP 17.02(6).

24 **NOTE:** A registration application must identify the primary and secondary
25 locations included in the registered premises. The department issues a
26 premises code for the primary location, but the registration certificate also
27 covers secondary locations identified in the registration application. See s.
28 ATCP 17.02(6)(c).

29
30 **(35)** “Secondary location” means a location that shares or commingles animals
31 with the primary location and is registered with the primary location under a single
32 premises code.

1 (36) “Slaughter establishment” means a place at which livestock are received for
2 slaughter.

3 **ATCP 17.02 LIVESTOCK PREMISES; REGISTRATION REQUIRED. (1) GENERAL.**

4 A person may not keep livestock at a location in this state unless that location is
5 registered under this section. There is no fee to register. A registration expires on
6 December 31 of each year, except as otherwise provided in sub. (2)(c).

7 **NOTE:** Once a person completes an initial registration, subsequent annual
8 registrations will be relatively simple. The department will send the
9 registrant a renewal application (or directions on how to renew online)
10 each year. The renewal transaction may be conducted by mail, online or
11 by e-mail if an e-mail address has been provided. The renewal will
12 include pre-printed information obtained from the previous year’s
13 registration. The registrant may renew the registration by returning the
14 pre-printed form with corrections, if any. There is no fee for an initial or
15 renewal registration.

16
17 **(2) WHO MUST REGISTER.** (a) If 2 or more persons are involved in keeping
18 livestock at the same location, one of those persons shall register that location. A person
19 is not required to register a location that is currently registered by another person. A
20 premises registration by one person does not prevent other persons from keeping
21 livestock on the registered premises.

22 **NOTE:** For example, if *Person A* feeds and cares for livestock owned by
23 *Person B*, on premises owned by *Person C*, any one of those persons may
24 register the premises (the others need not). Likewise, if *Person X* pastures
25 livestock on land that *Person Y* owns and also uses to pasture livestock,
26 either person may register that pasture (the other need not). But operators
27 identified in par. (c) must register the premises that they operate, and may
28 not delegate their registration responsibilities to others.

29
30 (b) A person may not register a premises that is currently registered by another
31 person. The department may transfer a current registration from the current registrant to
32 another person if the department finds that the other person is required to register the

1 premises under par. (c), is more directly engaged in operating the premises, or can
2 provide more definitive knowledge of livestock movements to and from the premises.

3 The department shall notify the current registrant and give the current registrant a chance
4 to comment before transferring a registration to another person.

5 (c) A person who operates any of the following shall register the locations at
6 which that person keeps livestock or receives livestock carcasses as part of that operation:

7 1. A dairy farm that is required to be licensed under s. ATCP 60.02. The milk
8 producer may register the dairy farm premises as part of the milk producer's initial
9 license application under s. ATCP 60.02(2). A dairy farm premises registration expires
10 on April 30 of each year.

11 2. A deer farm that is required to be registered under s. ATCP 10.61. The
12 operator may register the deer farm premises as part of the operator's annual registration
13 application under s. ATCP 10.61(5).

14 3. A fish farm that is required to be registered under s. ATCP 10.73(2). The
15 operator may register the fish farm premises as part of the operator's annual registration
16 application under s. ATCP 10.73(7).

17 4. An animal market that is required to be licensed under s. ATCP 12.02. The
18 operator may register the animal market premises as part of the operator's annual license
19 application under s. ATCP 12.02(3). An animal market premises registration expires on
20 June 30 of each year.

21 5. Animal dealer premises operated by an animal dealer who is required to be
22 licensed under s. ATCP 12.03, unless the premises are registered under subd. 4. The
23 animal dealer may register the premises as part of the animal dealer's annual license

1 application under s. ATCP 12.03(4). An animal dealer premises registration expires on
2 June 30 of each year.

3 6. Animal trucker premises operated by an animal trucker who is required to be
4 licensed under s. ATCP 12.04, unless the premises are registered under subd. 4. or 5. The
5 animal trucker may register the premises as part of the animal trucker's annual license
6 application under s. ATCP 12.04(3). An animal trucker premises registration expires on
7 June 30 of each year.

8 7. A slaughter establishment. The operator may register the slaughter
9 establishment premises as part of the operator's annual license application under s. ATCP
10 55.03(3) if the department licenses that operator. A slaughter establishment premises
11 registration expires on June 30 of each year.

12 **NOTE:** A slaughter establishment inspected by the United States department of
13 agriculture must be registered with the department under this chapter, even
14 though the Wisconsin department of agriculture, trade and consumer
15 protection does not license that federally-inspected establishment.
16

17 8. An equine quarantine station for which a permit is required under s. ATCP
18 11.32(3). The operator may register the equine quarantine station premises as part of the
19 operator's annual permit application under s. ATCP 11.32(3). An equine quarantine
20 station premises registration expires on June 30 of each year.

21 9. A rendering establishment, animal food processing establishment or grease
22 processing establishment that receives livestock carcasses and is required to be licensed
23 under s. 95.72, Stats. The operator may register the premises as part of the operator's
24 annual license application under s. 95.72, Stats. A premises registration for a rendering
25 establishment, animal food processing establishment or grease processing establishment
26 expires on February 28 of each year. The operator shall include, in a registration, any

1 transfer stations or other locations at which the operator collects livestock carcasses for
2 transfer to a rendering or processing location.

3 10. A livestock exhibition.

4 (3) HOW TO REGISTER. Except as provided in sub. (2)(c), a person shall register
5 in one of the following ways:

6 (a) By applying on-line at <http://www.datcp.state.wi.us/>.

7 (b) By filing a hard-copy application with the department on a form provided by
8 the department.

9 **NOTE:** A person may obtain an application form from the department and may
10 submit the completed form to the department at the following address:

11
12 Wisconsin Department of Agriculture, Trade and Consumer Protection
13 2811 Agriculture Drive
14 PO Box 8911-53708
15 Madison, WI 53708
16 Phone: (608) 224-4872
17 E-mail: premises@datcp.state.wi.us
18

19 (4) INFORMATION REQUIRED. A registration application under sub. (3) shall
20 include all of the following information:

21 (a) The registrant's legal name, and any trade names under which the registrant
22 keeps livestock in this state.

23 (b) The registrant's mailing address.

24 (c) The registrant's telephone number.

25 (d) The address of the primary premises location.

26 **NOTE:** See s. ATCP 17.01(1). A street address is preferred.

27 (e) A description of each secondary location included in the premises. A person
28 may not register more than 3 secondary locations under a single premises code without

1 department approval. The department may consider whether the secondary locations are
2 part of the same premises, for registration purposes, or whether they should be registered
3 as separate premises under separate premises codes.

4 **NOTE:** See s. ATCP 17.01(18) and (35). Secondary locations are locations that
5 share or commingle animals with the primary location, and are related to
6 the primary location. For example, a dairy farm “premises” may include a
7 primary location (that includes the milking barn or parlor) and one or more
8 secondary locations (such as non-contiguous pastures or heifer facilities).

9
10 If a person keeps livestock at multiple locations but never moves or
11 commingles livestock between those locations, the person should register
12 the locations as separate premises (separate primary locations, each with
13 its own premises code).

14
15 (f) The name and telephone number of at least one individual who has knowledge
16 of livestock and livestock carcass movements to and from every location included in the
17 premises.

18 (g) The types of livestock operations conducted on the premises. The registrant
19 shall designate one or more of the following:

- 20 1. Farm or production unit.
- 21 2. Market or livestock collection point.
- 22 3. Slaughter establishment.
- 23 4. Rendering or carcass collection point.
- 24 5. Clinic.
- 25 6. Livestock exhibition.
- 26 7. Quarantine facility.
- 27 8. Other. The registrant shall specify the type or types of operations.

28 (h) The types of livestock or livestock carcasses kept on the premises. The
29 registrant shall designate one or more of the following:

- 1 1. Cattle or other bovine animals.
- 2 2. Swine.
- 3 3. Sheep.
- 4 4. Goats.
- 5 5. Horses or other equine animals.
- 6 6. Farm-raised deer.
- 7 7. Poultry.
- 8 8. Ostriches, emus or other ratites.
- 9 9. Captive game birds.
- 10 10. Llamas, alpacas or other camelids.
- 11 11. Fish.
- 12 12. Other. The registrant shall specify the type or types of livestock.

13 **(5) DEPARTMENT ACTION ON REGISTRATION APPLICATION.** (a) Except as
14 provided in par. (d), the department shall grant or deny a registration application under
15 sub. (3) within 30 days after the department receives a complete registration application.

16 **NOTE:** The department will normally grant or deny an on-line application at the
17 time of the on-line application. If the department grants an on-line
18 application, the department will immediately issue a printable electronic
19 registration certificate to the applicant.
20

21 (b) The department may deny a registration application if the application is
22 incorrect or incomplete, or if the primary location identified in the application is currently
23 registered. The department shall state the reason for the denial.

24 (c) If the department denies an application because the primary location
25 identified in the application is already registered, the department shall disclose to the
26 applicant the premises code assigned to that registered primary location. The denial does

1 not prevent the applicant from keeping livestock at the registered primary location or
2 from registering other locations.

3 (d) If a person submits a registration application as part of that person's
4 application for another license, permit or registration identified in sub. (2)(c), the
5 department shall grant or deny the registration application within the time period
6 prescribed for department action on the other license, permit or registration application.
7 The denial, suspension or revocation of another license, permit or registration does not
8 affect a premises registration under this section.

9 (6) REGISTRATION CERTIFICATE. (a) Whenever the department grants a
10 registration application under sub. (3), the department shall immediately issue an annual
11 registration certificate to the registrant. The department shall issue the registration
12 certificate in hard-copy or printable electronic form, depending on the method of
13 registration.

14 **NOTE:** A person who registers on-line will normally receive a printable
15 electronic registration certificate at the time of the on-line registration.
16

17 (b) A registration certificate under par. (a) shall include a premises code
18 assigned under sub. (7).

19 (c) A registration certificate covers the primary location and all secondary
20 locations identified in the approved registration application, regardless of whether the
21 certificate includes descriptions of all of those locations.

22 (d) If a person submits a premises registration application as part of that person's
23 application for another license, permit or registration identified in sub. (2)(c), the
24 department shall issue the premises registration certificate with or as part of that other
25 license, permit or registration.

1 **(7) PREMISES CODE.** Whenever the department grants a registration application
2 under sub. (3), the department shall assign a unique code to the primary location
3 identified in that application. The premises code shall be generated by the United States
4 department of agriculture. A premises code may not be transferred to another location.

5 **NOTE:** A premises code, once assigned to a primary location, normally
6 continues with that location even if the registrant changes. If a registrant
7 adds or removes a secondary location without changing the primary
8 location, the premises code will remain the same. But if the primary
9 premises location is subdivided among new registrants, the premises code
10 assigned to that location will be retired and a new premises code will be
11 assigned to each new primary location created by the subdivision.
12

13 **ATCP 17.03 CONFIDENTIAL INFORMATION. (1) GENERAL.** Except as
14 provided in subs. (2) to (4), premises registration information received by the department
15 or its contract agent under s. ATCP 17.02 is confidential and may not be disclosed to any
16 other person or agency.

17 **NOTE:** A *premises code* is not confidential because it is not received from the
18 registrant but is issued by the department. A premises code, by itself, does
19 not reveal any information received from a registrant.
20

21 **(2) INFORMATION REQUIRED BY OTHER LAWS.** Subsection (1) does not apply to
22 information that a person is required to provide to the department under other law. This
23 subsection does not authorize disclosure of information that is protected from disclosure
24 under other law.

25 **NOTE:** For example, information that was required of license holders and was
26 open to public inspection prior to the effective date of the livestock facility
27 registration law, s. 95.51, Stats., remains open to public inspection. But
28 premises registration information required for the first time under s. 95.51,
29 Stats., or this chapter must be kept confidential.
30

31 **(3) AUTHORIZED DISCLOSURE.** The department may disclose, to any of the
32 following, information that a registrant provides under s. ATCP 17.02:

1 (a) A person to whom the registrant authorizes disclosure.

2 (b) The animal and plant health inspection service of the United States
3 department of agriculture, if the animal and plant health inspection service agrees not to
4 disclose the information except in situations in which the department is authorized to
5 disclose the information.

6 (c) The department's contract agent, subject to this section and s. ATCP 17.04.

7 (d) To another person or agency, or to the public, if the department believes that
8 the release is necessary to prevent or control disease, to enforce laws under its
9 jurisdiction, or to protect public health, safety, or welfare. The department may disclose
10 information under this paragraph subject to any confidentiality requirements that the
11 department considers necessary under the circumstances.

12 (4) AGGREGATE INFORMATION. (a) The department may create aggregate
13 information, such as maps and statistics, from registration information obtained under s.
14 ATCP 17.02. Except as provided in par. (b), the department may disclose that aggregate
15 information to another person or agency, or to the public.

16 (b) The department may not disclose aggregate information under par. (a) that
17 does any of the following, unless that information qualifies for disclosure under sub. (2)
18 or (3).

19 1. Discloses the street address, section number, global positioning system
20 coordinates of any premises, or the identity of any registrant.

21 2. Makes it possible to deduce with certainty the street address, section number,
22 global positioning system coordinates of any premises, or the identity of any registrant.

23 **NOTE:** For example, the department may not disclose a detailed map that
24 permits readers to deduce with certainty the street addresses, section

1 numbers or global positioning system coordinates of any premises, or the
2 identities of registrants whose premises are portrayed by points on the
3 map. However, the department may disclose less detailed maps.
4

5 (5) DISCLOSURE BY CONTRACT AGENT. The department may authorize its
6 contract agent to disclose, on behalf of the department, information that the department is
7 authorized to disclose under this section. [REDACTED]
8 [REDACTED].

9 **ATCP 17.04 CONTRACT AGENT. (1) GENERAL.** The department may contract
10 with an agent to process registrations, manage registration information, and perform other
11 functions on behalf of the department under this chapter. The contract agent shall
12 comply with this chapter and the contract.

13 (2) CONTRACT. A contract under sub. (1) shall specify applicable terms and
14 conditions, including all of the following:

15 (a) The services that the contract agent will perform for the department, and the
16 price for which the contract agent will perform those services.

17 (b) The scope of authority that the department delegates to the contract agent for
18 the purpose of performing the services under par. (a), and relevant limits on that
19 authority.

20 (c) The registration process and forms approved under sub. (3), if the contract
21 agent will process registrations on behalf of the department.

22 (d) Terms related to information disclosure and confidentiality, including the
23 terms specified in sub. (4).

24 (e) Terms related to information management, including the terms specified in
25 sub. (5).

1 (f) Terms related to contract agent actions that may affect or impair the
2 administration of this chapter, including the terms specified in subs. (6) to (8).

3 (g) Provisions related to contract termination, including the terms specified in sub. (9).

4 (h) Standard contract terms required by the state of Wisconsin.

5 (3) APPROVED REGISTRATION PROCESS. A contract agent that processes livestock
6 premises registrations on behalf of the department, whether in hard-copy or on-line form,
7 shall use a process and forms approved by the department. The hard-copy or online
8 registration process shall be conducted under the name of the department, not the contract
9 agent. The contract agent may not supplement or modify the registration process or
10 forms, or charge any registration fee, without the department's written approval. The
11 contract agent may not make solicitations or promotional communications to registrants
12 in connection with the registration process, other than communications that the
13 department requires for purposes of registration under this chapter.

14 (4) DISCLOSURE OF INFORMATION; CONFIDENTIALITY. (a) A contract agent may
15 not use or disclose any information that it acquires as the department's contract agent
16 under this chapter without the department's written approval.

17 (b) A contract agent shall specifically identify the individuals who, on behalf of
18 the contract agent, may have access to confidential information. Each of those
19 individuals shall sign a personal confidentiality agreement with the department and shall
20 comply with that agreement. No other persons employed or affiliated with the contract
21 agent may have access to confidential information.

1 (c) No contract agent or individual affiliated with a contract agent may use or
2 disclose information in violation of this chapter, the agency contract, or an individual
3 confidentiality agreement under par. (b).

4 (5) MANAGING INFORMATION. A contract agent that holds information under this
5 chapter on behalf of the department shall do all of the following:

6 (a) Comply with applicable state standards related to the storage, handling and
7 disposition of state records. A contract agent may not dispose of information collected or
8 held under this chapter, except as authorized by the department pursuant to a state records
9 disposal authorization under s. 16.61, Stats.

10 (b) Handle and maintain electronic records according to applicable standards in
11 ch. Adm 12.

12 (6) COLLECTING OTHER INFORMATION. (a) A contract agent may not collect any
13 information under color of its agency agreement with the department, without the
14 department's written authorization to collect that information.

15 (b) Paragraph (a) does not prohibit a contract agent from doing any of the
16 following on its own behalf, and not as an agent of the department:

17 1. Contacting registrants that it identifies from sources other than registrations
18 under this chapter.

19 2. Soliciting and receiving information voluntarily provided by registrants that
20 the contract agent identifies under subd. 1. The contract agent shall disclose, to each
21 registrant from whom it requests information, that the information is not required by state
22 law and is not being collected on behalf of the department.

1 (c) A contract agent who collects information under par. (b) shall keep that
2 information separate from any confidential information that the contract agent keeps on
3 behalf of the department.

4 (7) PROHIBITED PRACTICES. A contract agent may not do any of the following:

5 (a) Under color of its agency contract with the department, and without the
6 department's written authorization, ask a registrant for permission to use or release
7 confidential information.

8 (b) Represent, directly or by implication, that it is acting within its authority as
9 the department's contract agent unless that representation is true.

10 (8) ETHICS. (a) A contract agent shall avoid any conflict of interest that may
11 affect the integrity of the livestock premises registration program under this chapter, or
12 the contract agent's faithful performance of its obligations. The contract agent shall
13 disclose to the department any actual or potential conflict of interest.

14 (b) A contract agent may not use for private financial or business advantage
15 confidential information that it acquires under this chapter as an agent of the department.

16 (c) No individual having access to confidential information under this chapter
17 may use that information for personal financial advantage or for the financial advantage
18 of any person or organization with which he or she is affiliated.

19 (9) CONTRACT TERMINATION. (a) The department may terminate a contract
20 under sub. (1) at any time, with or without cause.

27

21 (b) If a contract under sub. (1) expires or is terminated by either party, the
22 contract agent shall promptly return to the department all of the information that the
23 contract agent holds on behalf of the department.

1 **ATCP 17.05 Receiving livestock from unregistered locations.**

2 **(1) PROHIBITION.** Except as provided in sub. (2), no person may receive, for purposes of
3 sale, exhibition or slaughter, livestock from a location that is required to be registered
4 under s. ATCP 17.02 or an equivalent law in another state, unless that location is
5 registered according to this chapter or an equivalent law in the other state.

6 **(2) APPLICATION CONTINGENT UPON RECIPROCITY.** Subsection (1) does not apply
7 to any person, or to any receipt of livestock for a purpose identified in sub. (1), unless the
8 United States department of agriculture or all of the states surrounding Wisconsin
9 prohibit persons in those surrounding states from receiving livestock for that purpose
10 from unregistered locations in this state that are required to be registered under s. ATCP
11 | 17.02. The surrounding states are Minnesota, Iowa, Illinois and Michigan.

12 **SECTION 14.** ATCP 55.03(1) is amended to read:
13

14 **ATCP 55.03(1) ANNUAL LICENSE REQUIRED.** Except as provided in sub. (2), no
15 person may operate a meat establishment without a current annual license from the
16 department. A license expires on June 30 of each year. A person who operates more
17 than one meat establishment shall hold a current annual license for each meat
18 establishment. Each slaughter establishment license shall bear a livestock premises code
19 issued under s. ATCP 17.02(7). A license may not be transferred between persons or
20 meat establishments.

1 **SECTION 15.** ATCP 55.03(3)(dm) is created to read:

2 ATCP 55.03(3)(dm) Additional information, if any, required under s. ATCP
3 17.02(4) for purposes of livestock premises registration.

4 **SECTION 16.** ATCP 60.02(1) is amended to read:

5 ATCP 60.02(1) LICENSE REQUIREMENT. No person may operate as a milk
6 producer without an annual license from the department, as provided in s. 97.22, Stats. A
7 license expires on April 30 of each year. A separate license is required for each dairy
8 farm at which milk is produced. Whenever the department first issues a dairy farm
9 license to a milk producer, that license shall bear a livestock premises code issued under
10 s. ATCP 17.02(7). A license is not transferable between persons or dairy farms. As a
11 condition to licensing, a milk producer shall comply with applicable provisions of this
12 chapter.

13 **SECTION 17.** ATCP 60.02(2)(am) is created to read:

14 **ATCP 60.02(2)(am)** *Livestock premises registration.* An application for an
15 initial milk producer license shall include the information that is required under s. ATCP
16 17.02(4) for purposes of livestock premises registration.

17 **SECTION 18. EFFECTIVE DATE AND INITIAL APPLICABILITY.** (1) This rule takes
18 effect on the first day of the month following publication in the Wisconsin administrative
19 register, as provided in s. 227.22(2), Stats.

20 (2) This rule first applies to the following persons on the following dates:

21 (a) To a milk producer who is required to be licensed under s. ATCP 60.02, May
22 1, 2006.

23 **NOTE:** May 1, 2006, is the first day of the first full dairy farm license year
24 beginning after the effective date of this rule.

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(b) To an animal market operator who is required to be licensed under s. ATCP 12.02, July 1, 2006.

NOTE: Animal market operators register their premises as part of their annual animal market license application or renewal. July 1, 2006, is the first day of the first full animal market license year beginning after the effective date of this rule.

(c) To an animal dealer who is required to be licensed under s. ATCP 12.03, July 1, 2006.

NOTE: Animal dealers register their premises as part of their annual animal dealer license application or renewal. July 1, 2006, is the first day of the first full animal dealer license year beginning after the effective date of this rule.

(d) To an animal trucker who is required to be licensed under s. ATCP 12.04, July 1, 2006.

NOTE: Animal truckers register their premises as part of their annual animal trucker license application or renewal. July 1, 2006, is the first day of the first full animal trucker license year beginning after the effective date of this rule.

(e) To a slaughter establishment operator, July 1, 2006.

NOTE: Slaughter establishment operators licensed by the department register their premises as part of their annual slaughter establishment license application or renewal. July 1, 2006, is the first day of the first full slaughter establishment license year beginning after the effective date of this rule.

(f) To an equine quarantine station operator who is required to hold a permit under s. ATCP 11.32(3), July 1, 2006.

NOTE: Equine quarantine station operators register their premises as part of their annual permit application or renewal. July 1, 2006, is the first day of the first full permit year beginning after the effective date of this rule.

1 (g) To the operator of a rendering establishment, animal food processing
2 establishment or grease processing establishment that is required to be licensed under ch.
3 95.72, Stats., March 1, 2006.

4 **NOTE:** Operators of rendering establishments, animal food processing
5 establishments and grease processing establishments register their
6 premises as part of their annual license application or renewal. March 1,
7 2006, is the first day of the first full license year beginning after the
8 effective date of this rule.

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10 (h) To all other persons who are required to register a location under s. ATCP
11 17.02(1), January 1, 2006.

12 **NOTE:** For all persons other than those identified in pars. (a) to (g), annual
13 premises registrations expire on December 31 of each year. January 1,
14 2006, is the first day of the first full registration year beginning after the
15 effective date of this rule.

Signed and dated this _____ day of _____, _____.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE
AND CONSUMER PROTECTION

By _____
Rodney J. Nilsestuen, Secretary