

CR 94-29

STATE OF WISCONSIN)	Docket No. 94-29
) ss.	
DEPARTMENT OF AGRICULTURE)	
TRADE AND CONSUMER PROTECTION)	

CERTIFICATION:

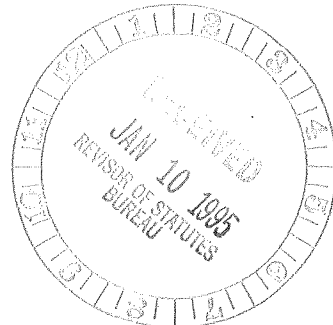
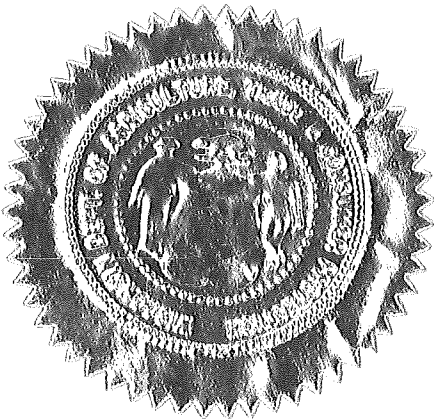
I, Alan T. Tracy, Secretary, State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of said Department, do hereby certify that the annexed order revising chapters ATCP 10, 11, and 12, Wisconsin Administrative Code, relating to animal diseases, animal movement, and livestock markets, dealers and truckers, was duly approved and adopted by the Department on January 10, 1995.

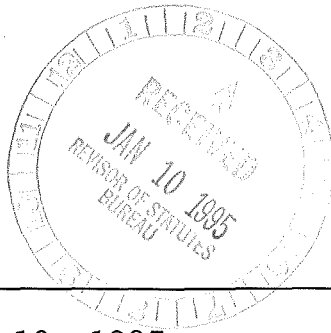
I further certify that said copy has been compared by me with the original on file in the Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Department offices in the city of Madison, this 10th day of January, 1995.

E. Gabriel Kohl
 Deputy Secretary

 Alan T. Tracy
 Secretary





Department of Agriculture,
Trade and Consumer Protection

Memorandum

Office of Legal Counsel

DATE: January 10, 1995

TO: Gary Poulson - Revisor of Statutes Office
131 W. Wilson Street, Suite 800

FROM: Alan T. Tracy, Secretary *E. Gabriel Kohl for*

SUBJECT: Clearinghouse Rule No. 94-29, Relating to livestock markets, dealers and truckers, animal identification the importation of ratites, and other animal health rules.

I am submitting the following information for filing the above rule.

Final Regulatory Flexibility Analysis

This rule will affect small businesses in Wisconsin. It includes provisions which relate to small businesses engaged in the business of livestock trucking, livestock dealing and operating a livestock market. Since rules already exist relating to sale, transport or market operations for bovine animals and swine, the primary impact of this rule will be on people engaged in selling, hauling or operating markets for equine animals and sheep. In addition, the rule will impact on the business operations of persons importing ratites (ostriches, emus etc.) into Wisconsin, and persons who import bovine animals from brucellosis-free states. It will also impact on persons seeking a permit for an approved veal lot or for an approved feedlot.

The rule has four basic elements. First, it revises current rules relating to licensing of livestock truckers, livestock dealers and livestock market operators to conform to the provisions of the 1993-95 biennial budget act (1993 Wis. Act 16). Second, it creates import requirements for the import of ratites (birds such as ostriches and emus). Third, it revises regulations relating to permits for approved veal lots and approved feedlots and establishes a fee for an approved feedlot permit. Fourth, the rule makes a minor change in requirements related to importing bovine animals from a brucellosis-free state.

Licensing Provisions

The 1993-95 biennial budget, which took effect on July 1, 1994, extended Department licensing requirements to livestock truckers, livestock dealers and livestock market operators who haul, buy or sell, or operate a market for the sale of equine animals and sheep. Most of the provisions of this rule retain requirements

in existence for livestock truckers, livestock dealers and livestock market operators and extend those requirements to persons newly required to become licensed. However, the rule expands means of officially identifying animals to accommodate the ways equine animals and ratites are identified and makes other accommodations for persons engaged in businesses related to equine animals. For example, current rules require all livestock markets to be equipped with a livestock chute. This rule requires any livestock market which sells equine animals to be equipped with equine stocks. This rule also recognizes markets which hold four or less sales per year and reduces the facility requirements in such markets to provision of necessary restraint and lighting to allow handling and testing of animals.

New costs will be incurred by truckers, dealers and markets which deal exclusively with equine animals. However, most of these costs are mandated by the new statutes. Where possible, the department has provided alternatives which accomplish the desired goal and reduce costs to the businesses. Based on public comments, small businesses which transport livestock incidental to their primary business function are exempted from department livestock trucking requirements. This exemption should benefit businesses such as horse trainers and veterinarians. The new rule also exempts from department licensure those who transport others' livestock less than six times per year, and those who only haul others' livestock incidental to participation in events such as fairs, trail rides and youth livestock events. Numerous comments were received from livestock truckers who felt the six times per year exemption placed the professional trucker at an economic disadvantage relative to the occasional hauler. The exemption was kept, however, because it is felt that allowing limited "good neighbor" hauling without formal department licensure will allow the department to focus its regulatory efforts on activities that more directly affect its mission of prevention, control and eradication of livestock diseases.

The rule provisions extend existing record keeping requirements to the new licensees. The purpose of these records is to facilitate traceback of animals in the event of a disease outbreak. Therefore, small business cannot be exempted from the requirement to keep these records.

Ratite Import

This rule imposes import restrictions on ratites. The purpose for the restrictions is to prevent the importation of pathogenic avian influenza into the state. This rule requires a person who intends to import ratites into Wisconsin to obtain a health certificate or certificate of veterinary inspection for the bird prior to import. The small business engaged in this activity will incur a small cost to obtain the certificate. The cost of obtaining the certificate is far outweighed by the threat of loss if an infected bird is imported. The value of individual birds can exceed \$25,000, so the cost of attempting to assure that they

are healthy is minimal in comparison.

Since birds which are sold at public sales are exposed to more birds from different areas than are birds sold at private sales, it is believed that they present a greater threat of being diseased. Therefore, the rule requires public sale birds to be tested for avian influenza before being imported. This will add some cost to the cost of importing birds purchased at public sales. However, the threat to the entire poultry industry of this state far outweighs the minimal added cost. Ratites purchased at private sales must be accompanied either by evidence of a negative test for avian influenza or by a certification by a licensed veterinarian showing that the flock of origin has shown no signs of pathogenic avian influenza in the past six months. This change should limit costs of small businesses importing ratites .

Approved Veal Lots and Approved Feedlots

The 1993-95 biennial budget (1993 Wis. Act 16) permits the department to issue a permit for an "approved veal lot" or for an "approved feedlot". It also permits the department to establish a fee for a permit for an "approved feedlot" (no fee is permitted for an "approved veal lot"). This rule establishes a voluntary "approved feedlot" and "approved veal lot" program. It sets the fee for an approved feedlot at \$50 annually. Since this is a voluntary program, it does not require any small business to pay the fee. If the small business owner chooses to pay the fee and become an "approved feedlot" that small business will be permitted to import animals without incurring some of the pre-import testing costs otherwise required. The overall impact of these provisions should be a reduction in total operating costs for those small business which become "approved veal lots" or "approved feedlots".

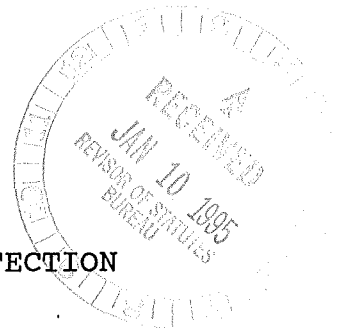
Import of Bovine Animals

Under current rules, a person may import a bovine animal from a brucellosis-free state without a pre-import brucellosis test if the animal is tested for brucellosis within 60 days after it is imported. This rule repeals the requirement that it be tested after it is imported. This should result in a reduction of costs of importing bovine animals from brucellosis-free states.

Comments from Legislative Committees

The rule was referred to the Senate Committee on Transportation, Agriculture, Local and Rural Affairs and the Assembly Committee on Agriculture, Forestry, and Rural Affairs on October 25, 1994. The department received no comments from either committee.

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



1 The state of Wisconsin department of agriculture, trade and
2 consumer protection adopts the following order to repeal ATCP
3 10.40(2)(a) to (d), 12.02(5)(note) and 12.04(6); to renumber ATCP
4 10.01(45)(d), 11.01(54)(d) and 12.01(20)(d); to renumber and
5 amend ATCP 10.40(2)(intro.) and 12.01(17); to amend ATCP
6 10.01(56), 10.11(2)(b), 11.01(25), (42), (44), (45) and (64),
7 11.02(1)(a)(intro.) and (e), (4)(a) and (5)(b), 11.11(3)(b)6,
8 11.12(1)(note), 11.13(1), 11.14(1) and (2), 11.16(1) and (2)(g),
9 11.21(1)(note), 11.54(1), 11.60(4), 12.01(13), (14) and (16),
10 12.02(3)(g) and (4)(b) and (d), 12.03(3)(g), (4)(c), 12.04(3)(g)
11 and (4)(b) and (d), 12.05(title), 12.06(1)(a), (b)(intro.), 2 and
12 5, (c)(intro.), 1, 2 and 5, and (d), (2)(a), (b)1 and 2, and (c)1
13 and 2; to repeal and recreate ATCP 12.02(1), (2) and (5),
14 12.03(1), (2) and (4)(h), and 12.04(1), (2), (4)(a) and (5); and
15 to create ATCP 10.01(45)(d) to (h) and (60r), 11.01(54)(d) to (h)
16 and (69m), 11.02(3)(k), 11.57, 12.01(8m), (8r), (17)(a) to (c),
17 (17m) and (20)(d) to (h), 12.02(2m), (2r), (2w) and (4)(h),
18 12.03(2m), (2r) and (2w), 12.04(2m), (2r) and (2w), 12.045 and
19 12.05(3) and (4); relating to livestock markets, livestock
20 dealers, livestock truckers, feed lots receiving imported feeder
21 cattle, veal lots receiving imported veal calves, ratite imports,
22 official individual identification of animals, and other animal
23 health rules.

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

Statutory Authority: ss. 93.07(1), 95.19(3), 95.20,
95.68(8), 95.69(8), 95.71(8),
95.715(2)(d) and 95.715(3)(d),
Stats.
Statutes Interpreted: ss. 95.68, 95.69, 95.71 and 95.715,
Stats.

OVERVIEW

The 1993-95 biennial budget act (1993 Wis. Act 16) repealed s. 95.70, Stats., related to department licensing of livestock markets, dealers and truckers. In place of the repealed statute, the budget act created new licensing statutes under s. 95.68, Stats. (livestock markets), 95.69, Stats. (livestock dealers) and 95.71, Stats. (livestock truckers). The new license requirements apply to all livestock markets, dealers and truckers handling bovine animals, sheep, goats, swine or equine animals (horses, mules, zebras and donkeys). The new license requirements take effect on July 1, 1994. This rule implements the new license requirements.

Effective July 1, 1994, the budget act also created s. 95.715, Stats., related to permits for "approved feed lots" and "approved veal lots." A permit is voluntary. Feeder cattle or veal calves imported into an "approved feed lot" or an "approved veal lot" are exempt from certain import restrictions that apply to other animals. This rule implements the new statutory provisions.

Avian influenza, which can be carried by ostriches, emus and other ratites, is a major threat to Wisconsin's domestic poultry industry. This rule establishes safeguards to prevent the importation of ratites infected with avian influenza. This rule also clarifies that ratites are not "poultry," and are not covered by current rules relating to poultry.

This rule specifies new forms of "official individual identification" for ratites and equine animals. This rule also corrects cross-references and makes other nonsubstantive technical changes to current rules.

LIVESTOCK MARKETS

Markets Subject to Licensing

The 1993-95 biennial budget act (1993 Wis. Act 16) repealed s. 95.70, Stats., and created s. 95.68, Stats., related to livestock markets. The new legislation takes effect on July 1, 1994. The

new legislation expands current licensing of livestock markets, increases license fees, and authorizes the department to adjust license fees by rule.

Under s. 95.70, Stats., which is repealed effective July 1, 1994, a livestock market must be licensed only if it trades in cattle, sheep or swine. But under s. 95.68, Stats., which takes effect on July 1, 1994, a livestock market must be licensed if it trades in bovine animals (cattle or bison), sheep, goats, swine or equine animals (horses, mules, zebras or donkeys). A license expires on June 30 annually. This rule brings the department's current rules into conformity with the new statute.

Obtaining a License

Under current rules, an applicant for a livestock market license must do all of the following:

- File an application on a form provided by the department.
- Pass a test prescribed and administered by the department.
- File proof that the market operator has met applicable financial security and bonding requirements under the federal packers and stockyards act, if any. (There are no bonding requirements under state law.)
- Pay the required license fee.
- Comply with applicable animal health laws.

This rule extends these current requirements to equine markets and other livestock markets that will be licensed for the first time under s. 95.68, Stats., beginning on July 1, 1994.

License Fees

Under s. 95.68, Stats., effective for the license year beginning July 1, 1994, a livestock market operator must pay an annual license fee as follows:

- For a livestock market, other than an equine market, that has conducted sales on 5 or more days during the preceding license year, \$150.
- For a livestock market, other than an equine market, that has conducted sales on fewer than 5 days during the preceding license year, \$75.
- For an equine market, \$100. The statute defines "equine market" as a livestock market operated exclusively for dealing in equine animals.

Under s. 95.68, Stats., effective July 1, 1995, if a livestock market operator is caught operating without a license, the market operator must also pay a license fee surcharge of \$100 plus any back fees owed for the year in which the violation occurred.

This rule incorporates these statutory fees. Under this rule, a livestock market operator must also pay a supplementary license fee of \$5 for each livestock vehicle registered by the market operator. (See below.)

Registration of Livestock Vehicles

Under current rules, a livestock market operator is not required to register livestock vehicles used by that market operator unless the market operator is also a livestock dealer or a livestock trucker "for hire." But under s. 95.68(7), Stats., beginning on July 1, 1994, a livestock market operator must register with the department every livestock vehicle used by that market operator. According to the new legislation, registration must include a description and serial number for each vehicle. This rule implements the new vehicle registration requirement.

Under this rule, a livestock market operator must register livestock vehicles as part of the market operator's annual license application. The market operator may register additional vehicles during the license year upon paying the required fee of \$5 per vehicle. A vehicle registration expires on June 30 annually. Livestock vehicles must comply with standards specified under this rule.

Action on License

Under current rules, the department must grant or deny a livestock market license application within 30 days after the department receives a complete application. The department may deny a license application if the applicant fails to comply with applicable requirements for licensing. The department may also suspend or revoke a license for cause, including any of the following:

- Violating applicable statutes or rules, including ch. 951, Stats. (crimes against animals).
- Preventing a department employee from performing his or her job duties.
- Physically assaulting a department employee while the employee is performing his or her job duties.
- Using an official tag, brand or tattoo improperly, or without authorization.
- Refusing or failing, without just cause, to produce records or respond to a department subpoena.
- Paying an application fee with a worthless check.

This rule extends these current requirements to equine markets and other livestock markets that will be licensed for the first time under s. 95.68, Stats., beginning on July 1, 1994.

Market Operations

Under current rules, a livestock market operator must do all of the following:

- Maintain the market premises in a clean and sanitary condition.
- Provide adequate food, water, shelter, bedding and pen space for all animals held more than 12 hours.
- Keep records of all animals received and sold. In some cases, records must include the animals' official individual identification.
- Apply backtags to all bovine animals and swine received for shipment to slaughter, and keep records on those animals.
- Handle downer animals in a humane manner.
- Remove animals from the market premises within 7 days after their arrival.
- Maintain records of livestock that die while in the market operator's custody. The records must indicate the disposition of the livestock carcasses.

This rule extends these current requirements to equine markets and other livestock markets that will be licensed for the first time under s. 95.68, Stats., beginning on July 1, 1994. However, backtagging will still be required only for bovine animals and swine received for shipment to slaughter.

Market Facilities

Under current rules, livestock markets must be constructed and maintained according to specified standards including the following:

- Barns, pens, alleys and other livestock holding areas must be kept clean and in good repair.
- Floors of livestock holding areas must be constructed of concrete or other impervious material, and must be sloped for proper drainage.
- Every livestock market must have a livestock chute with a headgate that is adequate to restrain livestock without injuring them.
- Pens must be adequate to confine the animals and must be free from sharp edges or protrusions that could injure the animals.
- Dead animal holding areas and manure holding areas must be fenced to keep out dogs and wild animals, unless the entire market is fenced to keep out dogs and wild animals.

Under this rule, a livestock market (including an equine market) which holds 5 or more sales per year must be constructed and maintained according to the following requirements:

- Floors of all livestock holding areas must be sloped for proper drainage, and must be constructed of concrete or other impervious material, except that in areas used exclusively for equine animals, the floors may be earthen to protect the animals from hoof damage.
- The livestock market, except a livestock market which deals exclusively in equine animals, must have a livestock chute with headgate adequate to restrain livestock without injury.
- If the livestock market deals in equine animals, it must have equine stocks sufficient to restrain the animals without causing injury.
- The livestock market must have adequate lighting in the area of the livestock chute and equine stocks to permit identification and testing of the animals.
- The livestock market must have pens adequate to confine all animals kept at the market. The pens may not have sharp edges or protrusions that could injure the animals.
- Dead animal holding areas and manure holding areas must be fenced to keep out dogs and wild animals, unless the entire market is fenced to keep out dogs and wild animals.

Under this rule a livestock market (including an equine market) which holds fewer than 5 sales per year must meet the following requirements:

- The livestock market must be equipped to restrain animals safely and effectively..
- The livestock market must be equipped to provide adequate lighting for identification and testing of animals.

LIVESTOCK DEALERS

Dealers Subject to Licensing

The 1993-95 biennial budget act repealed s. 95.70, Stats., and created s. 95.69, Stats., related to livestock dealers. The new legislation takes effect on July 1, 1994. The new legislation expands current licensing of livestock dealers, increases license fees, and authorizes the department to adjust license fees by rule.

Under s. 95.70, Stats., which is repealed effective July 1, 1994, a livestock dealer must be licensed only if that dealer trades in cattle, sheep or swine. Under s. 95.69, Stats., which takes effect on July 1, 1994, a livestock dealer must be licensed if that dealer trades in bovine animals (cattle or bison), sheep, goats, swine or equine animals (horses, mules, zebras or donkeys). A license expires on June 30 annually. This rule brings the department's current rules into conformity with the new statute.

Obtaining a License

Under current rules, an applicant for a livestock dealer license must do all of the following:

- File an application on a form provided by the department.
- Pass a test administered by the department.
- File proof that the livestock dealer has met applicable financial security and bonding requirements under the federal packers and stockyards act, if any. (There are no security or bonding requirements under state law.)
- Pay the required license fee.
- Comply with applicable animal health laws.

This rule extends these current requirements to equine dealers and other livestock dealers that will be licensed for the first time under s. 95.69, Stats., beginning on July 1, 1994.

License Fees

Under s. 95.69, Stats., effective for the license year beginning July 1, 1994, a livestock dealer must pay an annual license fee of \$75. Also under s. 95.69, Stats., effective July 1, 1995, if a livestock dealer is caught operating without a license, the livestock dealer must pay a license fee surcharge of \$100 plus any back fees owed for the year in which the violation occurred.

This rule incorporates these statutory fees. Under this rule, a livestock dealer must also pay a supplementary license fee of \$5 for each livestock vehicle registered by the livestock dealer. (See below.)

Registration of Livestock Vehicles

Under current rules, a livestock dealer must register with the department every livestock vehicle used by that dealer. Registration is also required under s. 95.69(7), Stats., beginning on July 1, 1994. According to the new legislation, registration must include a description and serial number for each vehicle. This rule implements the new vehicle registration requirement.

Under this rule, a livestock dealer must register livestock vehicles as part of the dealer's annual license application. A livestock dealer may register additional vehicles during the license year upon paying the required fee of \$5 per vehicle. A vehicle registration expires on June 30 annually. Livestock vehicles must comply with standards specified under this rule.

Action on License

Under current rules, the department must grant or deny a livestock dealer license application within 30 days after the department receives a complete application. The department may deny a license application if the applicant fails to comply with applicable requirements for licensing. The department may also suspend or revoke a license for cause, including any of the following:

- Violating applicable statutes or rules, including ch. 951, Stats. (crimes against animals).
- Preventing a department employee from performing his or her job duties.
- Physically assaulting a department employee while the employee is performing his or her job duties.
- Using an official tag, brand or tattoo improperly, or without authorization.
- Refusing or failing, without just cause, to produce records or respond to a department subpoena.
- Paying an application fee with a worthless check.

This rule extends these current requirements to equine dealers and other livestock dealers that will be licensed for the first time under s. 95.69, Stats., beginning on July 1, 1994.

Dealer Operations

Under current rules, a livestock dealer must do all of the following:

- Maintain the dealer premises in a clean and sanitary condition.
- Keep records of all animals bought and sold. In some cases, records must include the animals' official individual identification.
- Handle downer animals in a humane manner.
- Keep records of animals that die while in the livestock dealer's custody. The records must indicate the disposition of the livestock carcasses.
- Notify the department of any change of address.
- Display the livestock dealer's identification card, upon request, while conducting business.
- Register all livestock vehicles operated by the dealer, and equip and maintain those vehicles to provide for the safe transportation of livestock.

This rule extends these current requirements to equine dealers and other livestock dealers that will be licensed for the first time under s. 95.69, Stats., beginning on July 1, 1994.

LIVESTOCK TRUCKERS

Truckers Subject to Licensing

The 1993-95 biennial budget act repealed s. 95.70, Stats., and created s. 95.71, Stats., related to livestock truckers. The new legislation takes effect on July 1, 1994. The new legislation expands current licensing of livestock truckers, increases license fees, and authorizes the department to adjust license fees by rule.

Under s. 95.70, Stats., which is repealed effective July 1, 1994, a livestock trucker must be licensed only if that trucker transports cattle or swine for hire. Under s. 95.71, Stats., which takes effect on July 1, 1994, a livestock trucker must be licensed if that trucker is in the business of transporting bovine animals (cattle or bison), sheep, goats, swine or equine animals (horses, mules, zebra or donkeys) for hire. A livestock dealer or a livestock market operator must also be licensed as a livestock trucker if the dealer or market operator transports livestock for others for hire. A license expires on June 30 annually. Under the new legislation, an employee of a licensed livestock trucker is not required to be licensed.

This rule brings the department's current rules into conformity with the new legislation. Under this rule, no license is required for any of the following:

- Hauling livestock on an occasional basis for persons participating in a livestock exhibition, fairs, trail ride, youth livestock event or similar activity.
- Hauling livestock on an incidental basis in connection with a business, such as a veterinary practice or stable operation, which is operated by that person and which does not ordinarily involve the sale of livestock.
- Hauling livestock fewer than 6 times per year. Hauling for one's self does not count toward the 6 times per year.

Obtaining a License

Under current rules, an applicant for a livestock trucker license must do all of the following:

- File an application on a form provided by the department.
- Pass a test administered by the department.
- Pay the required license fee.
- Comply with applicable animal health laws.

This rule extends these current requirements to equine truckers and other livestock truckers that will be licensed for the first time under s. 95.71, Stats., beginning on July 1, 1994. Under

this rule, livestock truckers will no longer be required to file proof of compliance with financial security or bonding requirements, since there are no such requirements applicable to livestock truckers under state or federal law. (Federal requirements apply only to livestock dealers and market operators.)

License Fees

Under s. 95.71, Stats., effective for the license year beginning July 1, 1994, a livestock trucker must pay an annual license fee of \$20 plus an annual fee of \$5 per livestock vehicle operated by the trucker. Also under s. 95.71, Stats., effective July 1, 1995, if a livestock trucker is caught operating without a license, the livestock trucker must pay a license fee surcharge of \$100 plus any back fees owed for the year in which the violation occurred. This rule incorporates these statutory fees without change.

Registration of Livestock Vehicles

Under current rules, a livestock trucker must register with the department every livestock vehicle operated by that trucker. Registration is also required under s. 95.71(4), Stats., beginning on July 1, 1994. According to the new legislation, registration must include a description and serial number for each vehicle. This rule implements the new vehicle registration requirement.

Under this rule, a livestock trucker must register livestock vehicles as part of the trucker's annual license application. A livestock trucker may register additional vehicles during the license year upon paying the required fee of \$5 per vehicle. A vehicle registration expires on June 30 annually. Livestock vehicles must comply with standards specified under this rule.

Action on License

Under current rules, the department must grant or deny a livestock trucker license application within 30 days after the department receives a complete application. The department may deny a license application if the applicant fails to comply with applicable requirements for licensing. The department may also suspend or revoke a license for cause, including any of the following:

- Violating applicable statutes or rules, including ch. 951, Stats. (crimes against animals).
- Preventing a department employee from performing his or her job duties.
- Physically assaulting a department employee while the employee is performing his or her job duties.

- Using an official tag, brand or tattoo improperly, or without authorization.
- Refusing or failing, without just cause, to produce records or respond to a department subpoena.
- Paying an application fee with a worthless check.

This rule extends these current requirements to equine truckers and other livestock truckers that will be licensed for the first time under s. 95.71, Stats., beginning on July 1, 1994.

Trucker Operations

Under current rules, a livestock trucker must do all of the following:

- Register each livestock vehicle with the department.
- Notify the department of any change of address.
- Keep each livestock vehicle in a clean and sanitary condition.
- Keep records of all animals transported. In some cases, records must include the animals' official individual identification.
- Transport and handle animals in a safe and humane manner.
- Provide adequate food, water, shelter, bedding and pen space for all animals held more than 12 hours.
- Refrain from commingling different species of livestock on the same livestock vehicle.
- Refrain from commingling diseased or downer animals with healthy animals on the same livestock vehicle. If all animals in the load are going directly to slaughter establishments, downer animals and healthy animals may be transported on the same vehicle, but the downer animals must be segregated from the healthy animals to prevent injury.
- Keep records of animals that die while in the trucker's custody. The records must show the disposition of the animal carcasses.

This rule extends these current requirements to equine truckers and other livestock truckers that will be licensed for the first time under s. 95.71, Stats., beginning on July 1, 1994.

LIVESTOCK VEHICLES

Livestock Vehicle Requirements

Under current rules, livestock vehicles operated by livestock dealers or truckers must comply with the following requirements:

- The operator's name, business address and license number must be displayed on both sides of the vehicle. The letters must be at least 2 inches high and 1/4 inch wide.

- The vehicle must be maintained in a condition that is safe for the transportation of livestock.
- If the vehicle is used to transport downer animals, the vehicle must be furnished with equipment necessary to transport and handle downer animals in a humane manner.
- The vehicle must be maintained in a clean and sanitary condition. If the vehicle is used to transport downer animals, it must be disinfected after each use.

This rule retains these requirements and extends them to all livestock vehicles operated by livestock dealers, truckers or market operators.

APPROVED FEEDLOTS

The 1993-95 biennial budget act (1993 Wis. Act 16) created s. 95.715, Stats., related to "approved feedlots." Under s. 95.715, Stats., the department may issue an annual permit designating a feedlot as an "approved feedlot." A feedlot operator is not required to obtain an "approved feedlot" permit. However, under current rules, feeder cattle imported into an "approved feedlot" are exempt from certain import restrictions and pre-import testing requirements that apply to other feeder cattle. Feeder cattle may not be removed from an "approved feedlot" except to a slaughtering establishment for slaughter. The department may establish, by rule, the fee for an "approved feedlot" permit.

This rule amends current rules related to "approved feedlot" permits in order to make those rules consistent with s. 95.715, Stats. Under this rule, a permit expires on June 30 annually. This rule establishes a fee of \$50 for an annual permit.

APPROVED VEAL LOTS

The 1993-95 biennial budget act (1993 Wis. Act 16) created s. 95.715, Stats., related to "approved veal lots." Under s. 95.715, Stats., the department may issue an annual permit designating a veal lot as an "approved veal lot." A veal lot operator is not required to obtain an "approved veal lot" permit. However, under current rules, veal calves imported into an "approved veal lot" are exempt from certain import restrictions and pre-import testing requirements that apply to other veal calves. Veal calves may not be removed from an "approved veal lot" except to a slaughtering establishment for slaughter.

This rule amends current rules related to "approved veal lot" permits in order to make those rules consistent with s. 95.715, Stats. Under this rule, a permit expires on June 30 annually. There is no fee for a permit. (The department is not authorized to charge a fee.)

IMPORT OF BOVINE ANIMALS

Under current rules, a bovine animal may be imported from a brucellosis-free state without a pre-import brucellosis test if the animal is tested for brucellosis within 60 days after it is imported. This rule repeals the requirement that the animal be tested after import.

IMPORT OF RATITES

Avian influenza, which can be carried by ostriches, emus and other ratites, is a major threat to Wisconsin's domestic poultry industry. This rule establishes safeguards to prevent the importation of ratites infected with avian influenza. This rule also clarifies that ratites are not "poultry," and are not covered by current rules relating to poultry. A "ratite" means a member of the group of flightless birds that includes the ostrich, emu, cassowary, kiwi and rhea.

Report of Intended Import

Under this rule, before any person imports a ratite into this state, that person must report the intended import to the department either orally or in writing. Within 3 business days after receiving a report of intended import, the department must issue an import confirmation number to the person making the report. The department may issue an import confirmation number by telephone. The import confirmation number must appear on the interstate health certificate or the certificate of veterinary inspection that accompanies the imported ratite into this state.

Interstate Health Certificate

Under this rule, no ratite may be imported into this state unless it is accompanied by a valid interstate health certificate or certificate of veterinary inspection. This requirement does not apply to a ratite imported directly from a federal quarantine facility.

Under current rules, an interstate health certificate or certificate of veterinary inspection must include:

- Official individual identification of the animal.
- The name and address of the person shipping the animal, and the location from which the animal is shipped.
- The name and address of the person receiving the animal, and the location at which the animal will be received.
- A statement by the veterinarian certifying that the veterinarian has inspected the animal, that the animal appears to be free of disease, and that the results of disease tests are as listed on the certificate.

This rule extends these current requirements to certificates issued in connection with ratite imports. Under this rule, certificates issued in connection with ratite imports must also include the import confirmation number issued by the department.

Under this rule, if an imported ratite was purchased at a public market, swap meet or other public sale, the interstate health certificate or certificate of veterinary inspection must include a report of a negative avian influenza test conducted within 30 days prior to import. The test must be an agar gel immuno diffusion test, a cloacal swab test for virus isolation or another test approved by the department.

Under this rule, if the imported ratite was not purchased at a public market, swap meet or other public sale, the interstate health certificate or certificate of veterinary inspection must include one of the following:

- Certification, by the veterinarian who issues the certificate, that the ratite's flock of origin has shown no evidence of being infected with pathogenic avian influenza within the preceding 6 months.
- A report of a negative avian influenza test conducted within 30 days prior to import. The test must be an agar gel immuno diffusion test, a cloacal swab test for virus isolation or another test approved by the department.

The veterinarian who completes the certificate must file one copy with the chief livestock health official of the state of origin. The veterinarian must also mail or telefax a copy to the department on or before the import date.

OFFICIAL INDIVIDUAL IDENTIFICATION OF ANIMALS

Under current rules, certain animals that are imported into this state, moved within this state, handled by livestock markets or dealers, or exhibited at livestock exhibitions must be identified by some form of "official individual identification." An animal's official individual identification uniquely identifies that animal for various purposes, including disease testing, import permits, interstate health certificates, certificates of veterinary inspection, vaccination reports and disease investigations.

Under current rules, an "official individual identification" means a set of identifying characters that is uniquely associated with an individual animal, and that consists of one of the following:

- The animal's official eartag number.
- The animal's breed association tattoo.

- The animal's breed association identification number.
- Other identification approved by the department.

This rule authorizes the following additional forms of official identification for equine animals and ratites:

- A registration freeze brand number which uniquely identifies the animal.
- The official breed registration lip tattoo number of an equine animal which uniquely identifies that equine animal.
- A written or graphic description of an equine animal, prepared by a licensed and accredited veterinarian, which uniquely identifies that equine animal and includes all of the following: (1) a complete and accurate description of the equine animal's breed, coloration and distinguishing markings; and (2) the equine animal's status as a gelding, mare or stallion, which may be abbreviated as "G", "M" or "S" respectively.
- The microchip number of a ratite which uniquely identifies that ratite.
- The leg band number of a ratite which uniquely identifies that ratite.

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SECTION 1. ATCP 10.01(45)(d) is renumbered ATCP 10.01(45)(i).

SECTION 2. ATCP 10.01(45)(d) to (h) are created to read:
ATCP 10.01(45)(d) A registration freeze brand number which uniquely identifies the animal.

(e) The official breed registration lip tattoo number of an equine animal which uniquely identifies that equine animal.

(f) A written or graphic description of an equine animal, prepared by a licensed and accredited veterinarian, which uniquely identifies that equine animal and includes all of the following:

1. A complete and accurate description of the equine animal's breed, coloration and distinguishing markings.

1 2. The equine animal's status as a gelding, mare or
2 stallion, which may be abbreviated as "G", "M" or "S"
3 respectively.

4 (g) The microchip number of a ratite which uniquely
5 identifies that ratite.

6 (h) The leg band number of a ratite which uniquely
7 identifies that ratite.

8 **SECTION 3.** ATCP 10.01(56) is amended to read:

9 ATCP 10.01(56) "Poultry" means domesticated fowl, including
10 chickens, turkeys, waterfowl⁷ and game birds, except doves and
11 pigeons, which are bred for the primary purpose of producing eggs
12 or meat. "Poultry" does not include ratites.

13 **SECTION 4.** ATCP 10.01(60r) is created to read:

14 ATCP 10.01(60r) "Ratite" means a member of the group of
15 flightless birds that includes the ostrich, emu, cassowary, kiwi
16 and rhea.

17 **SECTION 5.** ATCP 10.11(2)(b) is amended to read:

18 ATCP 10.11(2)(b) An on-site brucellosis screening test,
19 conducted by an accredited veterinarian at a livestock market
20 licensed under s. ~~95.70~~ 95.68, Stats., satisfies the brucellosis
21 testing requirement under s. 95.49, Stats., and s. ATCP 11.16,
22 provided that the veterinarian submits the test sample to the
23 department laboratory within 24 hours for confirmatory testing.

24 **SECTION 6.** ATCP 10.40(2)(intro.) is renumbered ATCP
25 10.40(2) and amended to read:

1 ATCP 10.40(2) SAMPLE IDENTIFICATION. The veterinarian who
2 draws the blood sample for an equine infectious anemia test shall
3 identify the sample with the official individual identification
4 of the equine animal from which the sample was collected. The
5 identification shall accompany the blood sample submitted for
6 testing. ~~The following are acceptable forms of identification:~~

7 **SECTION 7.** ATCP 10.40(2)(a) to (d) are repealed.

8 **SECTION 8.** ATCP 11.01(25), (42), (44) and (45) are amended
9 to read:

10 ATCP 11.01(25) "Equine market" ~~means a market which is open~~
11 ~~to the public for marketing or trading in equine animals for any~~
12 purpose has the meaning specified under s. 95.68(1)(b), Stats.

13 (42) "Livestock dealer" has the meaning specified under s.
14 ~~95.70(1)(a)~~ 95.69(1)(c), Stats., and includes any person who
15 leases livestock to others.

16 (44) "Livestock market" has the meaning specified under s.
17 ~~95.70(1)(b)~~ 95.68(1)(e), Stats.

18 (45) "Livestock trucker" has the meaning specified under s.
19 ~~95.70(1)(e)~~ 95.71(1)(e), Stats.

20 **SECTION 9.** ATCP 11.01(54)(d) is renumbered ATCP
21 11.01(54)(i).

22 **SECTION 10.** ATCP 11.01(54)(d) to (h) are created to read:

23 ATCP 11.01(54)(d) A registration freeze brand number which
24 uniquely identifies the animal.

25 (e) The lip tattoo number of an equine animal which
26 uniquely identifies that equine animal.

1 (f) A written or graphic description of an equine animal,
2 prepared by a licensed and accredited veterinarian, which
3 uniquely identifies that equine animal and includes all of the
4 following:

5 1. A complete and accurate description of the equine
6 animal's breed, coloration and distinguishing markings.

7 2. The equine animal's status as a gelding, mare or
8 stallion, which may be abbreviated as "G", "M" or "S"
9 respectively.

10 (g) The microchip number of a ratite which uniquely
11 identifies that ratite.

12 (h) The leg band number of a ratite which uniquely
13 identifies that ratite.

14 **SECTION 11.** ATCP 11.01(64) is amended to read:

15 ATCP 11.01(64) "Poultry" means domesticated fowl, including
16 chickens, turkeys, waterfowl, and game birds, except doves and
17 pigeons, which are bred for the primary purpose of producing eggs
18 or meat. "Poultry" does not include ratites.

19 **SECTION 12.** ATCP 11.01(69m) is created to read:

20 ATCP 11.01(69m) "Ratite" means a member of the group of
21 flightless birds that includes the ostrich, emu, cassowary, kiwi
22 and rhea.

23 **SECTION 13.** ATCP 11.02(1)(a)(intro.) and (e) are amended to
24 read:

25 ATCP 11.02(1)(a)(intro.) Identification of each animal
26 covered by the certificate. Official individual identification

1 is required for bovine animals, swine, equine animals, sheep,
2 goats, ratites and cervidae. Official individual identification
3 is not required for any of the following, provided that the
4 certificate clearly identifies the shipment destination and the
5 number of animals included in the shipment:

6 (e) Any specific health information, including information
7 related to herd or flock of origin, vaccination status or
8 diagnostic test results, which is required for the import or
9 movement of the animal under this chapter.

10 **SECTION 14.** ATCP 11.02(3)(k) is created to read:

11 ATCP 11.02(3)(k) Ratites, except ratites imported directly
12 from a federal quarantine facility.

13 **SECTION 15.** ATCP 11.02(4)(a) is amended to read:

14 ATCP 11.02(4)(a) Except as provided under par. (b), an
15 interstate health certificate or certificate of veterinary
16 inspection is valid for 30 days after it is signed, provided that
17 all required tests and inspections are conducted within the time
18 periods prescribed under this chapter.

19 **SECTION 16.** ATCP 11.02(5)(b) is amended to read:

20 ATCP 11.02(5)(b) For import shipments of swine, ratites and
21 bovine animals, the veterinarian shall mail or telefax a copy of
22 the certificate to the department on or before the shipment date.
23 The veterinarian shall also file a copy with the state of origin
24 under par. (a).

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1 **SECTION 17.** ATCP 11.11(3)(b)6 is amended to read:

2 ATCP 11.11(3)(b)6. Any animal originating from a
3 brucellosis free state ~~if the animal is tested for brucellosis~~
4 ~~within 60 days after entering this state.~~

5 **SECTION 18.** ATCP 11.12(1)(note) is amended to read:

6 ATCP 11.12(1)(note)

7 NOTE: This section does not require every livestock market
8 to operate as a part 78 market. However, under s. ATCP
9 11.11, bovine animals imported to a part 78 market are
10 exempt from certain import restrictions and pre-import
11 testing requirements until they leave the part 78
12 market. These exemptions do not apply unless the
13 receiving market is specifically approved as a part 78
14 market. Regardless of whether a livestock market is
15 approved as a part 78 market, it must be licensed by
16 the department under s. ~~95.70~~ 95.68, Stats., and s.
17 ATCP 12.02.

18 **SECTION 19.** ATCP 11.13(1) is amended to read:

19 ATCP 11.13(1) PERMIT. The department may issue a an annual
20 permit designating a veal lot as an "approved veal lot." A
21 permit expires on June 30th ~~following the 5th anniversary of the~~
22 ~~date on which the permit was issued~~ annually. Under s. 93.06(7),
23 Stats., the department may deny, suspend or revoke a permit for
24 cause, including violations of this chapter or other animal
25 health laws.

26 **SECTION 20.** ATCP 11.14(1) and (2) are amended to read:

27 ATCP 11.14(1) PERMIT. The department may issue a an annual
28 permit designating a feed lot as an "approved feed lot." A
29 permit expires on June 30 ~~following the 5th anniversary of the~~
30 ~~date on which the permit was issued~~ annually. Under s. 93.06(7),
31 Stats., the department may deny, suspend or revoke a permit for

1 cause, including violations of this chapter or other animal
2 health laws.

3 (2)(title) PERMIT APPLICATION AND FEE. To obtain an
4 approved feedlot permit, a feedlot operator shall submit an
5 application on a form provided by the department. The
6 application shall identify the location of the feedlot by county,
7 township and section, and shall include other relevant
8 information required by the department. ~~No fee is required.~~ The
9 application shall be accompanied by a fee of \$50. The department
10 shall grant or deny a permit application within 30 days after a
11 complete permit application is filed with the department.

12 **SECTION 21.** ATCP 11.16(1) is amended to read:

13 ATCP 11.16(1) REQUIREMENT. Except as provided under sub.
14 (2), no person may move any bovine animal between locations in
15 this state unless the animal tests negative for brucellosis in a
16 brucellosis test conducted within 30 days prior to movement, and
17 the animal is accompanied by a report of the negative brucellosis
18 test. An on-site brucellosis screening test, conducted by an
19 accredited veterinarian at a livestock market licensed under s.
20 ~~95.70~~ 95.68, Stats., satisfies the brucellosis testing
21 requirements under this subsection and s. 95.49, Stats., provided
22 that the veterinarian submits the test sample to the department
23 laboratory within 24 hours for confirmatory testing.

24 **SECTION 22.** ATCP 11.16(2)(g) is amended to read:

25 ATCP 11.16(2)(g) An animal, not known to be a brucellosis
26 reactor, which is moved to the premises of a livestock market

1 operator licensed under s. 95.68, Stats., or livestock dealer
2 licensed under s. ~~95.70~~ 95.69, Stats., provided that the animal
3 is tested in compliance with sub. (1) before leaving the premises
4 of the licensed market or dealer premises.

5 **SECTION 23.** ATCP 11.21(1)(note) is amended to read:

6 ATCP 11.21(note)

7 NOTE: This section does not require every swine market
8 operator to operate as a part 76 market. However,
9 under s. ATCP 11.20, swine imported to a part 76 market
10 are exempt from certain import restrictions and pre-
11 import testing requirements until they leave the part
12 76 market. These exemptions do not apply unless the
13 receiving market is specifically approved as a part 76
14 market. Regardless of whether a swine market is
15 approved as a part 76 market, it must be licensed by
16 the department under s. ~~95.70~~ 95.68, Stats., and s.
17 ATCP 12.02.

18 **SECTION 24.** ATCP 11.54(1) is amended to read:

19 ATCP 11.54(1) HEALTH CERTIFICATE. No person may import a
20 llama or other exotic ruminant into this state unless the
21 ruminant is accompanied by a valid interstate health certificate
22 or certificate of veterinary inspection. The certificate shall
23 comply with s. ATCP 11.02, and shall contain the number of the
24 import permit assigned by the department under sub. (2).

25 **SECTION 25.** ATCP 11.57 is created to read:

26 ATCP 11.57 RATITE IMPORT REQUIREMENTS. (1) INTERSTATE
27 HEALTH CERTIFICATE REQUIRED. No person may import a ratite into
28 this state, other than directly from a federal quarantine
29 facility, unless that ratite is accompanied by a valid interstate
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1 health certificate or certificate of veterinary inspection that
2 complies with s. ATCP 11.02. The certificate shall include the
3 import confirmation number assigned under sub. (3)(b) and either
4 of the following:

5 (a) A report of a negative avian influenza test conducted
6 within 30 days prior to the import shipment date. The avian
7 influenza test shall be an agar gel immuno diffusion test, a
8 cloacal swab test for virus isolation or another test approved by
9 the department.

10 (b) A statement by the accredited veterinarian certifying
11 that the ratite's flock of origin has not shown any evidence of
12 infection with pathogenic avian influenza during the 6 months
13 immediately preceding the import shipment date. A flock of
14 origin means a flock in which the ratite has spent its entire
15 life, or in which the ratite has spent at least the last 6 months
16 immediately preceding the import shipment date.

17 (2) RATITE PURCHASED AT PUBLIC SALE REQUIRED TO HAVE
18 NEGATIVE AVIAN INFLUENZA TEST. No ratite purchased at a public
19 market, swap meet or other public sale may be imported into this
20 state unless the ratite is accompanied by a report of a negative
21 avian influenza test under sub. (1)(a).

22 (3) REPORT OF INTENDED IMPORT. (a) No person may import a
23 ratite into this state unless that person first reports the
24 intended import to the department, either in writing or by
25 telephone. The report shall include the name and address of the
26 person shipping the ratite, the name and address of the person

1 receiving the ratite in this state, the official individual
2 identification of the ratite, and the intended date of the import
3 shipment.

4 (b) Within 3 days after the department receives a report of
5 intended import under par. (a), the department shall issue an
6 import confirmation number to the person who made the report.
7 The department may, in its discretion, issue the import
8 confirmation number by telephone. The import confirmation number
9 shall be included on the interstate health certificate or
10 certificate of veterinary inspection that accompanies the
11 imported ratite under sub. (1).

12 NOTE: By issuing an import confirmation number, the
13 department does not signify either its approval or
14 disapproval of a ratite import. Ratite imports must
15 comply with applicable requirements under this section.
16 The department recommends, but does not require, that
17 every ratite imported into Wisconsin be isolated on the
18 recipient's premises for at least 14 days, and that the
19 bird be tested for avian influenza before being allowed
20 to commingle with other ratites or poultry.

21 **SECTION 26.** ATCP 11.60(4) is amended to read:

22 ATCP 11.60(4) PERMIT TO MOVE. The department may issue a
23 permit allowing the movement of animals under sub. ~~(3)~~ (2) or ~~(4)~~
24 (3) for slaughter or other purposes prescribed by the department
25 in the permit. The department shall grant or deny a permit
26 application under this subsection within 5 business days after
27 the department receives a complete permit application containing
28 all information required by the department.

1 **SECTION 27.** ATCP 12.01(8m) and (8r) are created to read:

2 ATCP 12.01(8m) "Equine animal" has the meaning specified
3 under s. 95.68(1)(a), Stats.

4 (8r) "Equine market" has the meaning specified under s.
5 95.68(1)(b), Stats.

6 **SECTION 28.** ATCP 12.01(13), (14) and (16) are amended to
7 read:

8 (13) "Livestock" ~~means farm animals including bovine~~
9 ~~animals, sheep, goats, swine and horses~~ has the meaning specified
10 under s. 95.68(1)(d), Stats.

11 (14) "Livestock dealer" has the meaning specified under s.
12 ~~95.70(1)(a)~~ 95.69(1)(c), Stats., and includes any person who
13 leases livestock to others.

14 (16) "Livestock market" has the meaning specified under s.
15 ~~95.70(1)(b)~~ 95.68(1)(e), Stats.

16 **SECTION 29.** ATCP 12.01(17) is renumbered ATCP(17)(intro.)
17 and amended to read:

18 ATCP 12.01(17)(Intro.) "Livestock trucker" has the meaning
19 specified under s. ~~95.70(1)(e)~~ 95.71(1)(e), Stats. "Livestock
20 trucker" does not include a person engaged only in the following
21 activities:

22 **SECTION 30.** ATCP 12.01(17)(a) to (c) are created to read:

23 ATCP 12.01(17)(a) Hauling livestock on an occasional basis
24 for persons participating in a livestock exhibition, fair, trail
25 ride, youth livestock event or similar activity.

1 (b) Hauling livestock on an incidental basis in connection
2 with another business, such as a veterinary practice or a stable
3 operation, which is operated by that person and which does not
4 ordinarily involve the sale of livestock.

5 (c) Hauling livestock fewer than six times per year.
6 Hauling livestock for one's self does not count toward the six
7 times per year in the preceding sentence.

8 NOTE: This definition does not affect legal requirements
9 administered by any other federal or state agency. Even if
10 a person is not considered a "livestock trucker" for
11 purposes of this chapter, that person may still be subject
12 to specific licensing requirements administered by the
13 Wisconsin Department of Transportation or other governmental
14 agencies.

15 **SECTION 31.** ATCP 12.01(17m) is created to read:

16 ATCP 12.01(17m) "Livestock vehicle" has the meaning
17 specified under s. 95.71(1)(g), Stats.

18 **SECTION 32.** ATCP 12.01(20)(d) is renumbered ATCP
19 12.01(20)(i).

20 **SECTION 33.** ATCP 12.01(20)(d) to (h) are created to read:

21 ATCP 12.01(20)(d) A registration freeze brand number which
22 uniquely identifies the animal.

23 (e) The lip tattoo number of an equine animal which
24 uniquely identifies that equine animal.

25 (f) A written or graphic description of an equine animal,
26 prepared by a licensed and accredited veterinarian, which
27 uniquely identifies that equine animal and includes all of the
28 following:

29 1. A complete and accurate description of the equine

1 animal's breed, coloration and distinguishing markings.

2 2. The equine animal's status as a gelding, mare or
3 stallion, which may be abbreviated as "G", "M" or "S"
4 respectively.

5 (g) The microchip number of a ratite which uniquely
6 identifies that ratite.

7 (h) The leg band number of a ratite which uniquely
8 identifies that ratite.

9 **SECTION 34.** ATCP 12.02(1) and (2) are repealed and
10 recreated to read:

11 ATCP 12.02(1) LICENSE REQUIRED. No person may operate a
12 livestock market without an annual license from the department,
13 as provided under s. 95.68(2), Stats. A separate license is
14 required for each livestock market. A license expires on June 30
15 of each year. A license is not transferable between persons or
16 livestock markets. To qualify for an annual license, a livestock
17 market operator shall do all of the following:

18 (a) Submit a complete license application under sub. (2).

19 (b) Pay all license fees required under sub. (2m).

20 (c) Register all livestock vehicles operated by the market
21 operator, as provided under sub. (2r).

22 (b) Pass a test administered by the department.

23 (c) Comply with other applicable requirements under s.
24 95.68, Stats., and this chapter.

25 (2) LICENSE APPLICATION. An applicant for an annual
26 livestock market license under sub. (1) shall submit an

1 application on a form provided by the department. The
2 application shall include all of the following:

3 (a) The name and address of the livestock market operator.

4 (b) The address of the livestock market.

5 (c) The types of animals traded at the livestock market,
6 and the number of public sales held at the livestock market in
7 the year immediately preceding the year for which a license is
8 sought.

9 (d) The fees required under sub. (2m).

10 (e) The identification and serial number of every livestock
11 vehicle registered under sub. (2r).

12 (f) Proof of compliance with any bonding or security
13 requirement applicable to that livestock market under the federal
14 packers and stockyards act, 7 USC 181 et seq.

15 (g) Other relevant information required by the department
16 for licensing purposes.

17 **SECTION 35.** ATCP 12.02(2m), (2r) and (2w) are created to
18 read:

19 ATCP 12.02(2m) -LICENSE FEES. (a) A livestock market
20 operator shall pay a basic annual license fee as follows:

21 1. For a livestock market, other than an equine market,
22 that has conducted sales on 5 or more days during the year
23 immediately preceding the year for which the license is issued, a
24 fee of \$150.

25 2. For a livestock market, other than an equine market,
26 that has conducted sales on fewer than 5 days during the year

1 immediately preceding the year for which the license is issued, a
2 fee of \$75.

3 3. For an equine market, a fee of \$100.

4 (b) A livestock market operator shall pay, in addition to
5 the basic license fee under par. (a), a supplementary license fee
6 of \$5 for each livestock vehicle registered by the livestock
7 market operator under sub. (2r).

8 (c) A livestock market operator shall pay a license fee
9 surcharge of \$100 if the department determines that, within 365
10 days prior to submitting a license application under sub. (2),
11 the livestock market operator did any of the following:

12 1. Operated a livestock market without a license in
13 violation of sub. (1).

14 2. Operated a livestock vehicle in this state in violation
15 of sub. (2r).

16 (d) If a livestock market operator is required to pay a
17 surcharge under par. (c), the livestock market operator shall
18 also pay any fees that are due for the year in which the
19 livestock market operator violated sub. (1) or (2r).

20 (e) Payment of a surcharge under par. (c) or fees under
21 par. (d) does not relieve a livestock market operator of other
22 civil or criminal liability that may result from a violation of
23 sub. (1) or (2r), nor does it constitute evidence of a violation.

24 (2r) REGISTRATION OF LIVESTOCK VEHICLES. (a) No livestock
25 market operator may operate a livestock vehicle to transport
26 livestock in this state unless that livestock vehicle is

1 registered with the department in the name of the livestock
2 market operator. A livestock vehicle registration expires on
3 June 30 annually.

4 (b) A livestock market operator shall register livestock
5 vehicles when the market operator submits an application under
6 sub. (2) for an annual livestock market license. A livestock
7 market operator may register additional livestock vehicles during
8 the license year.

9 (c) To register a livestock vehicle, a livestock market
10 operator shall submit the identification and serial number of
11 that vehicle, and shall pay the supplementary license fee
12 required under sub. (2m)(b).

13 (2w) ACTION ON LICENSE APPLICATION. The department shall
14 grant or deny a license application under sub. (2) within 30
15 business days after the department receives a complete
16 application. Before issuing a license for a livestock market
17 that is not currently licensed, the department shall inspect the
18 livestock market for compliance with this section.

19 NOTE: If a livestock market is currently licensed by the
20 department, the department need not inspect that
21 livestock market before renewing an annual license, or
22 before issuing a license to a new owner of that market.
23

24 **SECTION 36.** ATCP 12.02(3)(g) is amended to read:

25 ATCP 12.02(3)(g) Violation of other applicable provisions
26 under s. ~~95.70~~ 95.68, Stats., ch. ATCP 10, ch. ATCP 11 or this
27 chapter.
28

1 **SECTION 37.** ATCP 12.02(4)(b) and (d) are amended to read:

2 ATCP 12.02(4)(b) Maintain the market premises in a clean
3 and sanitary condition; keep barns, pens, alleys and other
4 livestock holding areas in good repair; and disinfect the
5 premises between public sales.

6 (d) Identify ~~bovine animals and swine~~ livestock in
7 compliance with s. ATCP 12.05.

8 **SECTION 38.** ATCP 12.02(4)(h) is created to read:

9 ATCP 12.02(4)(h) Maintain, equip and operate livestock
10 vehicles in compliance with s. ATCP 12.045.

11 **SECTION 39.** ATCP 12.02(5) is repealed and recreated to
12 read:

13 ATCP 12.02(5) CONSTRUCTION REQUIREMENTS. (a) Livestock
14 markets, including equine markets, which hold 5 or more sales per
15 year shall meet the following construction requirements:

16 1. Floors of all livestock holding areas shall be sloped
17 for proper drainage.

18 2. Floors shall be constructed of concrete or other
19 impervious material except that, in areas used exclusively for
20 equine animals, earthen floors may be used to protect the equine
21 animals from hoof damage.

22 3. The livestock market, except an equine market, shall be
23 equipped with a livestock chute with a headgate, which shall be
24 adequate to restrain livestock without injury.

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1 4. If the livestock market is used for equine animals, the
2 market shall be equipped with equine stocks, which shall be
3 adequate to restrain the equine animal without injury.

4 5. Areas containing livestock chutes or equine stocks shall
5 be equipped with sufficient lighting to permit identification and
6 testing of livestock.

7 6. The livestock market shall have pens adequate to confine
8 all animals kept at that livestock market. The pens shall have
9 no sharp edges or protrusions that could injure the animals.

10 7. Dead animal holding areas and manure holding areas in a
11 livestock market shall be enclosed to keep out dogs and wild
12 animals unless the entire livestock market is fenced to keep out
13 dogs and wild animals.

14 (b) Livestock markets, including equine markets, which hold
15 fewer than 5 sales per year shall meet the following construction
16 requirements:

17 1. The livestock market shall be equipped to restrain
18 livestock safely and effectively.

19 2. The livestock market shall be equipped to provide
20 adequate lighting for identification and testing of animals.

21 **SECTION 40.** ATCP 12.02(5)(note) is repealed.

22 **SECTION 41.** ATCP 12.03(1) and (2) are repealed and
23 recreated to read:

24 ATCP 12.03(1) LICENSE REQUIRED. No person may operate as a
25 livestock dealer without an annual license from the department,
26 except that a livestock market operator licensed under s. ATCP

1 12.02 need not be licensed as a livestock dealer. The operator
2 of a buying station shall be licensed as a livestock dealer
3 unless the buying station is licensed as a livestock market under
4 s. ATCP 12.02 or is affiliated with a licensed slaughter
5 establishment. A livestock dealer license expires on June 30 of
6 each year and is not transferable. To qualify for an annual
7 license, a livestock dealer shall do all of the following:

8 (a) Submit a complete license application under sub. (2).

9 (b) Pay all license fees required under sub. (2m).

10 (c) Register all livestock vehicles operated by the
11 livestock dealer, as provided under sub. (2r).

12 (b) Pass a test administered by the department.

13 (c) Comply with other applicable requirements under s.
14 95.69, Stats., and this chapter.

15 (2) LICENSE APPLICATION. An applicant for an annual
16 livestock dealer license under sub. (1) shall submit an
17 application on a form provided by the department. The
18 application shall include all of the following:

19 (a) The name and address of the livestock dealer.

20 (b) The fees required under sub. (2m).

21 (c) The identification and serial number of every livestock
22 vehicle registered under sub. (2r).

23 (d) Proof of compliance with any bonding or security
24 requirement applicable to that livestock dealer under the federal
25 packers and stockyards act, 7 USC 181 et seq.

1 (e) Other relevant information required by the department
2 for licensing purposes.

3 **SECTION 42.** ATCP 12.03(2m), (2r) and (2w) are created to
4 read:

5 ATCP 12.03(2m) LICENSE FEES. (a) A livestock dealer shall
6 pay a basic annual license fee of \$75.

7 (b) A livestock dealer shall pay, in addition to the basic
8 license fee under par. (a), a supplementary annual license fee of
9 \$5 for each livestock vehicle registered by that livestock dealer
10 under sub. (2r).

11 (c) A livestock dealer shall pay a license fee surcharge of
12 \$100 if the department determines that, within 365 days prior to
13 submitting a license application under sub. (2), that livestock
14 dealer did any of the following:

15 1. Operated as a livestock dealer without a license in
16 violation of sub. (1).

17 2. Operated a livestock vehicle in this state in violation
18 of sub. (2r).

19 (c) If a livestock dealer is required to pay a surcharge
20 under par. (b), that livestock dealer shall also pay any fees
21 that are due for the year in which that livestock dealer violated
22 sub. (1) or (2r).

23 (d) Payment of a surcharge under par. (b) or fees under
24 par. (c) does not relieve a livestock dealer of other civil or
25 criminal liability that may result from a violation of sub. (1)
26 or (2r), nor does it constitute evidence of a violation.

1 (2r) REGISTRATION OF LIVESTOCK VEHICLES. (a) No livestock
2 dealer may operate a livestock vehicle to transport livestock in
3 this state unless that livestock vehicle is registered with the
4 department in the name of that livestock dealer. A livestock
5 vehicle registration expires on June 30 annually.

6 (b) A livestock dealer shall register livestock vehicles
7 when that dealer submits an application under sub. (2) for an
8 annual livestock dealer license. A livestock dealer may register
9 additional livestock vehicles during the license year.

10 (c) To register a livestock vehicle, a livestock dealer
11 shall submit the identification and serial number of that
12 vehicle, and shall pay the supplementary license fee required
13 under sub. (2m)(b).

14 (2w) ACTION ON LICENSE APPLICATION. The department shall
15 grant or deny a license application under sub. (2) within 30
16 business days after the department receives a complete
17 application.

18 **SECTION 43.** ATCP 12.03(3)(g) is amended to read:
19

20 ATCP 12.03(3)(g) Violation of other applicable requirements
21 under s. ~~95.70~~ 95.69, Stats., ch. ATCP 10, ch. ATCP 11 or this
22 chapter.

23 **SECTION 44.** ATCP 12.03(4)(c) is amended to read:

24 ATCP 12.03(4)(c) Identify ~~bovine animals and swine~~
25 livestock in compliance with s. ATCP 12.05.
26

1 **SECTION 45.** ATCP 12.03(4)(h) is repealed and recreated to
2 read:

3 ATCP 12.03(4)(h) Maintain, equip and operate livestock
4 vehicles in compliance with s. ATCP 12.045.

5 **SECTION 46.** ATCP 12.04(1) and (2) are repealed and
6 recreated to read:

7 ATCP 12.04(1) **LICENSE REQUIRED.** No person may operate as a
8 livestock trucker without an annual license from the department.
9 A livestock market operator or livestock dealer licensed under s.
10 ATCP 12.02 or 12.03 shall also be licensed as a livestock trucker
11 under this section if the market operator or dealer transports
12 the livestock of others for hire. A separate license is required
13 for each livestock trucker. A livestock trucker license expires
14 on June 30 of each year and is not transferable. To qualify for
15 an annual license, a livestock trucker shall do all of the
16 following:

- 17 (a) Submit a complete license application under sub. (2).
- 18 (b) Pay all license fees required under sub. (2m).
- 19 (c) Register all livestock vehicles operated by the
20 livestock trucker, as provided under sub. (2r).
- 21 (d) Pass a test administered by the department.
- 22 (e) Comply with other applicable requirements under s.
23 95.71, Stats., and this chapter.

24 (2) **LICENSE APPLICATION.** An applicant for an annual
25 livestock trucker license under sub. (1) shall submit an

1 application on a form provided by the department. The
2 application shall include all of the following:

3 (a) The name and address of the livestock trucker.

4 (b) The fees required under sub. (2m).

5 (c) The identification and serial number of every livestock
6 vehicle registered under sub. (2r).

7 (d) Other relevant information required by the department
8 for licensing purposes.

9 **SECTION 47.** ATCP 12.04(2m), (2r) and (2w) are created to
10 read:

11 ATCP 12.04(2m) LICENSE FEES. (a) A livestock trucker
12 shall pay a basic annual license fee of \$20.

13 (b) A livestock trucker shall pay, in addition to the basic
14 license fee under par. (a), a supplementary annual license fee of
15 \$5 for each livestock vehicle registered by the livestock trucker
16 under sub. (2r).

17 (c) A livestock trucker shall pay a license fee surcharge
18 of \$100 if the department determines that, within 365 days prior
19 to submitting a license application under sub. (2), the livestock
20 trucker did any of the following:

21 1. Operated as a livestock trucker without a license in
22 violation of sub. (1).

23 2. Operated a livestock vehicle in this state in violation
24 of sub. (2r).

25 (c) If a livestock trucker is required to pay a surcharge
26 under par. (b), that livestock trucker shall also pay any fees

1 that are due for the year in which that livestock trucker
2 violated sub. (1) or (2r).

3 (d) Payment of a surcharge under par. (b) or fees under
4 par. (c) does not relieve a livestock trucker of other civil or
5 criminal liability that may result from a violation of sub. (1)
6 or (2r), nor does it constitute evidence of a violation.

7 (2r) REGISTRATION OF LIVESTOCK VEHICLES. (a) No livestock
8 trucker may operate a livestock vehicle to transport livestock in
9 this state unless that livestock vehicle is registered with the
10 department in the name of that livestock trucker. A livestock
11 vehicle registration expires on June 30 annually.

12 (b) A livestock trucker shall register livestock vehicles
13 when that livestock trucker submits an application under sub. (2)
14 for an annual livestock trucker license. A livestock trucker may
15 register additional livestock vehicles during the license year.

16 (c) To register a livestock vehicle, a livestock trucker
17 shall submit the identification and serial number of that
18 vehicle, and shall pay the supplementary license fee required
19 under sub. (2m)(b).

20 (2w) ACTION ON LICENSE APPLICATION. The department shall
21 grant or deny a license application under sub. (2) within 30
22 business days after the department receives a complete
23 application.
24
25

1 SECTION 48. ATCP 12.04(3)(g) is amended to read:

2 ATCP 12.04(3)(g) Violation of any other applicable
3 requirement under s. ~~95.70~~ 95.71, Stats., ch. ATCP 10, ch. ATCP
4 11 or this chapter.

5 SECTION 49. ATCP 12.04(4)(a) is repealed and recreated to
6 read:

7 ATCP 12.04(4)(a) Maintain, equip and operate livestock
8 vehicles in compliance with s. ATCP 12.045.

9 SECTION 50. ATCP 12.04(4)(b) and (d) are amended to read:

10 ATCP 12.04(4)(b) Identify ~~bovine animals and swine~~
11 livestock in compliance with applicable requirements under s.
12 ATCP 12.05.

13 (d) Transport and handle animals in a safe and humane
14 manner. ~~Transport vehicles shall be equipped and maintained in a~~
15 ~~condition which is safe for the transportation of livestock.~~

16 SECTION 51. ATCP 12.04(5) is repealed and recreated to
17 read:

18 ATCP 12.04(5) PROHIBITED CONDUCT. (a) No livestock
19 trucker may cause or permit different species of livestock to be
20 commingled on the same livestock vehicle.

21 (b) No livestock trucker may transport diseased or downer
22 animals with healthy animals on the same livestock vehicle,
23 unless the entire load is transported directly to a slaughter
24 establishment. If downer animals are commingled with other

1 animals for transportation to a slaughter establishment, the
2 downer animals shall be segregated from the other animals to
3 prevent injury.

4 **SECTION 52.** ATCP 12.04(6) is repealed.

5 **SECTION 53.** ATCP 12.045 is created to read:

6 ATCP 12.045 LIVESTOCK VEHICLES. A livestock vehicle shall
7 comply with all of the following requirements if that livestock
8 vehicle is operated in this state by a livestock market operator,
9 livestock dealer or livestock trucker who is required to be
10 licensed under this chapter:

11 (1) The livestock vehicle shall have the following
12 information displayed on both sides of the livestock vehicle, in
13 legible letters at least 2 inches high and 1/4 inch wide:

14 (a) The operator's name and business address.

15 (b) The operator's livestock market license number,
16 livestock dealer license number or livestock trucker license
17 number.

18 (2) The livestock vehicle shall be constructed, equipped
19 and maintained for safe transportation of livestock.

20 (3) The livestock vehicle, if used to transport downer
21 animals, shall be furnished with equipment necessary to transport
22 and handle downer animals in a humane manner.

23 (4) The livestock vehicle shall be kept in a clean and
24 sanitary condition.

25 (5) The livestock vehicle, if used to transport diseased or
26 downer animals, shall be cleaned and disinfected before being

1 used to transport any other animals. The livestock vehicle shall
2 be disinfected with a disinfectant that is approved by the
3 department and used according to label directions.

4 **SECTION 54.** ATCP 12.05(title) is amended to read:

5 ATCP 12.05 (title) IDENTIFICATION OF LIVESTOCK.

6 **SECTION 55.** ATCP 12.05(3) and (4) are created to read:

7 ATCP 12.05(3) IDENTIFICATION OF EQUINE ANIMALS. Whenever a
8 livestock dealer or livestock market operator receives any equine
9 animal, the livestock dealer or market operator shall immediately
10 record the official individual identification of that equine
11 animal. If an equine animal has no official individual
12 identification when received by a livestock dealer or market
13 operator, the livestock dealer or market operator shall have a
14 licensed and accredited veterinarian prepare a description of
15 that equine animal according to s. ATCP 12.01(20)(f).

16 (4) IDENTIFICATION OF SHEEP. Whenever a livestock dealer
17 or livestock market operator receives any sheep, the livestock
18 dealer or market operator shall immediately record the official
19 individual identification of that sheep. If a sheep has no
20 official individual identification when received by a livestock
21 dealer or market operator, the livestock dealer or market
22 operator shall immediately identify that sheep with an official
23 eartag.

24 **SECTION 56.** ATCP 12.06(1)(a) is amended to read:

25 ATCP 12.06(1)(a) Daily record of transactions. Every
26 livestock dealer and every livestock market operator shall keep a

1 daily record of all transactions involving the purchase, receipt,
2 sale or delivery of ~~bovine animals or swine~~ livestock.

3 **SECTION 57.** ATCP 12.06(1)(b)(intro.), 2 and 5 are amended
4 to read:

5 ATCP 12.06(1)(b)(intro.) Animals purchased or received.
6 For each ~~bovine~~ livestock animal ~~or swine~~ purchased or received
7 by a livestock dealer or livestock market operator, the daily
8 record under par. (a) shall include:

9 2. The animal's official individual identification if
10 required under s. ATCP 12.05(1)(a), ~~or~~ (2)(a), (3) or (4).

11 5. The animal's breed ~~of bovine animal or class of swine~~
12 received if the animal is a bovine animal or swine. If ~~the a~~
13 bovine animal is a crossbreed ~~bovine~~ of beef and dairy animals,
14 the animal shall be classified as a beef breed.

15 **SECTION 58.** ATCP 12.06(1)(c)(intro.), 1, 2 and 5 are
16 amended to read:

17 ATCP 12.06(1)(c)(intro.) Animals sold or delivered. For
18 each ~~bovine~~ livestock animal ~~or swine~~ sold or delivered by a
19 livestock dealer or livestock market operator, the daily record
20 under par. (a) shall include:

21 1. The name and address of the person ~~from~~ to whom the
22 animal was sold or delivered.

23 2. The animal's official individual identification if
24 required under s. ATCP 12.05(1)(a), ~~or~~ (2)(a), (3) or (4).

25 5. The animal's breed ~~of bovine animal or class of swine~~
26 received if the animal is a bovine animal or swine. If ~~the a~~

1 bovine animal is a crossbreed ~~bovine~~ of beef and dairy animals,
2 the animal shall be classified as a beef breed.

3 **SECTION 59.** ATCP 12.06(1)(d) is amended to read:

4 ATCP 12.06(1)(d) Animals dying in custody. Every livestock
5 dealer and every livestock market operator shall keep a record of
6 every ~~bovine~~ livestock animal and ~~every swine~~ which dies in the
7 custody of the livestock dealer or market operator. The record
8 shall indicate the disposition of the dead animal.

9 **SECTION 60.** ATCP 12.06(2)(a) is amended to read:

10 ATCP 12.06(2)(a) Daily record of receipts and deliveries.
11 Every livestock trucker shall keep a daily record of all ~~bovine~~
12 ~~animals and swine~~ livestock which are received or delivered by
13 the livestock trucker. Records shall be made at the time the
14 animals are loaded or unloaded from the ~~transport~~ livestock
15 vehicle.

16 **SECTION 61.** ATCP 12.06(2)(b)1 and 2 are amended to read:

17 ATCP 12.06(2)(b)1. The number of ~~bovine~~ livestock animals
18 ~~or swine~~ received.

19 2. A description of the livestock animals received,
20 including the breed of any bovine animals or the class of any
21 swine received. If a bovine animal is a crossbreed of beef and
22 dairy animals, the animal shall be classified as a beef breed.

23 **SECTION 62.** ATCP 12.06(2)(c)1 and 2 are amended to read:

24 ATCP 12.06(2)(c)1. The number of ~~bovine~~ livestock animals
25 ~~or swine~~ delivered.

1 2. A description of the livestock animals delivered,
2 including the breed of any bovine animals or the class of any
3 swine ~~received~~ delivered. If a bovine animal is a crossbreed of
4 beef and dairy animals, the animal shall be classified as a beef
5 breed.

6 SECTION 63. The rules contained in this order shall take
7 effect on the first day of the month following publication in the
8 Wisconsin administrative register, as provided under s.
9 227.22(2)(intro.), Stats.

10
11 Dated this 10th day of January, 1995.
12

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE
AND CONSUMER PROTECTION

By: *Alan T. Tracy*, Deputy Secretary
Alan T. Tracy, Secretary

