

ment to control and eradicate an infectious, contagious or communicable disease from an affected herd.

(33) "Infectious" means caused by a pathogenic agent.

(34) "Interstate health certificate" means a written health certificate prepared by an accredited veterinarian in compliance with s. ATCP 11.02 (1).

(35) "Leukosis" means the condition of cattle caused by bovine type C oncovirus manifested by the presence of bovine leukosis virus antibodies, which may result in lymphosarcoma or lymphocytosis.

(36) "Leukosis-free herd" means a herd of cattle which is certified as leukosis-free by one of the following:

(a) The department under s. ATCP 10.22.

(b) The authorized animal health agency of the state in which the herd is located, under standards comparable to s. ATCP 10.22.

(37) "Leukosis test" means a test, approved by the department for the detection of bovine leukosis antibodies in cattle, which is conducted at a laboratory approved by the department or the federal bureau and evaluated by a state or federal epidemiologist.

(38) "Livestock" means farm animals including bovine animals, sheep, goats, swine and horses.

(39) "Mastitis" means a contagious and infectious disease of bovine animals, manifested by inflammation of the mammary gland, which is caused by a variety of microorganisms.

(40) "Mycoplasmosis" means a disease of poultry caused by *Mycoplasma gallisepticum*.

(41) "National poultry improvement plan" means the national poultry improvement plan established by the federal bureau under 9 CFR 145.

(42) "Negative" means an official diagnostic test result which discloses no evidence of disease.

(43) "Official back tag" means an identification back tag, approved by the federal bureau, that conforms to the 8-character alpha-numeric national uniform backtagging system.

Note: Examples of official back tags include the official Wisconsin bovine back tag and the official Wisconsin swine back tag.

(44) "Official ear tag" means an identification ear tag, approved by the federal bureau, that conforms to the 9-character alpha-numeric national uniform eartagging system.

Note: An official ear tag uniquely identifies each individual animal with no duplication of the alpha-numeric identification, regardless of the materials or colors used. Examples of official ear tags include the official Wisconsin identification tag, the official U.S.D.A. Wisconsin vaccination tag, and the official Wisconsin swine ear tag.

(45) "Official individual identification" means a set of identifying characters which is uniquely associated with an individual animal, and which consists of one of the following:

(a) The animal's official ear tag number.

(b) The animal's breed association tattoo.

(c) The animal's breed association registration number.

(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.

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

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

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

(i) Other identification approved by the department.

(46) "Official spayed heifer" means a female bovine animal which has had its ovaries removed and is identified by an open spade brand or spay certificate.

(47) "Official vaccinate" means a female bovine animal which is vaccinated against brucellosis, and identified and reported as a vaccinate, in compliance with s. ATCP 10.10 or comparable laws of another state.

(48) "Originates from a herd" or "originating from a herd" means coming from a herd, other than a group of animals temporarily assembled for sale or shipment, in which the animal was born or kept since birth, or in which the animal was kept for at least 120 days.

(48m) "Originates from a state" or "originating from a state" means coming directly from one of the following:

(a) A state in which the animal was born and kept since birth.

(b) A state to which the animal was moved from a state holding an equal or better federal classification for the disease in question.

(c) A state in which the animal has been kept for at least 120 days.

(49) "Paratuberculosis" means the infectious and communicable disease of domestic ruminants, commonly known as Johne's disease, which is caused by *Mycobacterium paratuberculosis*.

(50) "Paratuberculosis herd sample" means a collection of individual samples taken concurrently from all animals in the herd that are at least 20 months of age on the date that the samples are taken.

(51) "Paratuberculosis official vaccinate" means a bovine animal originating from a paratuberculosis program herd or a documented paratuberculosis-free herd, which was vaccinated with the *Mycobacterium paratuberculosis* bacterin between 5 and 35 days of age, and was identified

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with an official ear tag or other official identification and appropriately tattooed.

(52) "Paratuberculosis reactor" means a ruminant which has a positive fecal culture for *Mycobacterium paratuberculosis*, or which is positive to any other test approved by the department for identification of paratuberculosis.

(53) "Paratuberculosis sample" means a fecal sample or other sample approved by the department.

(54) "Paratuberculosis test" means the fecal culture test, enzyme-linked immunosorbent assay test, also known as the ELISA test, or other test approved by the department, conducted at a laboratory approved by the department or the federal bureau, to determine whether an animal is infected with *Mycobacterium paratuberculosis*.

(55) "Person" includes any individual, corporation, partnership, association, or firm.

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

(57) "Pseudorabies" means the contagious, infectious, and communicable disease of livestock and other animals which is caused by the pseudorabies herpes virus, and which is also known as Aujeszky's disease, mad itch, or infectious bulbo-paralysis.

(58) "Pseudorabies test" means the negative serum neutralization (SN) test or another pseudorabies diagnostic test which is approved by the department and conducted at a laboratory approved by the department or the federal bureau.

(59) "Pullorum" means a disease of poultry caused by *Salmonella pullorum*.

(60) "Qualified pseudorabies negative herd" means a herd of swine which is certified as being pseudorabies negative by one of the following:

(a) The department under s. ATCP 10.30.

(b) The authorized animal health agency in the state where the herd is located, under standards comparable to s. ATCP 10.30.

(60m) "Qualified pseudorabies negative grow-out herd" means a herd of swine certified by the department under s. ATCP 10.305.

(60r) "Ratite" means a member of the group of flightless birds that includes the ostrich, emu, cassowary, kiwi and rheas.

(61) "Reactor" means an animal which has reacted positively in a conclusive diagnostic test for an infectious, contagious or communicable disease.

(61m) "Single cervical test" means a tuberculosis test, used in herds of cervidae with known exposure to *Mycobacterium bovis*, which is conducted using 0.2 ml. (10,000 international units) of United States department of agriculture PPD Bovis tuberculin, or 0.1 ml (10,000 international units) of special double strength tuberculin.

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(62) "Slaughtering establishment" means a slaughtering establishment which is licensed by the department, or subject to inspection by the United States department of agriculture. "Slaughtering establishment" includes all premises used in connection with a slaughter operation.

(63) "Sow" means a sexually mature female swine.

(64) "State veterinarian" means the administrator of the animal health division of the department, or a veterinarian who is authorized by the administrator to act on his or her behalf.

(65) "Steer" means a castrated male bovine animal.

(66) "Supplemental brucellosis test" means the complement fixation test, card test, rivanol plate test, individual brucellosis ring test and other tests approved by the department for the diagnosis of brucellosis.

(67) "Suspect" means an animal which is suspected of having a disease, based on test results or other reliable information, but which is not yet confirmed to have the disease.

(68) "Swine" means a domestic hog or any variety of wild hog.

(69) "Tuberculosis" means the contagious, infectious and communicable disease caused by *Mycobacterium bovis*.

(70) "Tuberculosis test" means an approved screening test or confirmatory test to determine whether an animal may be infected with tuberculosis. "Tuberculosis test" includes a caudal fold test or a comparative cervical test.

(71) "Typhoid" or "fowl typhoid" means a disease of poultry caused by *Salmonella gallinarum*.

(72) "Validated brucellosis-free herd" means a herd of swine which is certified as brucellosis-free by one of the following:

(a) The department under s. ATCP 10.33.

(b) The authorized animal health agency of the state in which the herd is located, under standards comparable to s. ATCP 10.33.

(72m) "Validated brucellosis-free grow-out herd" means a herd of swine which is certified by the department under s. ATCP 10.335.

(73) "Veal calf" means a bovine animal of either sex, not more than 120 days old, which is kept for the sole purpose of feeding prior to slaughter for veal.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; emerg. cr. (15j), (15m), (17m) and (61m), eff. 3-18-91; am. (54), Register, June, 1991, No. 426, eff. 7-1-91; cr. (15j), (15m), (17m) and (61m), Register, November, 1991, No. 431, eff. 12-1-91; r. and recr. (48), cr. (48m), (60m) and (72m), Register, September, 1993, No. 453, eff. 10-1-93; cr. (20m), (20p) and (20q), Register, January, 1994, No. 457, eff. 2-1-94; renum. (45) (d) to be (45) (l), cr. (45) (d) to (h), (60r), am. (56), Register, March, 1995, No. 471, eff. 4-1-95.

Subchapter II — General Provisions

ATCP 10.02 Reportable diseases. Except as otherwise provided in this section, a veterinarian shall report the following diseases in writing to the department within 10 days after the disease is diagnosed or suspected. The dis-

eases marked with an asterisk require emergency action and shall be reported to the department's animal health division immediately by telephone or other rapid means. An emergency report shall be confirmed in writing within 10 days. Veterinarians are not required to report any disease that has been diagnosed at the department's animal health laboratory, or rabies diagnosed at the state laboratory of hygiene of the department of health and social services.

- (1) Anaplasmosis.
- (2) Anthrax.
- (3) Any disease which is foreign or exotic to Wisconsin.*
- (4) Avian influenza.*
- (5) Bluetongue.
- (6) Brucellosis.*
- (7) Equine infectious anemia.
- (8) Equine encephalomyelitis* (Eastern, Western or Venezuelan).
- (9) Mycoplasmosis (*Mycoplasma gallisepticum*).
- (10) Paratuberculosis (Johne's disease).
- (11) Potomac horse fever.
- (12) Pseudorabies.*
- (13) Pullorum.
- (14) Rabies.
- (15) Salmonellosis in poultry (*Salmonella typhimurium* or *Salmonella dublin*).
- (16) Scrapie.
- (17) Sheep foot rot.
- (18) Swine dysentery.
- (19) Tuberculosis.*
- (20) Vesicular conditions, including vesicular stomatitis.*

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

ATCP 10.03 Disease testing; reports. (1) VETERINARIAN TO FILE REPORT. Whenever a veterinarian tests an animal for any of the following diseases, the veterinarian shall report the test results to the department within 10 days unless the test sample is analyzed at a department laboratory:

- (a) Anaplasmosis.
- (b) Brucellosis.
- (c) Leukosis.
- (d) Paratuberculosis (Johne's disease).
- (e) Pseudorabies.
- (f) Tuberculosis.

(2) SAMPLES AND REPORTS TO INCLUDE OFFICIAL INDIVIDUAL IDENTIFICATION. Every test sample and every test report submitted to the department under sub. (1) shall be

identified with the official individual identification of the animal to which the sample or test report pertains. If the animal has no official individual identification, the veterinarian shall identify the animal.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

ATCP 10.04 State not a warrantor. Nothing in this chapter constitutes a warranty by the state of Wisconsin or the department that any animal is free of disease.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Subchapter III — Bovine Disease

ATCP 10.10 Brucellosis; official vaccinates. (1) VACCINATION PROCEDURE. No bovine animal may be designated as an official vaccinate unless the animal is vaccinated for brucellosis in compliance with all of the following procedures:

(a) A beef breed animal shall be vaccinated when the animal is between 120 and 299 days of age, and a dairy breed animal shall be vaccinated when the animal is between 120 and 239 days of age.

(b) The vaccine used to immunize the bovine animal shall be a Brucella vaccine approved by the federal bureau.

(c) The vaccine shall be administered subcutaneously by an accredited veterinarian.

(2) IDENTIFYING OFFICIAL BRUCELLOSIS VACCINATES. (a) Vaccination tattoo. Every veterinarian who vaccinates a bovine animal for brucellosis shall apply a vaccination tattoo to the inner surface of the right ear of the animal. The vaccination tattoo shall consist of a number representing the quarter of the year in which the animal was vaccinated, followed by a symbol in the form of a shield containing the letter "V" and the last numeral of the year in which the animal was vaccinated. Number 1 represents the first quarter of the year (January, February and March). Number 2 represents the second quarter of the year (April, May and June). Number 3 represents the third quarter of the year (July, August and September). Number 4 represents the fourth quarter of the year (October, November and December). No retattooing is permitted.

(b) *Vaccination tag.* 1. Except as provided under subd. 2, every veterinarian who vaccinates a bovine animal for brucellosis shall insert a vaccination tag in the right ear of the animal. A vaccination tag, which is a form of official ear tag under s. ATCP 11.10 (1), shall be orange in color and shall conform to the 9-character alpha-numeric national uniform ear tagging system. The alpha-numeric characters shall consist of the prefix "35," followed by the letter "V," "T" or "S," followed by 2 alphabetic and 4 numeric characters. A vaccination tag may not be applied to a nonvaccinate animal. A vaccination tag may not be replaced if lost or removed, but may be replaced by a silver official Wisconsin ear tag.

Note: See s. ATCP 11.10 related to identification of bovine animals.

2. A vaccination tag is not required under this paragraph for a registered purebred animal, provided that the veterinarian who performs the vaccination records the

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animal's breed association registration number or breed tattoo on the vaccination report filed with the department under sub. (2).

(3) **REPORTING REQUIREMENT.** An accredited veterinarian who performs a brucellosis vaccination shall file a vaccination report with the department within 15 days after the vaccination is performed. The vaccination report shall be filed on a form provided by the department, and shall include the official individual identification of the vaccinated animal. A copy of the completed form shall be furnished to the owner of the official vaccinee, and another copy shall be retained by the accredited veterinarian who performed the vaccination.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

ATCP 10.11 Brucellosis testing. (1) WHO MAY TEST. No person, except the following, may collect a brucellosis test sample from a bovine animal in this state:

- (a) An accredited veterinarian.
- (b) An employe of the department or the federal bureau.
- (c) A person collecting samples under department supervision at a slaughtering establishment.

(2) **TEST METHOD.** (a) Except as provided under par. (b), a brucellosis test of a bovine animal shall be conducted at a laboratory approved by the department or the federal bureau, using a method identified under s. ATCP 10.01 (10).

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

(3) **VETERINARIAN TO FILE REPORT.** A veterinarian who collects a brucellosis test sample from a bovine animal shall report the test result to the department within 10 days after the veterinarian obtains the test result, unless the test sample is analyzed at a department laboratory. A positive reaction on any brucellosis test shall be reported immediately by telephone or other rapid means, and shall be confirmed by a written report to the department within 10 days. The veterinarian shall also provide a copy of the test report to the owner of the animal.

Note: See also ss. ATCP 10.02 and 10.03.

(4) **REPORT FORM.** A veterinarian shall submit a brucellosis test report under sub. (3) in writing, on a form provided by the department. The report shall include the official individual identification of the animal tested, and any other information required by the department. Report forms shall be used only for their intended purpose. No person other than a veterinarian may sign the report form.

(5) **IDENTIFYING TESTED ANIMALS.** If a veterinarian collects a brucellosis test sample from a bovine animal which does not yet have an official individual identification, the veterinarian shall identify the animal by inserting an official eartag in the animal's right ear.

Note: See s. ATCP 11.10 regarding identification of bovine animals.
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(6) **BRUCELLOSIS REACTORS.** Within 15 days after a bovine animal is classified as a brucellosis reactor based on a brucellosis test, the animal shall be branded and identified for destruction. The animal shall be branded with the letter "B" on the left jaw not less than 2 nor more than 3 inches high, and shall be identified by inserting an official reactor eartag, bearing a serial number, in the animal's left ear.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (2) (b), Register, March, 1995, No. 471, eff. 4-1-95.

ATCP 10.12 Brucellosis test classifications; supplemental testing. Upon receiving a brucellosis test result, the department shall classify the tested animal as negative, suspect or reactor. The department may, in its discretion, use supplemental brucellosis tests to confirm test results, and to evaluate whether animals may be infected with brucellosis.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

ATCP 10.13 Brucellosis indemnity. No indemnity may be paid under s. 95.26, Stats., for bovine brucellosis if any of the following occur:

(1) A reactor is slaughtered more than 15 days after it is identified by a reactor tag and branded as provided in s. ATCP 10.11 (6), unless the department for good cause extends the deadline for slaughter. The deadline for slaughter shall not be extended by more than 15 days.

(2) The claimant failed to clean and disinfect the premises within 15 days after the reactors were slaughtered, unless the department, for good cause, extended the deadline for cleaning and disinfecting the premises. The deadline may not be extended by more than 15 days.

(3) The claim is not accompanied by a report of slaughter certified by a department or federal veterinarian.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

ATCP 10.14 Brucellosis-free herd; certification. (1) INITIAL CERTIFICATION. The department may certify a herd of cattle as a "certified brucellosis-free herd" if the herd owner provides proof that all animals in the herd, except steers, official spayed heifers, calves under 6 months old and official vaccinees under 20 months old have tested negative for brucellosis in 2 successive brucellosis tests. The tests shall be conducted at a department laboratory not less than 10 months nor more than 14 months apart. In lieu of these test results, the herd owner may submit both of the following:

(a) Reports of 3 successive negative milk tests, also known as brucellosis ring tests or BRT tests, conducted at a department laboratory at intervals of not less than 3 months nor more than 12 months.

(b) A report of one negative brucellosis test, conducted at a department laboratory within 3 months following the last BRT test under par. (a).

(2) **ANNUAL RECERTIFICATION.** The department may annually recertify a herd as brucellosis-free if all animals in the herd, other than those exempt under sub. (1), are annually tested with the brucellosis test and found negative for brucellosis. Annual testing for recertification shall be performed not less than 10 months nor more than 14 months after the last annual certification date. If testing

for recertification is not completed within 14 months after the last annual certification date, certification expires. If certification expires, the herd may not be recertified except under sub. (1).

(3) CERTIFICATE REVOCATION; REACTOR HERD. (a) If a brucellosis test shows that any animal in a certified brucellosis-free herd is a brucellosis reactor, the certificate shall be summarily revoked by written notice to the herd owner or agent. The revocation notice shall be signed by the state veterinarian. A person adversely affected by a summary revocation may request a hearing before the department. A request for hearing does not stay the summary revocation.

(b) If a brucellosis-free herd certificate is revoked, the herd may not be recertified except under sub. (1). A quar-

antined herd may not be certified until the quarantine is released.

(4) CERTIFICATE SUSPENSION; SUSPECT HERD. (a) If a brucellosis test shows that any animal in a certified brucellosis-free herd is a brucellosis suspect, the certificate shall be summarily suspended pending further evaluation of the herd by a department epidemiologist. The suspension notice shall be signed by the state veterinarian, and shall be served on the herd owner or agent. A person adversely affected by a summary suspension may request a hearing before the department. A request for hearing does not stay the summary suspension.

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1. The number of animals received into the herd, the origin of each animal, and the date on which each animal was received.

2. The number of animals leaving the herd, including animals leaving by death or sale. The record shall include the date on which each animal left the herd, and the identity of the person to whom the animal was sold or delivered.

(b) A herd owner shall keep the records under par. (a) for at least 2 years after the records are made, and shall make the records available to the department for inspection and copying upon request.

History: Cr. Register, September, 1993, No. 453, eff. 10-1-93.

ATCP 10.34 Brucellosis control. (1) TESTING. The department may test all swine on a farm if there is reason to believe that the herd on that farm may be infected with brucellosis.

(2) **BLOOD SAMPLES.** Blood samples for brucellosis testing shall be taken by an accredited veterinarian and shall be submitted to an approved federal or state animal health laboratory.

(3) **QUARANTINE.** The department may tag and brand all swine which are infected with brucellosis and place the entire herd under quarantine until the department determines that the herd is no longer infected. The quarantine shall comply with s. ATCP 10.70. No swine may be removed from quarantined premises except directly to a slaughtering establishment.

(4) **IDENTIFICATION.** (a) Swine which have been tested for brucellosis shall be individually identified with an identification tag, tattoo, or other permanent identification approved by the department.

(b) Swine classified as brucellosis reactors shall be branded or tattooed on the left shoulder with the letter "B" not less than 3 inches in height, and shall be identified by a reactor tag inserted in the left ear.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Subchapter V — Equine Diseases

ATCP 10.40 Equine infectious anemia; testing. (1) SAMPLE DRAWN BY VETERINARIAN. A licensed accredited veterinarian shall draw every equine blood sample used for an equine infectious anemia test.

(2) **SAMPLE IDENTIFICATION.** The veterinarian who draws the blood sample for an equine infectious anemia test shall identify the sample with the official individual identification of the equine animal from which the sample was collected. The identification shall accompany the blood sample submitted for testing.

History: Cr. Register, January, 1994, No. 457, eff. 2-1-94; renun. (2) (intro.) to be (2), r. (2) (a) to (d), Register, March, 1995, No. 471, eff. 4-1-95.

ATCP 10.41 Equine infectious anemia; quarantine. (1) TEST POSITIVE ANIMAL; QUARANTINE. The department shall summarily quarantine every equine animal that tests positive on an equine infectious anemia test. The

quarantine notice shall comply with s. ATCP 10.70 and shall also include all of the following:

(a) Notice of the positive equine infectious anemia test.

(b) Notice that the owner or custodian may request a retest under sub. (4).

(c) Notice that the state veterinarian may order the animal to be branded under sub. (7).

(2) **EXPOSED ANIMAL; QUARANTINE.** (a) The department shall summarily quarantine every equine animal which, in the department's judgment, has been exposed to an equine animal that has tested positive on an equine infectious anemia test. The quarantine notice shall comply with s. ATCP 10.70.

Note: An exposed animal includes, but is not limited to, an animal that is deemed to be exposed under par. (b).

(b) An equine animal kept within 300 yards of an equine animal that has tested positive on an equine infectious anemia test is considered exposed under par. (a) unless the department's epidemiologist determines, following investigation, that it has not been exposed.

(c) If the department quarantines an exposed animal under par. (a) the owner or custodian of that animal shall have that animal tested for equine infectious anemia. The exposed animal shall be tested not less than 45 days after the last date on which that animal was exposed to an equine animal that has tested positive on an equine infectious anemia test. The test shall be performed not more than 60 days after the last exposure, or not more than 15 days after the department's quarantine order is served, whichever test deadline is later.

(d) The department shall release a quarantine issued under par. (a) if the quarantined animal tests negative on an equine infectious anemia test under par. (c).

(e) If an equine animal quarantined under par. (a) tests positive for equine infectious anemia, the department shall extend the quarantine on that animal by issuing a quarantine notice under sub. (1).

(3) **HEARING REQUEST.** A person adversely affected by a quarantine under sub. (1) or (2) may, within 30 days after the quarantine is served, request a hearing on the quarantine as provided under s. ATCP 10.70 (6). A request for hearing does not automatically stay a quarantine notice.

(4) **RETESTING UPON REQUEST.** The department shall retest an animal quarantined under sub. (1) if, within 10 days after the quarantine notice is served, the department receives a written request for a retest from the owner or custodian of the quarantined animal. A request for a retest does not stay a quarantine notice under sub. (1). A retest fee of \$25.00 shall be charged to the owner or custodian who requested the retest.

(5) **RETEST PROCEDURE.** If an equine animal is retested under sub. (4), a state or federal veterinarian shall positively identify the retested animal as being the same animal originally tested. The state or federal veterinarian who identifies the retested animal shall draw the blood sample for the retest. The blood sample for the retest shall be drawn not less than 14 days after the department receives the written request nor more than 45 days after the blood sample for the initial test was drawn.

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(6) **QUARANTINE RELEASE BASED ON RETEST.** If a retest under sub. (4) indicates that the original test result may have been a false positive, the department may release the quarantine issued under sub. (1). The release of a quarantine under sub. (1) does not prevent the department from issuing a quarantine under sub. (2) for the same animal if the 45 day time period under sub. (2) (c) has not yet expired.

(7) **ORDER TO BRAND TEST POSITIVE ANIMAL.** The state veterinarian shall, by written notice, order that a test positive animal quarantined under sub. (1) be branded under sub. (8). The order shall be served on the owner and on the custodian of the animal to be branded. The state veterinarian shall not issue a branding order under this subsection if any of the following apply:

(a) The time for requesting a hearing or retest under sub. (3) or (4) has not yet elapsed.

(b) A hearing has been requested under sub. (3) and the contested case proceeding is not yet completed.

(c) A retest has been requested under sub. (4) and has not yet been completed.

(d) A retest has failed to confirm the initial test result that prompted the quarantine.

(e) The state veterinarian is restrained by a judicial order, or by order of the department's secretary or hearing examiner under ch. ATCP 1.

(f) The department has released its quarantine under sub. (1).

(g) The state veterinarian determines that branding is not appropriate or necessary.

(8) **BRANDING TEST POSITIVE ANIMALS.** (a) A state or federal veterinarian shall execute a branding order under sub. (7) by applying a "35a" freeze brand to the left side of the animal's neck. A branding order may not be executed under this paragraph sooner than 14 days after the order is served on the owner and custodian of the animal, unless the owner and custodian consent in writing to have the animal branded at an earlier date.

(b) An equine animal branded under this section is quarantined to the extent provided under sub. (9) (a), but is no longer quarantined under sub. (1).

(c) No person may, except by judicial or administrative process, prevent a state or federal veterinarian from executing a branding order in compliance with this subsection.

(9) **QUARANTINE TERMS AND CONDITIONS.** (a) An equine animal quarantined under sub. (1), (2) or (8) (b) shall be kept in a tightly screened stall that is secure against the movement of flies, or shall be kept a minimum of 300 yards from other equine animals not known to be infected with equine infectious anemia.

(b) No person may move, sell or transfer custody of an equine animal quarantined under sub. (1), (2) or (8) (b), without a permit from the department. The department

shall grant or deny the permit within 5 days after the permit is requested.

History: Cr. Register, January, 1994, No. 457, eff. 2-1-94.

Subchapter VI — Poultry Diseases

ATCP 10.50 Poultry; disease control. (1) PROHIBITIONS.

(a) No poultry may be used for breeding purposes and no poultry eggs may be used for hatching unless they originate from a flock which is tested annually and classified "U.S. pullorum-typhoid clean" as provided in the national poultry improvement plan. No turkeys or turkey eggs may be used for breeding purposes or hatching unless they originate from a flock which is tested annually and classified "Mycoplasma gallisepticum clean" as provided in the national poultry improvement plan.

(b) No person may use, sell or otherwise transfer any poultry or poultry eggs for breeding or hatching purposes unless the poultry or poultry eggs comply with the requirements of this section and s. ATCP 11.40.

(2) **GENERAL PROVISIONS.** (a) All blood samples for testing under this section shall be drawn by an authorized agent of the department.

(b) All turkeys shall be banded at the time blood samples are drawn. Blood samples shall be identified by band number.

(c) Blood samples drawn from turkeys shall be tested at a laboratory approved by the department. Blood samples drawn from poultry other than turkeys may be field tested by the rapid plate method using approved antigens. Field testing may be conducted by an authorized agent of the department.

(d) Breeder flock and hatchery inspections shall be conducted by the department.

(e) All breeder flock and hatchery owners shall follow sanitation procedures prescribed by the department.

(f) If a flock or hatchery owner, or any person providing poultry disease diagnostic services, obtains test results or evidence indicating the presence of pullorum, fowl typhoid or other serotypes of *Salmonella* in poultry, or *Mycoplasma gallisepticum* in turkeys, that person shall report the test results or evidence to the department within 10 days.

(g) Upon receipt of a report of pullorum or fowl typhoid in any poultry, or of *Mycoplasma gallisepticum* in turkeys, the department shall conduct an immediate investigation to determine the origin and mode of transmission of the infection.

(h) All poultry flocks classified as reactor, infected or suspect under standards of the national poultry improvement plan shall be quarantined to the premises and may be removed only directly to slaughter. The flock owner

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