

## Chapter ATCP 11

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Note: Chapter Ag 11 as it existed in December 31, 1990 was repealed and a new ch. Ag 11 was created effective January 1, 1991; Chapter Ag 11 was renumbered ch. ATCP 11 under s. 13.93 (2m) (b) 1., Stats., Register, April, 1993, No. 478.

#### Subchapter I — Definitions

**ATCP 11.01 Definitions.** As used in this chapter:

(1) "Accredited tuberculosis-free herd" means a herd of bovine animals, cervidae or goats which is certified as tuberculosis-free by one of the following:

(a) The department under s. ATCP 10.17, 10.62 or 10.67 (1).

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

(2) "Accredited veterinarian" means a veterinarian who is both of the following:

(a) Licensed to practice veterinary medicine.

(b) Specifically authorized by the federal bureau and responsible state agency, pursuant to 9 CFR 160 to 162, to perform animal disease eradication and control functions under state and federal animal health laws.

(3) "Anaplasmosis" means the infectious disease of cattle caused by *Anaplasma marginale*.

(4) "Anaplasmosis-free herd" means a herd of cattle which is certified as anaplasmosis-free by one of the following:

(a) The department under s. ATCP 10.18.

(b) The authorized animal health agency of the state in which the herd is located, under standards comparable to s. ATCP 10.18.

(5) "Anaplasmosis test" means the complement fixation test or other anaplasmosis diagnostic test which is approved by the department and conducted at a laboratory approved by the department or the federal bureau.

(6) "Approved equine quarantine station" means a facility approved by the department under s. ATCP 11.32 to receive equine animals imported from foreign countries in which contagious equine metritis has been reported.

(7) "Approved feed lot" means a feedlot which holds an approved feedlot permit under s. ATCP 11.14.

(8) "Approved veal lot" means a veal lot which holds an approved veal lot permit under s. ATCP 11.13.

(8m) "Axillary tuberculosis test" means a test under s. ATCP 11.54 (3) (c) that is used to detect tuberculosis in south american camelidae.

(9) "Bison" means American bison of any age or sex, commonly known as buffalo.

(10) "Boar" means an uncastrated male swine that is sexually mature.

(11) "Bovine animal" means cattle or American bison of any age or sex.

(12) "Brucellosis" means the contagious, infectious and communicable disease caused by bacteria of the genus *Brucella*.

Note: Brucellosis is also known as Bang's disease, undulant fever and contagious abortion.

(13) "Brucellosis test" means a test, approved by the federal bureau and the department, that is used to determine whether an animal is infected with brucellosis.

(14) "Bull" means an uncastrated sexually mature male bovine animal.

(15) "Calf" means a sexually immature bovine animal of either sex.

(16) "Cattle" means any of the various animals of the domesticated genus *Bos*.

(16m) "Caudal fold tuberculin test" means a test under s. ATCP 10.15 (1) that is used to detect tuberculosis in bovine animals.

(17) "Certificate of veterinary inspection" means a written certificate prepared by an accredited veterinarian in compliance with s. ATCP 11.02 (2).

(18) "Certified brucellosis-free herd" means a herd of cattle or goats which is certified as brucellosis-free by one of the following:

(a) The department under s. ATCP 10.14 or 10.61.

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

**(18m)** "Cervid" is the singular form of the plural "Cervidae". "Cervidae" means members of the family of animals which includes deer, elk, moose, caribou, reindeer and the subfamily musk deer. "Cervidae" includes all "farm-raised deer".

**(19)** "Commingle" means kept or brought together with other animals in any environment which permits direct physical contact between the animals.

**(20)** "Communicable" means transmissible either directly or indirectly.

**(20m)** "Comparative cervical tuberculin test" means one of the following, as applicable:

(a) A test under s. ATCP 10.15 (2) that is used to detect tuberculosis in bovine animals.

(b) A test under s. ATCP 10.66 (5) that is used to detect tuberculosis in cervidae.

**(21)** "Contagious" means spread by contact, body secretions or fomites.

**(22)** "Cow" means a female bovine animal after first calving.

**(23)** "Department" means the state of Wisconsin department of agriculture, trade and consumer protection.

**(24)** "Equine animal" means a horse, mule, zebra, donkey or ass.

**(24p)** "Equine infectious anemia," otherwise known as EIA or swamp fever, means the contagious and infectious disease of equine animals caused by a non-oncogenic retrovirus.

**(24q)** "Equine infectious anemia test" means a test approved by the department, and conducted at a department laboratory or a laboratory approved by the federal bureau, to determine whether an animal is infected with equine infectious anemia.

**(25)** "Equine market" has the meaning specified under s. 95.68 (1) (b), Stats.

**(26)** "Exotic disease" means any communicable, contagious or infectious disease of livestock or poultry not known to exist in Wisconsin.

**(27)** "Exotic ruminant" means a ruminant not indigenous to Wisconsin. "Exotic ruminant" includes llamas and other camelids, but does not include bovine animals and cervidae.

**(28)** "Exposed" means subjected to a causative agent which may cause the exposed animal to contract a contagious, infectious or communicable disease.

**(29)** "Fair" means a state fair, county or district fair, exhibition, show, exposition, rodeo or trail ride.

**(29m)** "Farm-raised deer" has the meaning given in s. 95.001(1)(a), Stats., but does not include cervidae kept by an institution accredited by the American Association of Zoological Parks and Aquariums.

**(30)** "Federal bureau" means the animal and plant health inspection service of the United States department of agriculture, or any other unit of that department which may be vested with authority to administer federal laws and regulations relating to animal disease control.

**(31)** "Feeder cattle" means bovine animals, kept for the sole purpose of feeding prior to slaughter, which are not more than 18 months old as evidenced by the absence of permanent teeth, and whose sexual status is one of the following:

(a) Non-spayed female that is not parturient or postparturient.

(b) Spayed heifer.

(c) Steer.

**(32)** "Feeder swine" means swine, excluding boars, weighing less than 175 pounds and kept for the sole purpose of feeding for slaughter.

**(33)** "Flock" means one of the following, as the context requires:

(a) All of the poultry on one farm, except that any group of poultry which has been segregated from other poultry for a period of at least 21 days may, at the discretion of the department, be considered a separate flock.

(b) Any group of sheep maintained on common ground for any purpose; or 2 or more groups of sheep, under common ownership or supervision, whose members intermingle between groups even if the groups are geographically separated.

**(34)** "Foreign disease" means any communicable, contagious or infectious disease of livestock and poultry not known to exist in the United States.

**(35)** "Hatchery" means premises used to hatch poultry, including buildings, incubators, hatchers and auxiliary equipment.

**(36)** "Heifer" means a female bovine animal up to first calving.

**(37)** "Herd" means either of the following:

(a) A group of animals maintained on common ground for any purpose.

(b) Two or more groups of animals of the same species, under common ownership or supervision, whose members intermingle between groups even if the groups are geographically separated.

**(38)** "Infectious" means caused by a pathogenic agent.

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

**(40)** "Keep farm-raised deer" means to own, rent, lease or serve as the custodian of farm-raised deer.

**(40e)** "Keeper of farm-raised deer" means a person who keeps farm-raised deer.

**(41)** "Livestock" means farm animals including bovine animals, sheep, goats, swine, farm-raised deer and equine animals.

**(42)** "Livestock dealer" has the meaning specified under s. 95.69 (1) (c), Stats., and includes any person who leases livestock to others.

**(43)** "Livestock dealer premises" means any location where a livestock dealer keeps, receives or sells livestock, or conducts livestock transactions, and which is owned, leased, or controlled by the livestock dealer.

**(44)** "Livestock market" has the meaning specified under s. 95.68 (1) (e), Stats.

**(45)** "Livestock trucker" has the meaning specified under s. 95.71 (1) (e), Stats.

**(46)** "Mare" means a female equine animal over 731 days of age.

**(47)** "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.

**(48)** "Managerie animal" means a domestic or non-domestic animal kept individually or as part of a collection primarily for purposes of exhibition or competition.

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

**(50)** "National poultry improvement plan" means the national poultry improvement plan established by the federal bureau.

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

**(52)** "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.

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

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

(54) "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 eartag 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 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 ratite which uniquely identifies that ratite.
- (i) Other identification approved by the department.

(55) "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.

(56) "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.

(57) "Open spade brand" means a branding mark consisting of the outline of an inverted heart with a short stalk at the bottom, used for the identification of spayed heifers.

(58) "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.

(58m) "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.

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

(60) "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.

(61) "Part 78 market" means a licensed livestock market which is approved by the department and the federal bureau to receive cattle in interstate commerce, pursuant to s. ATCP 11.12 and 9 CFR 78.

(62) "Part 76 market" means a licensed livestock market which is approved by the department and the federal bureau to

receive swine in interstate commerce, pursuant to s. ATCP 11.21 and 9 CFR 76.

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

(64) "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.

(65) "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.

(66) "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.

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

(68) "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.

(69) "Racing animal" means a greyhound or other racing canine, and equine animals which participate in organized races such as county, district, or state fairs, or other organized racing events where cash, points, or awards are given as prizes.

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

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

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

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

(71m) "South american camelid" means a llama, alpaca, vicuna or guanaco.

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

(73) "Stallion" means a male equine animal over 731 days of age but does not include a gelding.

(74) "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.

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

(76) "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.

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

(78) "Swine growth performance test station" or "swine test station" means a premises where swine are assembled for purposes of determining feeding efficiency.

(79) "Test mare" means a mare which is used in determining the disease status of stallions with respect to contagious equine metritis.

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

(80m) "Tuberculosis monitored herd" means a herd of cervidae that is certified as a tuberculosis monitored herd by one of the following:

(a) By the department under s. ATCP 10.67 (3).

(b) By the authorized animal health agency of the state in which the herd is located, using standards comparable to those specified under s. ATCP 10.67 (3).

**(80r)** "Tuberculosis qualified herd" means a herd of cervidae that is certified as a tuberculosis qualified herd by one of the following:

(a) By the department under s. ATCP 10.67 (2).

(b) By the authorized animal health agency of the state in which the herd is located, using standards comparable to those specified under s. ATCP 10.67 (2).

**(81)** "Tuberculosis test" means a test, approved by the department, which is used to detect tuberculosis in animals. "Tuberculosis test" includes any of the following tests when authorized or required under this chapter:

(a) A caudal fold tuberculin test or a comparative cervical tuberculin test for bovine animals.

(b) A single cervical tuberculin test, a comparative cervical tuberculin test, or a blood tuberculosis test for cervidae.

(c) An axillary tuberculosis test for exotic ruminants or south american camelidae.

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

**(83)** "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.

**(84)** "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.

**(85)** "Zoo" or "zoological park" means any park, building, cage, enclosure, or other structure or premise in which a live animal or animals are kept for public exhibition or viewing, regardless of whether admission or other consideration is paid by the viewer.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91; emerg. cr. (18j), (18m), (20m) and (70m), eff. 3-18-91; cr. (18j), (18m), (20m), (70m) and (85), am. (27), Register, November, 1991, No. 431, eff. 12-1-91; am. (27), r. and recr. (58), cr. (58m), Register, September, 1993, No. 453, eff. 10-1-93; cr. (24p) and (24q), Register, January, 1994, No. 457, eff. 2-1-94; am. (25), (42), (44), (45), (64), renum. (54) (d) to be (54) (i), cr. (54) (d) to (h), (69m), Register, March, 1995, No. 471, eff. 4-1-95; am. (1), (41), cr. (8m), (16m), (71m), (80m), (80r), r. and recr. (13), (20m), (70m), (81), r. (18j), (40), Register, February, 1996, No. 482, eff. 3-1-96; emerg. cr. (40), eff. 6-3-96; am. (18m), (41), cr. (29m), (40), (40c), Register, December, 1996, No. 492, eff. 1-1-97.

## Subchapter II — General Provisions

**ATCP 11.02 Interstate health certificate; certificate of veterinary inspection.** **(1) INTERSTATE HEALTH CERTIFICATE.** An interstate health certificate is a written certificate, signed by an accredited veterinarian, which is issued to facilitate the movement of animals. An interstate health certificate contains health information related to one or more animals which are specifically identified on the certificate. An interstate health certificate issued under this chapter shall include all of the following:

(a) Identification of each animal covered by the certificate. Official individual identification is required for bovine animals, swine, equine animals, sheep, goats, ratites and cervidae. Official individual identification is not required for any of the following, provided that the certificate clearly identifies the shipment destination and the number of animals included in the shipment:

1. Poultry.  
2. Veal calves or steers originating from a brucellosis-free state or nation, or from a brucellosis class A state.

(b) The species, breed, sex and age of the animal.

(c) The name and address of the person shipping the animal, and the location from which the animal is shipped.

(d) The name and address of the person receiving the animal, and the location at which the animal will be received.

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

(em) If the certificate pertains to a shipment of farm-raised deer shipped from any location in this state, the registration number of the person registered under s. ATCP 10.652 who kept those farm-raised deer at that location.

(f) Other information required by this chapter.

(g) The following statement, or one substantially similar, signed by an accredited veterinarian:

"I certify that I have inspected the individual animals described above and find that they are free from signs of infectious, contagious or communicable disease. I certify that the vaccinations and results of tests are as listed above."

(h) The signature of a veterinarian accredited in the state origin, and the date of signature.

**(2) CERTIFICATE OF VETERINARY INSPECTION.** A certificate of veterinary inspection is a written certificate, signed by an accredited veterinarian, which is issued in lieu of an interstate health certificate to facilitate the movement of animals. A certificate of veterinary inspection, like an interstate health certificate, contains health information related to one or more animals which are specifically identified on the certificate. A certificate of veterinary inspection issued under this chapter shall include the same information required for an interstate health certificate under sub. (1), except that the following statement or one substantially similar shall be substituted for the statement under sub. (1) (g):

"I certify, as an accredited veterinarian, that the above described animals have been inspected by me and that they are not showing signs of contagious or infectious disease, except where noted. The vaccinations and results of tests are as indicated on the certificate. To the best of my knowledge, the animals listed on this certificate meet the state of destination and federal interstate requirements. No further warranty is made or implied."

**(2m) OBTAINING FORM FOR INTERSTATE HEALTH CERTIFICATE OR CERTIFICATE OF VETERINARY INSPECTION.** An accredited veterinarian in the state of Wisconsin may obtain forms to be used to provide an interstate health certificate or certificate of veterinary inspection from the department. A fee of \$3 will be charged for each form provided.

**Note:** Accredited veterinarians may pay the fee and obtain the forms by contacting the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection  
Wisconsin Animal Health Laboratory  
6101 Mineral Point Road  
Madison, WI 53705-4494  
Phone: (608) 266-2465, (800) 608-8387  
Fax: (608) 267-0636

**(3) CERTIFICATE REQUIRED FOR IMPORT.** No person may import any of the following animals into this state unless the animal is accompanied by a valid interstate health certificate or certificate of veterinary inspection:

- (a) Bovine animals, except as provided under s. ATCP 11.11 (1) (c).  
(b) Swine, except as provided under s. ATCP 11.20 (1) (b).  
(c) Equines, except as provided under s. ATCP 11.30 (1) (b).  
(d) Poultry.  
(e) Sheep.  
(f) Goats.  
(g) A dog or domestic cat.  
(h) Circus, rodeo, racing or menagerie animals.  
(i) Exotic ruminants and south american camelidae.  
(j) Cervidae.

(k) Ratites, except ratites imported directly from a federal quarantine facility.

Note: See applicable import requirements for each livestock species, including required contents of interstate health certificates, under subchapters III to VII. See also ss. ATCP 11.12 (2) and 11.21 related to the removal of imported animals from part 78 livestock markets and part 76 swine markets in this state.

(4) **CERTIFICATE VALID FOR 30 DAYS.** (a) Except as provided under par. (b), an interstate health certificate or certificate of veterinary inspection is valid for 30 days after it is signed, provided that all required tests and inspections are conducted within the time periods prescribed under this chapter.

(b) If a bovine animal originating from a brucellosis-free state or nation, a brucellosis class A state or a certified brucellosis-free herd is imported solely for exhibition at a fair or livestock exhibition and returns to its herd of origin after being exhibited, a certificate issued for the interstate movement of the animal is valid for 90 days.

(5) **FILING COPIES OF CERTIFICATE.** If an interstate health certificate or certificate of veterinary inspection is required to accompany an import shipment of animals under sub. (3), the veterinarian who signs the certificate shall file copies as follows:

(a) Within 7 days after the shipment date, the veterinarian shall file a copy of the certificate with the chief livestock health official of the state of origin.

Note: The chief livestock health official of the state of origin will verify the veterinarian's accreditation status, and certain other information contained on the certificate, and forward an approved copy to the department.

(b) For import shipments of swine, ratites, farm-raised deer and bovine animals, the veterinarian shall mail or telefax a copy of the certificate to the department on or before the shipment date. The veterinarian shall also file a copy with the state of origin under par. (a).

(6) **ANIMAL IMPORTED TO CONSIGNMENT SALE; CERTIFICATE TO ACCOMPANY ANIMAL WHEN SOLD.** (a) If an animal is imported on consignment to a livestock dealer or market operator, for sale on behalf of an out-of-state seller, any interstate health certificate or certificate of veterinary inspection which is required to accompany the imported animal shall continue to accompany that animal until the animal is delivered to the custody of its purchaser.

(b) If an accredited veterinarian issues a certificate of veterinary inspection in this state for an imported animal sold on consignment in this state, the certificate may incorporate pertinent health information obtained from the interstate health certificate or certificate of veterinary inspection which accompanies the imported animal. The veterinarian may issue the certificate on the same certification form which accompanies the imported animal if the form is specifically designed for that purpose, or the veterinarian may issue a separate certificate which includes the following statement or one substantially similar:

"The vaccination record, test results, and source herd information on this certificate have been copied from the incoming health certificate which was issued by (accredited veterinarian), who certified the information at (address and state of origin) on (date). A copy of the incoming certificate is attached."

(c) Within 7 days after an accredited veterinarian issues a certificate of veterinary inspection under par. (b), that veterinarian shall file with the department copies of that certificate and the certificate which accompanies the imported animal under par. (a).

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; emerg. am. (1) (a) (intro.) and (3) (i), eff. 3-18-91; am. (1) (a) (intro.), cr. (3) (j), Register, November, 1991, No. 431, eff. 12-1-91; am. (3) (g), Register, September, 1993, No. 453, eff. 10-1-93; am. (1) (a) (intro.), (e), (4) (a), (5) (b), cr. (3) (k), Register, March, 1995, No. 471, eff. 4-1-95; am. (1) (a) 2., (3) (i), (4) (b), cr. (6), Register, February, 1996, No. 482, eff. 3-1-96; emerg. cr. (1) (em), eff. 6-3-96; cr. (1) (em), am. (5) (b), Register, December, 1996, No. 492, eff. 1-1-97; cr. (2m), Register, May, 1999, No. 521, eff. 6-1-99.

**ATCP 11.03 Special import permit. (1) PERMIT AUTHORIZATION.** The state veterinarian may issue a special written permit authorizing a named person to import specifically identified animals into this state, even though the import shipment would other-

wise be prohibited under this chapter, if special circumstances warrant the permit. The permit may contain any conditions which the state veterinarian deems necessary. No permit may authorize more than one import shipment.

(2) **PERMIT APPLICATION.** To obtain a special import permit under sub. (1), an applicant shall submit a signed written application to the department. The application shall contain the following information:

(a) The name and address of the person shipping the animals.

(b) The name and address of the person receiving the animals.

(c) A complete description of the animals to be imported, including official individual identification of each animal if required under s. ATCP 11.02 (1) (a).

(d) The reason for importing the animals.

(e) Reasons why the state veterinarian should permit the import shipment, notwithstanding the provisions of this chapter.

(f) Other information required by the department.

(3) **ACTION ON PERMIT APPLICATION.** The state veterinarian shall grant or deny a permit application under sub. (2) within 30 days after a complete application is received by the department.

(4) **PERMIT COPY KEPT ON FILE.** The department shall keep a copy of every permit issued by the state veterinarian under this section. A copy shall be kept for at least 3 years after the permit is issued.

Note: The state veterinarian may not authorize an import shipment which is prohibited by statute, rather than by administrative rule under this chapter.

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

### Subchapter III — Bovine Animals

#### ATCP 11.10 Identification of bovine animals.

(1) **OFFICIAL INDIVIDUAL IDENTIFICATION.** (a) *Official eartag.* Except as provided under par. (b), a veterinarian who does any of the following to any bovine animal shall insert, in the right ear of the animal, an official eartag conforming to the national uniform eartagging system unless the animal is already identified with an official eartag:

1. Vaccinates, identifies or tests a bovine animal in order to complete an interstate health certificate, certificate of veterinary inspection, or other official document or certification related to that animal.

2. Tests a bovine animal for any disease listed under s. ATCP 10.03.

(b) *Purebred identification.* If a bovine animal is a purebred animal registered with a breed association, either of the following may serve in place of an official eartag to identify the animal:

1. A breed association registration number which uniquely identifies the animal, and which corresponds to the breed association registration papers for that animal. A purebred calf, if not yet registered, may be identified by its dam's registration number and the date of birth of the calf.

2. A breed association tattoo which uniquely identifies the animal, and which corresponds to breed association registration papers for that animal.

(c) *Right ear reserved for identification tag.* No person may insert any eartag, other than an official eartag or breed association eartag, in the right ear of any bovine animal. This paragraph does not prohibit the use of parasite control tags.

(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). Num-

ber 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 eartag under sub. (1), shall be orange in color and shall conform to the 9-character alphanumeric national uniform eartagging system. The alphanumeric 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 an unvaccinated animal. A vaccination tag may not be replaced if lost or removed, but may be replaced by a silver official Wisconsin eartag.

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 animal's breed association registration number or breed tattoo on the vaccination report filed with the department under s. ATCP 10.10 (3).

(3) *REACTOR IDENTIFICATION.* (a) *Tuberculosis.* Within 24 hours after a bovine animal is classified as a tuberculosis reactor, the animal shall be identified for destruction as required under s. ATCP 10.151(3).

(b) *Brucellosis.* Within 15 days after a bovine animal is classified as a brucellosis reactor, the animal shall be branded and identified for destruction. The reactor shall be branded on the left jaw with the letter "B," which shall be not less than 2 nor more than 3 inches high, and shall be identified with an official reactor eartag, bearing a serial number, which is inserted in the left ear of the animal.

(4) *SLAUGHTER IDENTIFICATION.* (a) *Backtag required.* If a livestock trucker, livestock dealer, livestock market operator, stockyard operator or slaughtering establishment operator receives any bovine animal over 2 years old for slaughter, or for sale or shipment to slaughter, that person shall identify the bovine animal with an official backtag at the time of receipt and make a corresponding record of the identification under par. (b). The backtag shall be affixed to the animal at a point 4 inches behind the shoulder and 4 inches below the topline. If a bovine animal under this paragraph is already backtagged at the time of receipt, the person receiving the bovine animal shall record the backtag number and other information required under par. (b). This paragraph does not apply to steers or official spayed heifers.

(b) *Recordkeeping; general.* Every person who is required to backtag a bovine animal or keep a record under par. (a) shall record the following information:

1. The number of each official backtag applied to a bovine animal. If a bovine animal is already backtagged at the time of receipt, the person receiving the animal shall record that official backtag number.

2. The date on which each bovine animal was received and identified under this subsection.

3. The name and address of the person from whom the bovine animal was received.

4. Whether the animal was of a beef or dairy breed. If the animal is a beef and dairy crossbreed, it shall be classified as a beef breed.

(c) *Livestock dealers and markets; slaughter animals not shipped directly to slaughter.* If any slaughter animal required to be backtagged under par. (a) is removed from the premises of a livestock dealer or livestock market, but not shipped directly to slaughter, the livestock dealer or market operator shall keep a record correlating the animal's backtag number with its official individual identification. If the animal has no official individual identification, the dealer or market operator shall insert an official eartag in the animal's right ear before the animal leaves the premises, except that eartagging is not required for feeder cattle shipped directly to an approved feedlot.

(d) *Records kept and made available.* Records under pars. (b) and (c) shall be kept for a period of 2 years, and shall be made available for inspection and copying upon request.

*History:* Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1) (b) 1., (4) (b) 4 and (c), Register, September, 1, 1993, No. 453, eff. 10-1-93; r. and recr. (1) (a), Register, February, 1996, No. 482, eff. 3-1-96; emerg. am. (3) (a), eff. 6-3-96; am. (3) (a), Register, December, 1996, No. 492, eff. 1-1-97.

**ATCP 11.11 Bovine animals; import.** (1) *INTERSTATE HEALTH CERTIFICATE.* (a) *Requirement.* Except as provided under par. (c), no person may import a bovine animal into this state unless the animal is accompanied by an interstate health certificate or a certificate of veterinary inspection. The certificate shall comply with applicable requirements under s. ATCP 11.02, and shall also include the following information:

1. The official individual identification of the animal. Official individual identification is not required for veal calves or steers imported from a brucellosis-free state or nation or from a brucellosis class A state, provided that the certificate clearly identifies the shipment destination and the number of animals included in the shipment.

3. A report of a negative brucellosis test conducted not more than 30 days before the animal enters this state, unless the animal is exempt from the brucellosis testing requirement under sub. (3).

4. If the animal is imported from a brucellosis class B or C state, the import permit number assigned by the department under sub. (4).

5. A report of a negative tuberculosis test conducted not more than 60 days before the animal enters this state, unless the animal is exempt from the tuberculosis testing requirement under sub. (5).

6. A report of a negative anaplasmosis test conducted not more than 30 days before the animal enters this state, unless the animal is exempt from the anaplasmosis testing requirement under sub. (6).

7. If the animal is imported to an approved veal lot or approved feed lot, the permit number assigned to that veal lot or feed lot under s. ATCP 11.13 or 11.14.

8. Any other information required under this section.

(b) *Filing.* A veterinarian who signs an interstate health certificate or certificate of veterinary inspection under par. (a) shall file copies of the certificate with the department and the state of origin, as required by s. ATCP 11.02 (5).

(c) *Exemptions.* Neither an interstate health certificate nor a certificate of veterinary inspection is required under par. (a) for any of the following:

1. An animal imported directly to a licensed slaughter establishment for slaughter.

2. An animal imported from a brucellosis-free state or nation or from a brucellosis class A state directly to a part 78 market under appropriate documents required by the federal bureau.

3. A calf under 30 days old originating from a brucellosis-free state or nation or from a brucellosis class A state.

(3) *BRUCELLOSIS TEST.* (a) *Requirement.* Except as provided under par. (b), no person may import a bovine animal into this state unless the animal tests negative on a pre-import brucellosis test. Except as provided under par. (c), the pre-import brucellosis test shall be conducted not more than 30 days before the animal enters this state.

(b) *Exemptions.* A pre-import brucellosis test is not required under par. (a) for any of the following:

1. An animal imported directly to a licensed slaughter establishment for slaughter.

2. An animal originating from a brucellosis class A state and imported directly to a part 78 market under appropriate documents required by the federal bureau.

3. Feeder cattle imported directly to an approved feedlot.

4. Veal calves imported directly to an approved veal lot.

5. A male or female calf under 6 months old originating from a brucellosis class A state.

6. Any animal originating from a brucellosis-free state or nation.

7. A steer or official spayed heifer.

8. An official vaccinate under 20 months old originating from a brucellosis class A state.

9. Any animal originating from a certified brucellosis-free herd in a brucellosis class A state if the animal is accompanied by an interstate health certificate or certificate of veterinary inspection which includes the brucellosis-free herd certification number of the herd of origin, the date on which the herd of origin was last tested for brucellosis, and the veterinarian's statement that the animal was included in that last herd test.

10. An animal identified under sub. (4) (d) which is imported under department permit from a brucellosis class B or C state in compliance with sub. (4).

(c) *Exhibition animals; extended time for pre-import test.* If a bovine animal is not exempt from pre-import brucellosis testing under par. (b), but is imported solely for exhibition at a fair or livestock exhibition, the pre-import test required under par. (a) may be conducted within 90 days before the animal enters this state, provided that both of the following apply:

1. The animal originates from a brucellosis-free state or nation, a brucellosis class A state, or a certified brucellosis-free herd.

2. The animal returns to its herd of origin after being exhibited at the fair or livestock exhibition.

Note: A bovine animal imported for exhibition at a fair or livestock exhibition in this state must also meet applicable brucellosis testing requirements under s. ATCP 11.62 (3).

(d) *Test method.* A brucellosis test, if required under this section, shall be conducted at a laboratory approved by the department or the federal bureau. The brucellosis test shall be conducted by the tube, plate, or buffered acidified plate antigen (BAPA) test method, or by another test method approved by the department.

(e) *Reactor may not be imported.* A brucellosis reactor may not be imported into this state for slaughter or any other purpose, except that reactors originating from a state contiguous to Wisconsin may be imported directly to a licensed slaughter establishment for slaughter if reactors from this state may be imported to that contiguous state for slaughter under equivalent terms and conditions.

(4) **IMPORTS FROM BRUCELLOSIS CLASS B OR C STATES.** (a) *Permit required.* No person may import any bovine animal into this state from a brucellosis class B or C state without an import permit from the department. A permit may be issued only for animals identified under par. (d). A separate permit is required for each shipment. An animal imported under permit shall meet all applicable import requirements under this section.

(b) *Permit application.* To obtain a permit under par. (a), an applicant shall apply to the department in writing or by telephone. The department may, in its discretion, decline to accept a telephone application. An application shall include the following information:

1. The name and address of the person shipping the animals.
2. The name and address of the person receiving the animals.
3. A complete description of the animals, including the official individual identification of each animal to be imported.
4. The reason for importing the animals.
5. Information indicating that applicable import requirements under this section are met.
6. Any other relevant information required by the department.

(c) *Action on permit application.* The department shall grant or deny a permit application under par. (b) within 5 days after a complete application is received by the department. A permit may be issued by telephone, at the department's discretion, if the

department makes a written record of the telephone permit. A permit may include any terms or conditions which the department deems necessary. If no interstate health certificate or certificate of veterinary inspection is filed with the department under sub. (1), or if the certificate does not conform to the permit application under par. (b), the permit is invalid.

(d) *Animals permitted.* No import permit may be issued under this subsection for any but the following animals from a brucellosis class B or C state:

1. Feeder cattle which are "F" branded and shipped directly to an approved feed lot.

2. Veal calves which are "F" branded and shipped directly to an approved veal lot.

3. A female calf under 120 days old originating from a certified brucellosis-free herd.

4. A male animal originating from a certified brucellosis-free herd. An animal which is over 6 months old when imported under this subdivision shall be tested for brucellosis within 60 days after entering this state.

5. An official vaccinate originating from a certified brucellosis-free herd. An official vaccinate which is over 20 months old when imported under this subdivision shall be tested for brucellosis within 60 days after entering this state.

6. Feeder cattle which are "F" branded and shipped to a market under an agreement with the market operator that the animal shall be sold directly to slaughter.

(5) **TUBERCULOSIS TEST.** (a) *Requirement.* Except as provided under par. (b), no person may import a bovine animal into this state unless the animal tests negative on a pre-import tuberculosis test. Except as provided under par. (c), the pre-import tuberculosis test shall be conducted not more than 60 days before the animal enters this state.

(b) *Exemptions.* A pre-import tuberculosis test is not required under par. (a) for any of the following:

1. An animal imported directly to a licensed slaughter establishment for slaughter.

2. An animal imported directly to a part 78 market under appropriate documents required by the federal bureau.

3. Feeder cattle imported directly to an approved feedlot.

4. A calf under 6 months old.

5. An animal originating from an accredited tuberculosis-free state or nation, provided that Wisconsin animals may be shipped to that state or nation without a prior tuberculosis test.

6. An animal originating from an accredited tuberculosis-free herd if the animal is accompanied by an interstate health certificate or certificate of veterinary inspection which includes the tuberculosis-free herd certification number of the herd of origin and the date on which the herd of origin was last tested for tuberculosis.

7. An animal originating from an area designated by the federal bureau as a modified accredited tuberculosis-free area, if an accompanying interstate health certificate or certificate of veterinary inspection states that all animals over 24 months old in the herd of origin tested negative for tuberculosis in a herd test conducted within the preceding 12 months, and that the animal was included in that last herd test.

(c) *Exhibition animals; extended time for pre-import test.* If a bovine animal is not exempt from pre-import tuberculosis testing under par. (b), but is imported solely for exhibition at a fair or livestock exhibition, the pre-import test required under par. (a) may be conducted within 90 days before the animal enters this state, provided that both of the following apply:

1. The animal originates from an accredited tuberculosis-free state or nation, or an accredited tuberculosis-free herd.

2. The animal returns to its herd of origin after being exhibited at the fair or livestock exhibition.

(d) *Reactor may not be imported.* If a bovine animal has a response to a caudal fold tuberculosis test, the animal may not be imported into this state, except to a licensed slaughter establishment for slaughter, until a comparative cervical test is performed on the animal. No animal which is classified as a reactor or suspect based on a comparative cervical test may be imported into this state, except to a licensed slaughter establishment for slaughter.

(6) **ANAPLASMOSIS TEST.** (a) *Requirement.* Except as provided under par. (b), no person may import a bovine animal into this state unless the animal tests negative for anaplasmosis prior to import. Except as provided under par. (c) the pre-import test shall be based on a test sample taken not more than 30 days before the animal enters this state. The test sample shall be tested at a laboratory approved by the department or the federal bureau, using the complement fixation test or another test approved by the department.

(b) *Exemptions.* A pre-import anaplasmosis test is not required under par. (a) for any of the following:

1. An animal imported directly to a licensed slaughter establishment for slaughter.
2. An animal imported directly to a part 78 market under appropriate documents required by the federal bureau.
3. Feeder cattle imported directly to an approved feedlot.
4. A calf under 6 months old.
6. An animal originating from Canada and imported directly from Canada.
7. An animal originating from the state of Alaska, Connecticut, Delaware, Hawaii, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont or West Virginia.

(c) *Exhibition animals; extended time for pre-import test.* If a bovine animal is not exempt from pre-import anaplasmosis testing under par. (b), but is imported solely for exhibition at a fair or livestock exhibition, the pre-import test required under par. (a) may be based on a sample taken not more than 90 days before the animal enters this state, provided that the animal returns to its herd of origin after being exhibited at the fair or livestock exhibition.

(d) *Reactor or suspect may not be imported.* No bovine animal may be imported into this state, except to a licensed slaughter establishment for slaughter, if the animal is an anaplasmosis suspect or reactor under par. (e) or originates from a herd in which there are one or more anaplasmosis reactors.

(e) *Classifying animals as suspects or reactors.* An animal is an anaplasmosis suspect if it shows a positive reaction to the complement fixation test at a 2+ 1:5 or 3+ 1:5 dilution. An animal is an anaplasmosis reactor if it shows a positive reaction to the complement fixation test at a 4+ 1:5 dilution or greater.

*History:* Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (2) (b) 1., (3) (b) 2 and 6, (4) (d) 4. and 5. and (6) (d), cr. (2) (b) 7., (4) (d) 6., (6) (b) 7. and (e), Register, September, 1993, No. 453, eff. 10-1-93; am. (3) (b) 6., Register, March, 1995, No. 471, eff. 4-1-95; am. (1) (a) 1., (c) 2. and 3., (3) (b) 2. and 5. to 9., (c) 1., (5) (b) 5. to 7., (c) 1., r. (1) (a) 2., (2), (6) (b) 5., Register, February, 1996, No. 482, eff. 3-1-96.

**ATCP 11.12 Part 78 market. (1) APPROVAL REQUIRED.** No livestock market operator may receive interstate shipments of bovine animals as a part 78 market unless the market is specifically approved by the department and the federal bureau as a part 78 market, and is operated in compliance with 9 CFR 78.

*Note:* This section does not require every livestock market to operate as a part 78 market. However, under s. ATCP 11.11, bovine animals imported to a part 78 market are exempt from certain import restrictions and pre-import testing requirements until they leave the part 78 market. These exemptions do not apply unless the receiving market is specifically approved as a part 78 market. Regardless of whether a livestock market is approved as a part 78 market, it must be licensed by the department under s. 95.68, Stats., and s. ATCP 12.02.

(2) **REMOVING BOVINE ANIMALS FROM PART 78 MARKET.** No person may remove a bovine animal from a part 78 market to any other location in this state unless all applicable import requirements under s. ATCP 11.11 are met. Moving an animal from a part

78 market to any other location in this state constitutes importation of that animal for purposes of s. ATCP 11.11. A part 78 market operator is responsible for ensuring that all applicable import requirements under s. ATCP 11.11 are met before any animal is released from the market.

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

**ATCP 11.13 Approved veal lot. (1) PERMIT.** The department may issue a permit designating a veal lot as an "approved veal lot." A permit expires on June 30th annually. Under s. 93.06 (7), Stats., the department may deny, suspend or revoke a permit for cause, including violations of this chapter or other animal health laws.

*Note:* Not every veal lot is required to hold an approved veal lot permit under this section. However, veal calves imported directly to an approved veal lot are exempt from certain import restrictions and pre-import testing requirements, as provided in s. ATCP 11.11.

(2) **PERMIT APPLICATION.** To obtain an approved veal lot permit, a veal lot operator shall submit an application on a form provided by the department. The application shall identify the location of the veal lot by county, township and section, and shall include other relevant information required by the department. No fee is required. The department shall grant or deny a permit application within 30 days after a complete application is filed with the department.

(3) **REQUIREMENTS.** An approved veal lot shall meet all of the following requirements:

(a) Veal calves shall be enclosed so that they cannot commingle with any other cattle on the premises.

(b) Separate feeding and watering facilities shall be provided for veal calves.

(c) The veal lot shall be devoid of vegetation.

(4) **REMOVAL OF VEAL CALVES.** Except as specifically authorized by the department in writing, no veal calves or cattle commingled with veal calves may be removed from an approved veal lot except to a licensed slaughtering establishment for slaughter.

(5) **RECORDS.** The operator of an approved veal lot shall keep complete and accurate records of all veal calves entering and leaving the approved veal lot. Records shall be held for at least 2 years after the veal calves leave the approved veal lot, and shall be made available for inspection and copying by the department upon request. Records shall include:

(a) A record of each veal calf shipment received at the approved veal lot, including the date of receipt, the number of veal calves included in the shipment, the name and address of the shipper, the address from which the shipment originated, and the official individual identification of the veal calves if any.

(b) A record of each veal calf shipment leaving the approved veal lot, including the date of shipment, the number of veal calves included in the shipment, the name and address of the person receiving the shipment, and the official individual identification of the veal calves if any.

(c) A record of any veal calves which died at the approved veal lot.

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

**ATCP 11.14 Approved feed lot. (1) PERMIT.** The department may issue an annual permit designating a feed lot as an "approved feed lot." A permit expires on June 30 annually. Under s. 93.06 (7), Stats., the department may deny, suspend or revoke a permit for cause, including violations of this chapter or other animal health laws.

*Note:* Not every feed lot is required to hold an approved feed lot permit under this section. However, feeder cattle imported directly to an approved feed lot are exempt from certain import restrictions and pre-import testing requirements, as provided in s. ATCP 11.11.

(2) **PERMIT APPLICATION.** To obtain an approved feedlot permit, a feedlot operator shall submit an application on a form provided by the department. The application shall identify the location of the feedlot by county, township and section, and shall



include other relevant information required by the department. The application shall be accompanied by a fee of \$75. The department shall grant or deny a permit application within 30 days after a complete application is filed with the department.

(3) **REQUIREMENTS.** An approved feedlot shall meet all of the following requirements.

(a) Feeder cattle shall be enclosed so that they cannot commingle with any other cattle on the premises.

(b) Separate feeding and watering facilities shall be provided for feeder cattle.

(c) The feed lot shall be devoid of vegetation.

(d) Every animal in the feed lot, except a steer or official spayed heifer, shall have an official individual identification. If an animal is received without an official individual identification, the feed lot operator shall immediately identify the animal with an official eartag.

(4) **REMOVAL OF FEEDER CATTLE.** Except as specifically authorized by the department in writing, no feeder cattle or cattle commingled with feeder cattle may be removed from an approved feed lot except to a licensed slaughtering establishment for slaughter.

(5) **RECORDS.** The operator of an approved feed lot shall keep complete and accurate records of all feeder cattle entering and leaving the approved feedlot. Records shall be held for at least 2 years after the feeder cattle leave the approved feedlot, and shall be made available for inspection and copying by the department upon request. Records shall include:

(a) A record of each feeder cattle shipment received, including the date of receipt, the number of feeder cattle included in the shipment, the official individual identification of each animal included in the shipment, the name and address of the shipper, and the address from which the shipment originated. Official individual identification need not be recorded for steers and official spayed heifers.

(b) A record of each feeder cattle shipment leaving the approved feed lot, including the date of shipment, the number of feeder cattle included in the shipment, the official individual identification of each animal included in the shipment, and the name and address of the person receiving the shipment. Official individual identification need not be recorded for steers and official spayed heifers.

(c) A record of any feeder cattle which died at the approved feedlot.

*History:* Cr. Register, December, 1990, No. 420, eff. 1-1-91; cr. (3) (d), am. (5) (a) and (b), Register, September, 1993, No. 453, eff. 10-1-93; am. (1), (2), Register, March, 1995, No. 471, eff. 4-1-95; am. (2), Register, May, 1999, No. 521, eff. 6-1-99.

**ATCP 11.15 Calves to be moved from livestock market within 24 hours after sale.** A person purchasing calves less than 12 weeks old at a livestock market shall remove the calves from the market within 24 hours after purchase. The market operator shall provide the calves with adequate food, water and shelter while the calves are held at the market.

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

**ATCP 11.16 Intrastate movement of bovine animals; brucellosis test.** (1) **REQUIREMENT.** Except as provided under sub. (2), no person may move any bovine animal between locations in this state unless the animal tests negative for brucellosis in a brucellosis test conducted within 30 days prior to movement, and the animal is accompanied by a report of the negative brucellosis test. 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 requirements under this subsection and s. 95.49, Stats., provided that the veterinarian submits the test sample to the department within 24 hours for confirmatory testing.

(2) **EXEMPTIONS.** The brucellosis testing requirement under sub. (1) does not apply to any of the following:

- (a) An official vaccinate.
- (b) A steer or official spayed heifer.
- (c) An animal shipped directly to a licensed slaughter establishment for slaughter.
- (d) A male animal under 6 months old.
- (e) A female beef breed animal under 299 days old.
- (f) A female dairy breed animal under 239 days old.
- (g) An animal, not known to be a brucellosis reactor, which is moved to the premises of a livestock market operator licensed under s. 95.68, Stats., or livestock dealer licensed under s. 95.69, Stats., provided that the animal is tested in compliance with sub. (1) before leaving the premises of the licensed market or dealer.
- (h) An animal which is moved solely for exhibition at a fair or livestock exhibition, provided that both of the following apply:
  1. The animal is accompanied by a report of a negative brucellosis test conducted within 90 days prior to movement.
  2. The animal returns to its herd of origin after being exhibited at the fair or livestock exhibition.
- (i) An animal moved between 2 farms, both of which are owned or operated by the animal owner.
- (j) Feeder cattle shipped to an approved feedlot.
- (k) Female beef breed feeder cattle under one year old.
- (L) Cattle, provided that Wisconsin is currently classified as a brucellosis-free state.

(3) **INTRASTATE MOVEMENT OF IMPORTED BOVINE ANIMAL FROM CONSIGNMENT SALE.** (a) If an imported bovine animal is moved from a consignment sale location to another location within this state, the interstate health certificate or certificate of veterinary inspection which accompanied the imported animal from its state of origin may be used to document compliance with sub. (1), or to document that the animal is an official vaccinate under sub. (2) (a). The import certificate, if used for this purpose, shall be accompanied by a new certificate of veterinary inspection, signed by an accredited veterinarian who attended the consignment sale in this state, which contains the following statement or one substantially similar:

"The vaccination record and test results on this certificate have been copied from the incoming health certificate which was issued by (*accredited veterinarian*), who certified the information at (*address and state of origin*) on (*date*). A copy of the incoming certificate and the test results are attached."

(b) A reconsignment certificate of veterinary inspection, completed by an accredited veterinarian in the state of origin, and also signed by an accredited veterinarian in this state, serves in lieu of the statement under par. (a). A reconsignment certificate of veterinary inspection shall be completed on an approved form which is specifically designed for use in connection with imports to consignment sales.

*Note:* See also s. 95.49, Stats., which may require testing of animals when this rule appears to provide an exemption. If there is a conflict between the statute and this rule, the statute should be obeyed.

*History:* Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1), (2) (g), Register, March, 1995, No. 471, eff. 4-1-95; cr. (2) (L), Register, February, 1996, No. 482, eff. 3-1-96.

## Subchapter IV — Swine

**ATCP 11.20 Swine Imports.** (1) **INTERSTATE HEALTH CERTIFICATE.** (a) **Requirement.** Except as provided under par. (b), no person may import any swine into this state unless the swine is accompanied by an interstate health certificate or a certificate of veterinary inspection. The certificate shall comply with all applicable requirements under s. ATCP 11.02 and shall also include the following information:

1. The official individual identification of the swine.
2. A statement by the signing veterinarian that no pseudorabies, swine dysentery or transmissible gastroenteritis has been diagnosed in the herd of origin within the last 60 days.

3. A statement by the signing veterinarian that no pseudorabies vaccine has been used on the swine, unless vaccination is permitted under sub. (4) (b).

4. A report of a negative pseudorabies test conducted not more than 30 days before the swine enters this state, unless the swine is exempt from pseudorabies testing under sub. (2) (b).

5. A report of a negative brucellosis test conducted not more than 30 days before the swine enters this state, unless the swine is exempt from brucellosis testing under sub. (3) (b).

6. Any other information required under this section.

(b) *Exemptions.* Neither an interstate health certificate nor a certificate of veterinary inspection is required under par. (a) for any of the following:

1. Healthy swine imported directly to a licensed slaughter establishment for immediate slaughter.

2. Healthy swine imported directly to a part 76 market under s. ATCP 11.21.

3. Healthy micro pigs imported directly to a laboratory pursuant to a permit under sub. (9).

(2) **PSEUDORABIES TEST.** (a) *Requirement.* Except as provided under par. (b), no person may import any swine into this state unless the swine tests negative on a pseudorabies test conducted not more than 30 days before the swine enters this state.

(b) *Exemptions.* A pre-import pseudorabies test is not required under par. (a) for any of the following:

1. Healthy swine imported directly to a licensed slaughtering establishment for immediate slaughter.

2. Healthy swine imported directly to a part 76 market under s. ATCP 11.21.

3. Swine originating from a qualified pseudorabies negative herd if the herd is certified as a qualified pseudorabies negative herd based on monthly, rather than quarterly testing.

4. Swine originating from a stage IV or V state or area designated by the national pseudorabies control board.

5. Feeder swine originating from a feeder swine pseudorabies monitored herd under sub. (7). This exemption does not apply unless an accredited veterinarian certifies, in the interstate health certificate or certificate of veterinary inspection which accompanies the feeder swine, that the herd of origin qualifies as a pseudorabies monitored herd under sub. (7).

6. Healthy micro pigs imported directly to a laboratory pursuant to a permit under sub. (9).

(3) **BRUCELLOSIS TEST.** (a) *Requirement.* Except as provided under par. (b), no person may import any swine into this state unless the swine tests negative on a brucellosis test conducted not more than 30 days before the swine enters this state. A brucellosis test is negative under this paragraph if the swine brucellosis card test is negative or the agglutination test discloses no reaction in a dilution of 1:25.

(b) *Exemptions.* A pre-import brucellosis test is not required under par. (a) for any of the following:

1. Healthy swine imported directly to a licensed slaughter establishment for immediate slaughter.

2. Healthy swine imported directly to a part 76 market under s. ATCP 11.21.

3. Feeder swine imported in compliance with sub. (6).

4. Healthy swine originating from a brucellosis-free certified herd.

5. Healthy micro pigs imported directly to a laboratory pursuant to a permit under sub. (9).

(4) **PSEUDORABIES VACCINATES PROHIBITED; EXEMPTIONS.** (a) *Prohibition.* Except as provided under par. (b), no person may import into this state any swine which has been vaccinated for pseudorabies.

(b) *Exemptions.* The prohibition under par. (a) does not apply to any of the following:

1. Healthy swine imported directly to a licensed slaughter establishment for immediate slaughter.

2. Healthy swine imported directly to a part 76 market under s. ATCP 11.21.

3. Healthy micro pigs imported directly to a laboratory pursuant to a permit under sub. (9).

(5) **IMPORTED SWINE TO BE ISOLATED UPON ARRIVAL AND TESTED FOR PSEUDORABIES; EXEMPTIONS.** (a) *Requirement.* Except as provided under par. (b), swine imported into this state shall be isolated from all other swine on the receiving premises until the swine are tested and found negative for pseudorabies. A pseudorabies test shall be conducted not less than 30 days nor more than 45 days after the swine enter this state.

(b) *Exemptions.* The isolation and testing requirement under par. (a) does not apply to any of the following:

1. Healthy swine imported directly to a slaughter establishment for immediate slaughter.

2. Healthy swine imported directly to a part 76 market under s. ATCP 11.21.

3. Feeder swine imported in compliance with sub. (6).

4. Healthy micro pigs imported directly to a laboratory pursuant to a permit under sub. (9).

5. Swine originating from a stage IV or V state or area designated by the national pseudorabies control board.

(6) **FEEDER SWINE IMPORTS.** (a) *Import destination.* No feeder swine may be imported into this state unless the feeder swine is imported directly to one of the following destinations:

1. A licensed slaughter plant for immediate slaughter.

2. A part 76 market under s. ATCP 11.21.

3. A farm for finish feeding prior to slaughter.

(b) *Feeder swine imported to farms.* Feeder swine which are imported to a farm, either directly or via a part 76 market, shall at all times be kept separate from breeder swine on the farm. Imported feeder swine may not be removed from the farm except for slaughter. Swine which are commingled with imported feeder swine at a part 76 market, and which are subsequently shipped to a farm, are considered imported feeder swine under this paragraph.

(7) **FEEDER SWINE PSEUDORABIES MONITORED HERD.** To qualify as a feeder swine pseudorabies monitored herd, a herd of swine shall be annually tested and found negative for pseudorabies. Annual pseudorabies testing shall be performed on a representative sample of swine selected from the entire breeding herd. Each sample group shall include randomly selected representatives of all breeding groups within the herd, and shall include boars and recent additions to the herd. In herds with 10 or fewer breeding swine, all breeding swine in the herd shall be tested. In herds with more than 10 but no more than 35 breeding swine, the sample group shall include at least 10 breeding swine. In herds with 36 or more breeding swine, the sample group shall include at least 30 breeding swine or 30% of the breeding swine, whichever is less.

(8) **GARBAGE-FED SWINE; IMPORT PROHIBITED.** Swine which have fed on raw commercial garbage may not be imported into this state for slaughter or any other purpose. Swine which have fed on cooked commercial garbage may not be imported into this state except under a special import permit under s. ATCP 11.03.

(9) **LABORATORY IMPORT PERMIT.** (a) The department may issue a permit to a laboratory operator, authorizing the import of micro pigs directly to the laboratory if all of the following conditions are met:

1. The laboratory is engaged in bona fide scientific research, studies or tests involving the micro pigs.

2. The micro pigs are imported to the laboratory in a closed, biologically controlled environment which keeps the pigs biologically isolated from other swine.

3. While in the laboratory, the micro pigs are confined so that they are biologically isolated from other swine.

4. The laboratory operator euthanizes all of the micro pigs at the end of the study, test or experiment, and disposes of all carcasses in a manner which prevents biological exposure to other swine.

(b) If the laboratory operator contracts with any other person to import micro pigs to the laboratory, the laboratory operator shall ensure that import requirements under par. (a) are met.

(c) An applicant for a permit under par. (a) shall submit a written application to the department. The department shall grant or deny a permit application within 20 business days after it receives a complete application.

(d) An import permit remains in effect until suspended or revoked by the department. A permit is not transferrable to another laboratory operator or location.

(e) The department may inspect laboratory facilities and records to ensure compliance with permit conditions.

*History:* Cr. Register, December, 1990, No. 420, eff. 1-1-91; cr. (1) (b) (3), (2) (b) 6, (3) (b) 4, and 5., (4) (b) 3., (5) (b) 4. and (9), Register, September, 1993, No. 453, eff. 10-1-93; am. (2) (b) 3. and 4., cr. (5) (b) 5., Register, July, 1995, No. 475, eff. 8-1-95.

**ATCP 11.21 Part 76 market. (1) APPROVAL REQUIRED.** No swine market operator may receive interstate shipments of swine as a part 76 market unless the market is specifically approved by the department and the federal bureau as a part 76 market, and is operated in compliance with 9 CFR 76.

*Note:* This section does not require every swine market operator to operate as a part 76 market. However, under s. ATCP 11.20, swine imported to a part 76 market are exempt from certain import restrictions and pre-import testing requirements until they leave the part 76 market. These exemptions do not apply unless the receiving market is specifically approved as a part 76 market. Regardless of whether a swine market is approved as a part 76 market, it must be licensed by the department under s. 95.68, Stats., and s. ATCP 12.02.

**(2) REMOVING IMPORTED SWINE FROM PART 76 MARKET; GENERAL.** No person may remove any imported swine from a part 76 market to any other location in this state unless all applicable import requirements under s. ATCP 11.20 are met. Moving any swine from a part 76 market to any other location in this state constitutes importation of that swine for purposes of s. ATCP 11.20. A part 76 market operator is responsible for ensuring that all applicable import requirements under s. ATCP 11.20 are met before any swine is released from the market.

**(3) REMOVING IMPORTED FEEDER SWINE FROM PART 76 MARKET.** No imported feeder swine may be removed from a part 76 market except to a licensed slaughter establishment for slaughter, or to a farm to finish feeding prior to slaughter. Swine which are commingled with imported feeder swine at a part 76 market are also considered imported feeder swine under this subsection.

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

**ATCP 11.22 Slaughter swine identification.**

**(1) BACKTAG REQUIRED.** Except as provided under sub. (3), if a livestock trucker, livestock market operator, stockyard operator or slaughtering establishment operator receives any sow, boar or stag for slaughter, or for sale or shipment to slaughter, that person shall identify the swine with an official swine backtag at the time of receipt and make a corresponding record of the identification under sub. (2). The backtag shall be affixed to the swine between the ear and the shoulder, below the topline. If a sow, boar or stag is already backtagged at the time of receipt, the person receiving the swine shall record the backtag number and other information required under sub. (2).

**(2) RECORDKEEPING.** (a) Every person who is required to backtag swine or keep records of swine receipts under sub. (1) shall record the following information:

1. The number of the official swine backtag applied to each sow, boar or stag. If a sow, boar or stag is already backtagged at the time of receipt, the person receiving the swine under sub. (1) shall record that official backtag number.

2. The date on which each sow, boar or stag was received and identified under this section.

3. The name and address of the person from whom the sow, boar or stag was received.

4. The class of sow, boar or stag received.

(b) Records under par. (a) shall be held for a period of 2 years and shall be made available to the department for inspection and copying upon request.

**(3) LOW-VOLUME SLAUGHTER ESTABLISHMENTS; EXEMPTION.** The department may, by written notice, exempt a slaughtering establishment from the backtagging requirement under sub. (1) if all of the following conditions are met:

(a) The slaughtering establishment receives all of its swine directly from producers.

(b) The slaughtering establishment can identify the herd of origin of every swine slaughtered, whether or not the swine are individually identified upon receipt.

(c) The slaughtering establishment slaughters not more than 100 swine per day for not more than 5 days per week.

*History:* Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1), (2) (a) 1., Register, February, 1996, No. 482, eff. 3-1-96.

**ATCP 11.23 Swine; intrastate movement.**

**(2) PSEUDORABIES TEST.** (a) *Requirement.* Except as provided under par. (b), no person may move within this state any of the following swine, unless the swine tests negative on a pseudorabies test conducted not more than 30 days prior to the intrastate movement and the swine is accompanied by a report of the test:

1. A sow or boar that is more than 5 months old or weighs more than 175 pounds.

2. Any swine moved to a swine growth performance test station.

3. Any swine removed from a swine growth performance test station, unless removed under written authorization from the department.

4. Any swine weighing more than 100 pounds which originates from a high pseudorabies incidence area, as determined by the department, if the department has notified the herd owner of its determination in writing.

(b) *Exemptions.* A pre-movement pseudorabies test is not required under par. (a) for any of the following:

1. A sow or boar under par. (a) 1., or any swine under par. (a) 2., originating from a qualified pseudorabies negative herd, a qualified pseudorabies negative grow-out herd, or a state IV or V area designated by the national pseudorabies control board.

2. A swine moved directly to a licensed slaughter establishment for slaughter.

3. A swine moved to the premises of a livestock dealer or livestock market if the dealer or market operator complies with the testing requirement under par. (a) before the swine is moved from those premises.

4. A sow or boar under par. (a) 1. moved between 2 premises, both of which are owned or operated by the owner of the sow or boar.

(c) *Test reports.* If a pseudorabies test is required for any swine under this subsection, a report of the test shall accompany the swine when it is moved. The operator of a swine growth performance test station shall keep copies of pseudorabies test reports for all swine moved into or out of the test station. The test station operator shall retain the copies for a period of 2 years, and make

them available to the department for inspection and copying upon request.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1) (a) and (2) (a) (intro.), Register, September, 1993, No. 453, eff. 10-1-93; emerg. r. (1), am. (2) (a) 1., and (b) 1., eff. 2-1-95; r. (1), am. (2) (a) 1. and (b) 1., Register, July, 1995, No. 475, eff. 8-1-95.

### Subchapter V — Equine Animals

**ATCP 11.30 Equine animals; import. (1) INTERSTATE HEALTH CERTIFICATE.** (a) *Requirement.* Except as provided under par. (b), no person may import any equine animal into this state unless the animal is accompanied by a valid interstate health certificate or certificate of veterinary inspection issued not more than 30 days before the animal enters this state. The certificate shall comply with applicable requirements under s. ATCP 11.02, and shall also include the following information:

1. Official individual identification of the equine animal.
2. A report of a negative test for equine infectious anemia conducted according to sub. (2).

(b) *Exemptions.* Neither an interstate health certificate nor a certificate of veterinary inspection is required under par. (a) for any of the following:

1. An equine animal imported directly to a licensed equine slaughter establishment for slaughter.
2. An equine animal imported directly to an equine market that holds a permit under s. ATCP 11.31 (1) if, pursuant to a prior written agreement between the importer and the equine market operator under s. ATCP 11.31 (2), the equine animal is received at the equine market solely for sale and direct shipment to slaughter.
3. An equine animal imported directly to a veterinary facility for treatment, provided that the importer notifies the department before the animal enters this state and the animal returns to the place of origin immediately after treatment.

(2) **EQUINE INFECTIOUS ANEMIA; TEST.** (a) *Requirement.* Except as provided under par. (b), no person may import any equine animal into this state unless one of the following applies:

1. The animal has tested negative on an equine infectious anemia test conducted during the calendar year in which the animal is imported into this state.
2. The animal is imported on or before January 31 of any calendar year and the animal tested negative for equine infectious anemia during the preceding calendar year.

(b) *Exemptions.* A pre-import test is not required under par. (a) for either of the following:

1. A nursing foal accompanying its dam.
2. An animal imported directly to an equine market that holds a permit under s. ATCP 11.31 (1), provided that the equine market operator complies with s. ATCP 11.31 (3).

(3) **MARES OR STALLIONS IMPORTED FROM FOREIGN COUNTRIES; CONTAGIOUS EQUINE METRITIS.** No mare or stallion may be imported into this state from a foreign country in which contagious equine metritis has been reported unless the mare or stallion is imported directly to an approved equine quarantine station in compliance with s. ATCP 11.32 (1).

(4) **CIRCUS, RODEO, RACING AND MENAGERIE ANIMALS; IMPORT.** No equine animal which is a circus, rodeo, racing or menagerie animal may be imported into this state without an import permit from the department, as provided under s. ATCP 11.53.

**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1) (a) (intro), 2. and (2) (a), Register, January, 1994, No. 457, eff. 2-1-94; am. (1) (a) 2., r. and recr. (2) (a), Register, July, 1995, No. 475, eff. 8-1-95.

**ATCP 11.31 Equine markets. (1) PERMIT REQUIRED.** No person may operate an equine market, other than a licensed livestock market, without a permit from the department. Application for a permit shall be made on a form provided by the department, and shall include all relevant information requested by the depart-

ment. The department shall grant or deny an application within 30 days after it receives a complete application.

(2) **RECEIPT OF IMPORTED EQUINE ANIMAL.** Except as provided under s. ATCP 11.30 (1) (b), no equine market may receive an equine animal imported from outside this state unless the equine animal is accompanied by a valid interstate health certificate or certificate of veterinary inspection. If an equine animal is received solely for sale and direct shipment to slaughter, pursuant to a prior written agreement between the importer and the equine market operator under s. ATCP 11.30 (1) (b) 2., the written agreement shall identify the animal and the date of receipt by the market operator. Slaughter animals shall be kept separate from all other equine animals at an equine market, and shall be shipped directly to a licensed equine slaughtering establishment for slaughter within 10 days after they are received at the equine market.

(3) **TESTING FOR EQUINE INFECTIOUS ANEMIA.** If an imported equine animal is not accompanied by a report of a negative test for equine infectious anemia under s. ATCP 11.30 (2), the imported equine animal shall be bled for an equine infectious anemia test within 48 hours after the animal is received at the equine market. The blood samples shall be tested in compliance with s. ATCP 11.30 (2). The imported equine animal may not be removed from the equine market, or commingled with any other equine animal at the equine market, until it tests negative for equine infectious anemia. This paragraph does not apply to a nursing foal accompanying its dam, or an equine animal which is received for slaughter in compliance with sub. (2).

(4) **IMPORTED EQUINE ANIMALS WHICH TEST POSITIVE FOR EQUINE INFECTIOUS ANEMIA.** An imported equine animal which tests positive for equine infectious anemia shall be:

- (a) Destroyed on the premises within 10 days after the test results become known; or
- (b) Branded under department supervision with a distinctive brand approved by the department, and shipped directly to an approved slaughtering establishment for slaughter within 10 days after the test results become known.

(5) **RECORDKEEPING.** (a) The operator of an equine market shall keep complete and accurate records, including:

1. A record of every equine animal received at the market, and the disposition of that animal.
2. All certificates of veterinary inspection and interstate health certificates.
3. All test results.
4. All written agreements under sub. (2).

(b) Records under par. (a) shall be retained for at least 2 years, and shall be made available for inspection and copying by the department upon request.

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

**ATCP 11.32 Equine quarantine station. (1) STALLIONS OR MARES IMPORTED FROM FOREIGN COUNTRIES; RECEIPT AT APPROVED EQUINE QUARANTINE STATION.** (a) No person may receive in this state any stallion or mare which is imported from a foreign country in which contagious equine metritis has been reported unless both of the following requirements are met:

1. The stallion or mare is imported directly to an approved equine quarantine station in a sealed vehicle. The vehicle shall be sealed at a federally approved quarantine station by a federally approved agent. The vehicle seal shall not be removed except by an authorized employe or agent of the department at the approved equine quarantine station.

2. The department authorizes the import shipment in advance, and the written authorization accompanies the import shipment.

(b) All equine animals, including test mares, which are received at an approved equine quarantine station shall be identified with a permanent individual identification of a type approved by the department.

(2) **QUARANTINE; RELEASE.** An imported stallion or mare received at an approved equine quarantine station under sub. (1) is automatically quarantined until the quarantine is released by the department in writing. A quarantined equine animal may not be removed from the quarantine station premises, or allowed in contact with other equine animals on the premises. Contact between a quarantined equine animal and a test mare is permitted, but only pursuant to a written agreement with the department under sub. (5). A test mare which has been in contact with an imported quarantined stallion is also quarantined until the quarantine is released by the department in writing.

(3) **APPROVED EQUINE QUARANTINE STATION; PERMIT.** No person may operate an approved equine quarantine station without an annual permit from the department. A permit expires on June 30 of each year. Application for a permit shall be made on a form prescribed by the department. The department shall grant or deny a permit application within 90 days after it receives a complete application. Every application shall include:

(a) The name and mailing address of the applicant, and any trade or business name to be used by the applicant.

(b) A statement indicating whether the applicant is an individual, partnership, corporation, cooperative, or other business association or entity.

(c) The location of the equine quarantine station, specified by county, township and section.

(d) The name and address of the accredited veterinarian who will perform all identification, handling, testing and treatment of equine animals at the approved equine quarantine station under procedures or protocols established by the department.

(e) Other relevant information required by the department.

(4) **CONSTRUCTION REQUIREMENTS; SANITARY OPERATION.** Approved equine quarantine stations shall be constructed and maintained to prevent contact between quarantined equine animals and any other equine animals on the premises, including test mares. An approved equine quarantine station shall be maintained in a clean and sanitary manner.

(5) **TESTING AND TREATMENT PROCEDURES; WRITTEN AGREEMENT.** Before any permit is issued for the operation of an approved equine quarantine station, the station operator and the accredited veterinarian designated under sub. (3) (d) shall enter into a written agreement with the department establishing procedures and protocols to be followed in the identification, handling, testing and treatment of equine animals quarantined at the station. The approved equine quarantine station shall be operated in compliance with the agreed procedures and protocols. Procedures and protocols shall be performed by the designated veterinarian except as otherwise authorized by the department.

(6) **RECORDKEEPING.** (a) The operator of an approved equine quarantine station shall keep complete and accurate records, including:

1. The identification, date of arrival, and date of removal of each imported equine animal received at the quarantine station.

2. The name and address of the owner of each equine animal received at the quarantine station, correlated with a specific identification of the equine animal.

3. A complete record of the procedures and protocols followed in conjunction with the identification, handling, testing and treatment of each imported equine animal.

(b) Records under par. (a) shall be retained for at least 2 years, and shall be made available for inspection and copying by the department upon request.

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

**ATCP 11.33 Movement sale or transfer of animals infected with equine infectious anemia.** No person may knowingly move or transfer custody of an animal that has tested positive for equine infectious anemia, or that is subject to a quar-

antine under s. ATCP 10.41, without first obtaining a permit from the department. The department shall grant or deny a permit application within 5 days after the department receives a complete application in writing.

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

**ATCP 11.34 Sale or transfer of ownership of equine animals.** (1) **TEST REQUIRED.** Except as provided under sub. (2), no person may sell or transfer ownership of any equine animal in this state unless one of the following applies:

(a) The animal has been tested for equine infectious anemia during the calendar year in which the sale or transfer occurs.

(b) The sale or transfer occurs on or before January 31 of any calendar year and the animal has been tested for equine infectious anemia during the preceding calendar year.

(2) **EXEMPTIONS.** A pre-sale or pre-transfer test is not required under sub. (1) for either of the following:

(a) A nursing foal accompanying its dam.

(b) An equine animal sold directly to an equine market or consigned to a livestock market for sale directly to slaughter, provided that if the equine is not sold to slaughter, the equine shall be tested prior to movement out of the market.

History: Cr. Register, January, 1994, No. 457, eff. 2-1-94; r. and recr. (1), Register, July, 1995, No. 475, eff. 8-1-95.

## Subchapter VI — Poultry

**ATCP 11.40 Poultry imports.** (1) **IMPORT REQUIREMENTS.** (a) No poultry or poultry eggs may be imported into this state unless they originate from flocks which are classified as "U.S. pullorum-typhoid clean" as provided in the national poultry improvement plan.

(b) Turkey poults less than 2 weeks of age may not be imported into this state unless they originate directly from hatcheries which hatch no eggs other than turkey eggs. Started poultry other than turkey poults may be imported if they originate from hatcheries which hatch no turkey eggs. Hatcheries shall comply with sanitation practices prescribed by the state of origin.

(c) All poultry, started poultry and poultry eggs for hatching imported into this state shall be accompanied by a certificate signed by the chief livestock official of the state of origin certifying that the poultry, started poultry or poultry eggs originate from flocks or hatcheries which comply with this section and s. ATCP 10.50, or an equivalent mandatory or voluntary program of the state of origin. Under a reciprocal agreement with a state having an equivalent voluntary or mandatory poultry disease control program, the department may approve alternative methods of certifying poultry and poultry eggs imported into this state.

(d) This subsection does not apply to poultry imported into this state which are consigned directly to a slaughtering establishment for immediate slaughter.

(2) **EXHIBITION.** No poultry except waterfowl may be exhibited at a fair or public exhibition unless the poultry comply with requirements under s. ATCP 11.62 (4).

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

## Subchapter VII — Other Animals

**ATCP 11.50 Sheep imports.** No person may import a sheep into this state for any purpose except immediate slaughter unless the sheep is accompanied by a valid interstate health certificate or certificate of veterinary inspection. The certificate shall comply with s. ATCP 11.02, and shall state that the sheep originates from a flock which is free of foot rot and all other contagious and infectious diseases. No flock inspection is required for feeder lambs.

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

**ATCP 11.51 Goat imports.** No person may import a goat into this state unless the goat is accompanied by a valid interstate

health certificate or certificate of veterinary inspection which complies with s. ATCP 11.02.

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

**ATCP 11.52 Dogs and domestic cats; imports.** No person may import any dog or domestic cat into this state unless it is accompanied by a valid interstate health certificate or certificate of veterinary inspection. The certificate shall comply with s. ATCP 11.02, and shall indicate whether the dog or cat has been vaccinated for rabies by a licensed veterinarian, the date of the last vaccination, and the date on which the dog or cat is due for revaccination or repeat vaccination. If the dog or cat has not been vaccinated by a licensed veterinarian, or if the dog or cat is due for revaccination or repeat vaccination when it enters this state, the owner shall have the dog or domestic cat vaccinated by a licensed veterinarian within 30 days after the dog or cat enters this state, or within 30 days after the dog or domestic cat reaches 4 months of age, whichever occurs later. Vaccinations shall comply with age and time standards and label instructions approved by the federal bureau for the type of vaccine used.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. Register, September, 1993, No. 453, eff. 10-1-93.

**ATCP 11.53 Circus, rodeo, racing and menagerie animals; importation.** (1) PERMIT REQUIRED. Except as provided under sub. (3), no person may import any circus, rodeo, racing, or menagerie animal into this state without an import permit from the department. A permit application shall be made on a form prescribed by the department, and shall include all relevant information required by the department. The department shall grant or deny a permit application within 20 business days after it receives a complete application. An import permit is valid for not more than 180 days.

(2) PERMIT CONDITIONS. A permit under sub. (1) is subject to the following conditions:

(a) Every animal shall be accompanied by a valid interstate health certificate or certificate of veterinary inspection. The certificate shall comply with s. ATCP 11.02, and shall contain the number of the import permit issued by the department under sub. (1).

(b) Every bovine animal shall have a negative brucellosis test conducted within 30 days prior to entry. The exemptions under s. ATCP 11.11 (3) (b) do not apply to circus, rodeo or menagerie animals.

(c) Every equine animal shall be tested and found negative for equine infectious anemia within 180 days before a permit application is filed with the department.

(cm) Every cervid shall test negative on a tuberculosis test conducted not more than 90 days before a permit application is filed with the department.

(d) All animals shall be isolated from noncircus, nonrodeo, and nonmenagerie animals, and from native wildlife in the state. Facilities and vehicles used for the animals shall be cleaned and disinfected before being used for other animals.

(e) The importer shall notify the department of the locations at which animals will be exhibited in this state, and the dates when exhibition will occur. Notice shall be filed with the department within 15 days before the animals enter this state. This paragraph does not apply to racing animals or competitive pulling animals.

(3) Notwithstanding sub. (1), no import permit is required for greyhounds imported into this state for racing purposes, provided that the importer complies with s. ATCP 11.52.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; emerg. cr. (2) (cm), eff. 3-18-91; cr. (2) (cm), Register, November, 1991, No. 431, eff. 12-1-91; am. (1), cr. (3), Register, September, 1993, No. 453, eff. 10-1-93; am. (2) (cm), Register, February, 1996, No. 482, eff. 3-1-96.

**ATCP 11.54 Exotic ruminants and South American camelidae; import.** (1) HEALTH CERTIFICATE. No person may import an exotic ruminant or south american camelid into this state unless the animal is accompanied by a valid interstate health cer-

tificate or certificate of veterinary inspection. The certificate shall comply with s. ATCP 11.02, and shall include the following information:

(a) The permit number of the permit obtained under sub. (2).

(b) A report of a negative tuberculosis test under sub. (3).

(c) A report of a negative brucellosis test under sub. (4).

(2) IMPORT PERMIT. No person may import an exotic ruminant or South American camelid into this state without an import permit from the department. A permit application shall be made on a form prescribed by the department, and shall include all relevant information required by the department. The department shall grant or deny a permit application within 10 days after it receives a complete application.

(3) TUBERCULOSIS TEST REQUIRED. (a) Except as provided under par. (b), no person may import an exotic ruminant or south american camelid into this state unless the animal tests negative on an axillary tuberculosis test conducted not more than 60 days prior to the import date.

(b) Paragraph (a) does not apply to an exotic ruminant or south american camelid imported directly to an institution accredited by the american association of zoological parks and aquariums. An animal imported to an accredited institution under this paragraph may not be moved to any place which is not an accredited institution unless the animal tests negative on an axillary tuberculosis test not more than 60 days before the animal is moved.

(c) To perform an axillary tuberculosis test, a veterinarian shall inject 0.1 ml., 5,000 international units, of Unites States department of agriculture contract PPD bovis tuberculin in the axillary region. The same veterinarian who injects the tuberculin shall read the test results, unless the department or the federal bureau specifically authorizes another veterinarian to read the test results. The veterinarian shall read the test results, between 66 and 78 hours after the tuberculin is injected, by examining and palpating the injection site.

(d) The veterinarian performing an axillary tuberculosis test under par. (c) shall be an accredited veterinarian or an employe of the department or the federal bureau.

(4) BRUCELLOSIS TEST REQUIRED. (a) Except as provided under par. (b) no person may import an exotic ruminant or south american camelid into this state unless the animal tests negative on a brucellosis test conducted not more than 30 days prior to the import date.

(b) Paragraph (a) does not apply to an exotic ruminant or south american camelid imported directly to an institution accredited by the american association of zoological parks and aquariums. An animal imported to an accredited institution under this paragraph may not be moved to any place which is not an accredited institution unless the animal tests negative on a brucellosis test conducted not more than 30 days before the animal is moved.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1), Register, March, 1995, No. 471, eff. 4-1-95; renum. (1) to be (1) (intro.) and am., cr. (1) (a) to (c), (3), (4), am. (2), Register, February, 1996, No. 482, eff. 3-1-96.

**ATCP 11.545 Farm-raised deer and other cervidae; identification requirements.** (1) OFFICIAL INDIVIDUAL IDENTIFICATION. (a) Form of identification. Official individual identification of a cervid shall consist of one of the following:

1. An official eartag, conforming to the national uniform ear-tagging system, which is inserted in the cervid's right ear.

2. Another form of official individual identification which the department approves in writing.

Note: See definition of "official individual identification" under s. ATCP 11.01(54).

(b) Veterinarian required to identify cervidae. A veterinarian who does any of the following to any cervid shall identify that cervid with an official eartag or other official individual identification unless the cervid already bears an official individual identification:

1. Vaccinates, identifies or tests a cervid in order to complete an interstate health certificate, certificate of veterinary inspection, or other official document or certification related to that cervid.

2. Tests a cervid for any disease listed under s. ATCP 10.03.

(c) *Keeper of farm-raised deer required to identify farm-raised deer.* A person who keeps farm-raised deer in this state shall identify, with an official eartag or other official individual identification, each of the following farm-raised deer unless that farm-raised deer already bears an official individual identification:

1. Each farm-raised deer which that keeper of farm-raised deer receives from another person.

2. Each farm-raised deer which that keeper of farm-raised deer ships or delivers to another person.

(d) *Livestock dealer or livestock market operator required to identify farm-raised deer.* 1. Whenever a livestock dealer or livestock market operator receives any farm-raised deer, the livestock dealer or livestock market operator shall immediately identify that farm-raised deer with an official eartag or other official individual identification unless the deer already bears an official individual identification or is backtagged for slaughter under sub. (2).

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

(2) **FARM-RAISED DEER: SLAUGHTER IDENTIFICATION.** (a) *Backtag required.* Whenever a livestock trucker, livestock dealer, livestock market operator, stockyard operator or slaughtering establishment operator receives any farm-raised deer for slaughter, or for sale or shipment to slaughter, that recipient shall immediately identify that farm-raised deer with an official backtag unless the farm-raised deer already bears an official backtag. The recipient of the farm-raised deer shall affix the backtag to the deer at a point 4 inches behind the shoulder and 4 inches below the topline.

(b) *Record of receipt.* Whenever any person under par. (a) receives a farm-raised deer for slaughter, or for sale or shipment to slaughter, that recipient shall immediately record the following information related to that deer:

1. The number of the official backtag under par. (a) which that recipient applied to that deer at the time of receipt, or which that deer bore at the time of receipt.

2. The date on which that recipient received that deer.

3. The name and address of the person from whom that recipient received that deer.

(c) *Records retained for at least 2 years; inspection and copying.* A person required to keep records under par. (b) shall do all of the following:

1. Retain those records for at least 2 years after the records are made.

2. Make those records available to the department, upon request, for inspection and copying.

(3) **TUBERCULOSIS REACTOR IDENTIFICATION.** Within 24 hours after a cervid is classified as a tuberculosis reactor, that cervid shall be identified for slaughter as required by s. ATCP 10.66(10).

*History:* Emerg. cr., 11.545, eff. 6-3-96; cr. Register, December, 1996, No. 492, eff. 1-1-97.

#### **ATCP 11.55 Cervidae import requirements.**

(1) **INTERSTATE HEALTH CERTIFICATE REQUIRED.** No person may import a cervid into this state unless the cervid is accompanied by a valid interstate health certificate or certificate of veterinary inspection. The certificate shall comply with s. ATCP 11.02, and shall also include the following information:

(a) A report of negative tuberculosis tests under sub. (2).

(b) The confirmation number assigned by the department under sub. (4).

(c) A report of a negative brucellosis test conducted not more than 30 days before the cervid enters this state.

(2) **TUBERCULOSIS TESTS.** (a) *Requirement.* Except as provided under par. (b), no person may import a cervid into this state unless all of the following conditions are met:

1. The cervid tests negative on 2 pre-import tuberculosis tests conducted not less than 90 days apart. The second test shall be conducted not more than 90 days prior to the import date. The cervid shall be tested using the single cervical tuberculin test unless the department authorizes the use of a different tuberculosis test.

2. The cervid is isolated from all other animals beginning no later than the date of the first tuberculosis test under subd. 1. The isolated cervid shall be separated from all other animals by at least 10 feet. The isolated cervid may not share common feeders, water utensils or handling facilities with other animals during the isolation period.

(b) *Exemptions.* Paragraph (a) does not apply to any of the following:

1. A cervid imported directly to a licensed slaughter establishment for slaughter.

2. A cervid imported as a circus, rodeo, racing or menagerie animal in compliance with s. ATCP 11.53.

3. A cervid imported directly from an accredited tuberculosis-free herd, provided that the cervid is accompanied by an interstate health certificate or certificate of veterinary inspection which includes the source herd number and the date on which the source herd was last tested for tuberculosis.

4. A cervid originating from a tuberculosis qualified herd, provided that the cervid is accompanied by an interstate health certificate or certificate of veterinary inspection which includes the source herd number, the date on which the source herd was last tested for tuberculosis, and a certification that the imported cervid tested negative on a single cervical tuberculin test conducted not more than 90 days before the cervid was imported into this state.

5. A cervid originating from a tuberculosis monitored herd, provided that the cervid is accompanied by an interstate health certificate or certificate of veterinary inspection which includes the source herd number, the date on which the source herd was first certified as a tuberculosis monitored herd, the most recent date on which the source herd was recertified as a tuberculosis monitored herd, and certification that the imported cervid tested negative on a single cervical tuberculin test conducted not more than 90 days before the cervid was imported into this state.

(3) **ANIMAL FROM SUSPECT HERD MAY NOT BE IMPORTED.** If any animal in the herd of origin of any cervid has a response to any tuberculosis test, no cervid from that herd of origin may be imported into this state, except to a licensed slaughter establishment for slaughter.

(4) **REPORT OF INTENDED IMPORT.** No person may import a cervid into this state unless that person reports the proposed import to the department at least 5 days before the cervid is imported. The department shall confirm filing of the report by issuing a confirmation number, which must be included on the certificate issued under sub. (1). Confirmation of the report does not authorize import of the cervid, unless the cervid is accompanied by a health certificate, as required by sub. (1).

*History:* Emerg. cr. eff. 3-18-91; cr. Register, November, 1991, No. 431, eff. 12-1-91; cr. (1) (c), Register, September, 1993, No. 453, eff. 10-1-93; r. and recr. (2), register, February, 1996, No. 482, eff. 3-1-96.

#### **ATCP 11.56 Keeping and moving cervidae within**

**Wisconsin. (1) HEALTH CERTIFICATE REQUIRED FOR INTRASTATE MOVEMENT.** Except as provided under sub. (2), no person may move any cervid between locations in this state unless the cervid is accompanied by a certificate of veterinary inspection or an interstate health certificate signed by an accredited veterinarian. The certificate shall state that the cervid tested negative on the single cervical tuberculin test not more than 90 days prior to the intrastate movement.

(2) EXEMPTIONS. Sub. (1) does not apply if any of the following conditions are met:

(a) The cervid is shipped directly to a licensed slaughter establishment for slaughter.

(b) The cervid is moved directly between 2 premises, both of which are owned or operated by the cervid owner, and the cervid is not a farm-raised deer.

(bm) The cervid is a farm-raised deer and is moved directly between 2 premises, both of which are covered by the same registration under s. ATCP 10.652.

(c) The cervid is only moved between institutions that are accredited by the American Association of Zoological Parks and Aquariums.

(d) The cervid is less than 6 months old.

(e) The cervid is moved to an approved tuberculosis isolation and testing facility under sub. (4), pursuant to a permit issued by the department under s. ATCP 11.60(4).

(f) The cervid is a member of the species *odocoileus virginianus* (white-tailed deer), provided that the cervid has not commingled with cervidae of any other species during the 12 months preceding the intrastate movement.

(g) The cervid originates from an accredited tuberculosis-free herd, a tuberculosis qualified herd or a tuberculosis monitored herd.

(3) COMMINGLING WITH BOVINE ANIMALS PROHIBITED. No person may cause or allow captive cervidae to commingle with bovine animals on the same premises or in the same building, enclosure or vehicle. Captive cervidae and bovine animals kept in an outside environment on the same premises are not commingled if direct contact between the species is precluded by double fencing between adjoining pastures for each species.

(4) TUBERCULOSIS ISOLATION AND TESTING FACILITY. (a) The department may approve tuberculosis isolation and testing facilities for cervidae. The department may approve a facility for a period of up to 2 years, and may renew its approval for periods of up to 2 years each. The department may, for cause, suspend or revoke its approval.

(b) To obtain approval for a tuberculosis isolation and testing facility, the facility operator shall file a written application with the department. The department may inspect the facility to determine whether it provides secure isolation and is adequate to serve as a tuberculosis isolation and testing facility. The department shall grant or deny an application for approval within 30 days after the department receives a complete application.

(c) No cervid may be moved from a tuberculosis isolation and testing facility unless one of the following applies:

1. The department issues a permit under s. ATCP 11.60 (4) authorizing that movement.

2. The cervid tests negative for tuberculosis and is accompanied by a certificate of veterinary inspection or interstate health certificate issued in connection with that movement.

History: Emerg. cr. eff. 3-18-91; cr. Register, November, 1991, No. 431, eff. 12-1-91; cr. (2) (e) and (f), am. (3), Register, September, 1993, No. 453, eff. 10-1-93; am. (1), (2) (c), (e) 1., cr. (2) (g), Register, February, 1996, No. 482, eff. 3-1-96; emerg. am. (2) (b), cr. (2) (bm) and (4), r. and recr. (2) (c), eff. 6-3-96; am. (2) (b), cr. (2) (bm), r. and recr. (2) (c), cr. (4), Register, December, 1997, No. 492, eff. 1-1-97.

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

(a) A report of a negative avian influenza test conducted within 30 days prior to the import shipment date. The avian influenza test

shall be an agar gel immuno diffusion test, a cloacal swab test for virus isolation or another test approved by the department.

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

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

(3) REPORT OF INTENDED IMPORT. (a) No person may import a ratite into this state unless that person first reports the intended import to the department, either in writing or by telephone. The report shall include the name and address of the person shipping the ratite, the name and address of the person receiving the ratite in this state, the official individual identification of the ratite, and the intended date of the import shipment.

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

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

History: Cr. Register, March, 1995, No. 471, eff. 4-1-95.

**ATCP 11.58 Fish imports. (1) DEFINITIONS.** In this section:

(a) "Certified fish inspector" means any of the following:

1. An individual who is currently certified by the American Fisheries Society as a fish health inspector or fish pathologist.

2. An individual whom a state authorizes and the department approves to certify, on behalf of that state, the health of fish in that state.

(b) "Commingled" means kept or brought in contact with other fish or fish eggs in any environment which permits direct contact between fish or use of the same water system.

(c) "Fish farm" means a facility at which a person hatches fish eggs or holds live fish.

(d) "Food processing plant" means a facility licensed under s. 97.29, Stats.

(e) "Individual" means a natural person.

(f) "Operator" means a person who owns or controls a fish farm. "Operator" includes the operator's employees and agents.

(g) "Ornamental fish" means goldfish, koi, tropical freshwater fish that cannot survive in temperatures below 38°F, saltwater fish and other fish which the department designates in writing.

Note: You may obtain a current list of fish designated as "ornamental fish" by contacting the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection  
Division of Animal Health  
P.O. Box 8911  
Madison, WI 53708-8911  
Phone: (608) 224-4872

(h) "Person" means an individual, corporation, partnership, cooperative association, limited liability company, trust, the state of Wisconsin or its agencies, or other organization or entity.

(i) "Retail food establishment" means a facility licensed under s. 97.30, Stats.



(j) "Restaurant" means a facility licensed under s. 254.64, Stats.

(k) "Salmonid" means fish or fish eggs of the Salmonidae family. "Salmonidae" means fish or fish eggs of the family that includes trout, salmon, grayling, char, Dolly Vardon, whitefish, cisco and inconnu.

(L) "Untreated water" means water that has not been rendered free of pathogens by a method approved by the department.

(m) "Waters of the state" has the meaning given in s. 281.01(18), Stats.

(n) "Wild source" means waters in this state that are not registered as fish farms, or waters outside this state that are not fish farms.

**(2) ANNUAL IMPORT PERMIT REQUIRED.** Except as provided in sub. (3), no person may import live fish or fish eggs into this state for any of the following purposes except under an annual import permit from the department:

(a) Introducing the live fish or fish eggs into waters of the state.

(b) Using the live fish or fish eggs as bait.

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

(d) Selling or distributing the live fish or fish eggs for any of the purposes under pars. (a) to (c).

Note: A person importing any of the following must also obtain an importation permit from the state of Wisconsin department of natural resources (DNR):

Live fish or fish eggs of species that are not native to Wisconsin. (See s. 29.735(1), Stats.)

Live rough fish or rough fish eggs, except goldfish, dace and suckers. (See s. 29.407(4), Stats.)

An application for an import permit under this section also serves as an application for a DNR import permit. The department will forward the permit application to DNR if DNR permit requirements apply.

Under s. 29.736, Stats., no person may use imported fish or fish eggs to stock waters of the state without a stocking permit from DNR (unless the stocking is subject to an exemption under s. 29.736, Stats.). An import permit application under this section does not serve as an application for a DNR stocking permit.

**(3) EXEMPTIONS.** No permit is required under sub. (2) to import any of the following:

(a) Live ornamental fish or the eggs of ornamental fish, unless the ornamental fish or fish eggs are commingled with non-ornamental fish or fish eggs, or are reared for bait, human food or animal feed.

(b) Live fish or fish eggs that will be held, for the remainder of their lives, in fully enclosed buildings solely for purposes of display or research, provided that no untreated water used to hold those fish or fish eggs is discharged to waters of the state.

(c) Live fish imported directly to a food processing plant, retail food establishment or restaurant where they will be held for not more than 30 days pending slaughter or sale to consumers at that facility, provided that the facility does not discharge to waters of the state any untreated water used to hold or process those fish or fish eggs.

(d) Live fish or fish eggs imported and held for not more than 30 days in fully enclosed buildings pending shipment out of this state, provided that no untreated water used to hold those fish or fish eggs is discharged to waters of the state.

(e) Live fish or fish eggs that are directly imported by the Wisconsin department of natural resources.

**(4) ISSUING AN ANNUAL IMPORT PERMIT.** The department may issue an import permit under sub. (2) for all or part of a calendar year, based on an application under sub. (9). A permit holder may, at any time, apply under sub. (9) for an amendment to an existing permit.

**(5) COPY MUST ACCOMPANY IMPORT SHIPMENT.** Every import shipment under sub. (2) shall be accompanied by a copy of the import permit which authorizes that shipment.

**(6) IMPORT RECIPIENTS.** A person holding an import permit under sub. (2) may import live fish or fish eggs to the following persons, and no others:

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

(b) The state of Wisconsin department of natural resources.

(c) A person holding a current fish stocking permit, under s. 29.736, Stats., which authorizes that person to stock live fish or fish eggs of the type imported.

(d) A person holding a current bait dealer license under s. 29.509, Stats., which authorizes that person to hold live fish or fish eggs of the type imported.

(e) Other persons identified by the department in the permit.

**(7) UNAUTHORIZED IMPORTS.** No person holding an import permit under sub. (2) may violate the terms of the permit or exceed the authorization granted in the permit. A permit is not transferable between importers.

**(8) IMPORT PERMIT; CONTENTS.** An import permit under sub. (2) shall include all of the following:

(a) The expiration date of the import permit. An import permit expires on December 31 of the year for which it is issued, unless the department specifies an earlier expiration date.

(b) The name, address and telephone number of the permit holder.

(c) Each species of fish or fish eggs that the permit holder may import under the permit.

(d) The size or class of fish of each species, and the quantity of fish or fish eggs of each species, that the permit holder may import under the permit.

(e) The sources from which the importer may import live fish or fish eggs under the permit. The permit may incorporate, by reference, sources identified in the permit application under sub. (9).

(f) The type of import recipient under sub. (6) to which the importer may import live fish or fish eggs under the permit.

**(9) APPLYING FOR A PERMIT.** A person seeking an import permit under sub. (2) shall apply on a form provided by the department. There is no fee. A permit application shall include all of the following:

(a) The applicant's name, address and telephone number.

(b) Each species of fish or fish eggs that the applicant proposes to import.

(c) The size or class of fish of each species, and quantity of fish or fish eggs of each species, that the applicant proposes to import.

(d) Every wild source from which the applicant proposes to capture and import fish or fish eggs.

(e) The name, address and telephone number of every fish farm from which the applicant proposes to import fish or fish eggs, and a copy of any health certificate issued for that fish farm under sub. (16).

(f) The type of import recipient under sub. (6) that the applicant proposes to import fish or fish eggs to.

Note: You may obtain an application form by contacting the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection  
Division of Animal Health  
P.O. Box 8911  
Madison, WI 53708-8911  
Phone: (608) 224-4872

**(10) ACTION ON PERMIT APPLICATION.** The department shall grant or deny a permit application under sub. (9) within 30 days after the department receives a complete application.

Note: The department may impose conditions on an import permit, pursuant to s. 93.06(8), Stats.

**(11) DENYING, SUSPENDING OR REVOKING AN IMPORT PERMIT.** The department may deny, suspend or revoke an import permit under sub. (2) for cause, including any of the following:

(a) Filing an incomplete or fraudulent permit application, or misrepresenting any information on a permit application.

(b) Violating applicable provisions of ch. 95, Stats., this chapter or ch. ATCP 10.

(c) Violating the terms of the import permit, or exceeding the import authorization granted by the permit.

(d) Preventing a department employe from performing his or her official duties, or interfering with the lawful performance of his or her duties.

(e) Physically assaulting a department employe while the employe is performing his or her official duties.

(f) Refusing or failing, without just cause, to produce records under sub. (12) or respond to a department subpoena.

Note: The denial, suspension or revocation of an import permit is subject to a right of hearing under ch. 227, Stats., and ch. ATCP 1, Wis. Adm. Code.

**(12) IMPORT RECORDS.** (a) A person, including the Wisconsin department of natural resources, that imports fish or fish eggs under sub. (2) shall keep all of the following records related to each import shipment:

1. The date of the import shipment.
2. The wild source, if any, from which the importer obtained the imported fish or fish eggs.
3. The name, address and telephone number of the fish farm from which the importer obtained the imported fish or fish eggs, if the importer obtained them from a fish farm.
4. The name, address and telephone number of the person receiving the import shipment if that person is not the importer. The importer shall also record the recipient's fish farm registration number under s. ATCP 10.68, stocking permit number under s. 29.736, Stats., or bait dealer license number under s. 29.509, Stats., if any.

Note: See sub. (6).

5. The location at which the import shipment was received in this state.

6. The size or class, quantity and species of fish or fish eggs included in the import shipment.

(b) A person required to keep records under par. (a) shall retain those records for at least 5 years and shall make them available to the department, upon request, for inspection and copying.

Note: An import permit holder must keep and provide records under sub. (12), regardless of whether the importer is located in this state or another state. The department may deny, suspend or revoke an import permit under sub. (11) if the importer fails to keep records, or fails to provide them to the department upon request.

**(13) IMPORTING DISEASED FISH.** No person may import any live fish or fish eggs into this state if that person knows, or has reason to know, that those fish or fish eggs are infected or show clinical signs of any reportable disease under s. ATCP 10.025.

**(14) HEALTH CERTIFICATE REQUIRED.** No person may import any shipment of live fish or fish eggs into this state unless one of the following applies:

(a) The import shipment is accompanied by a health certificate issued for that shipment under sub. (15).

(b) The import shipment originates from a fish farm and all of the following apply:

1. The import shipment is labeled with the name and address of that fish farm.
2. No fish or fish eggs in the import shipment were ever collected from a wild source.
3. An accredited veterinarian or certified fish inspector has issued an annual health certificate for that fish farm under sub. (16), and has filed a copy of that certificate with the department.
4. The importer has filed a copy of the annual fish farm health certificate with the importer's permit application under sub. (9) or, if the state of Wisconsin department of natural resources is the importer, the department of natural resources has filed a copy of the annual fish farm health certificate with the department before importing fish to this state in any calendar year.

(c) The import shipment consists solely of any of the following:

1. Live ornamental fish, or the eggs of ornamental fish, unless the ornamental fish or fish eggs are commingled with non-orna-

mental fish or fish eggs, or are reared for bait, human food or animal feed.

2. Live fish or fish eggs that will be held, for the remainder of their lives, in fully enclosed buildings solely for purposes of display or research, provided that no untreated water used to hold those fish or fish eggs is discharged to waters of the state.

3. Live fish imported directly to a food processing plant, retail food establishment or restaurant where they will be held for not more than 30 days pending slaughter or sale to consumers at that facility, provided that the facility does not discharge to waters of the state any untreated water used to hold or process those fish or fish eggs.

4. Live fish or fish eggs imported and held for not more than 30 days in fully enclosed buildings pending shipment out of this state, provided that no untreated water used to hold those fish or fish eggs is discharged to waters of the state.

**(15) HEALTH CERTIFICATE; INDIVIDUAL SHIPMENT.** The following requirements apply to a health certificate under sub. (14)(a):

(a) An accredited veterinarian or certified fish inspector shall issue the health certificate in the state of origin, on a form provided by the department, based on a personal inspection of the import shipment. The accredited veterinarian or certified fish inspector shall use inspection, sampling and diagnostic methods specified by the department on the certification form.

Note: To obtain a health certification form, contact the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection  
Division of Animal Health  
P.O. Box 8911  
Madison, WI 53708-8911  
Phone: (608) 224-4872

(b) The health certificate under par. (a) shall certify that the import shipment is free of all the following:

1. Visible signs of infectious or contagious disease.
2. Infectious hematopoietic necrosis (IHN), viral hemorrhagic septicemia (VHS) and whirling disease (*Myxobolus cerebralis*, or WD), if the import shipment includes salmonids.
3. White sturgeon iridovirus (WSI) if the import shipment includes sturgeon.
4. Other diseases, if any, which the department specifies on the certification form.

(c) The accredited veterinarian or certified fish inspector who issues the health certificate shall file the original certificate with the department, and shall provide at least 2 copies to the importer.

Note: A certification form which specifies disease inspection, sampling and diagnostic procedures under sub. (15)(a), or additional disease certification requirements under sub. (15)(b)4., constitutes an order under s. 93.07(10), Stats., which is reviewable under ch. 227, Stats., and ch. ATCP 1 unless the department adopts those requirements by rule. If a health certification does not comply with instructions on the certification form, the certification is invalid.

**(16) FISH IMPORTED FROM FISH FARM; ANNUAL HEALTH CERTIFICATE.** The following requirements apply to an annual fish farm health certificate under sub. (14)(b)3.:

(a) An accredited veterinarian or certified fish inspector shall issue the annual health certificate in the state of origin, on a form provided by the department, based on a personal inspection of the fish farm. The accredited veterinarian or certified fish inspector shall use inspection, sampling and diagnostic methods specified by the department on the certification form.

Note: To obtain a health certification form, contact the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection  
Division of Animal Health  
P.O. Box 8911  
Madison, WI 53708-8911  
Phone: (608) 224-4872

(b) The annual health certificate shall certify that the fish farm is free of all the following:

1. Visible signs of infectious or contagious disease.
2. Infectious hematopoietic necrosis (IHN), viral hemorrhagic septicemia (VHS) and whirling disease (*Myxobolus cer-*

*eboralis*, or WD), if the health certificate is used for imports of salmonids.

3. White sturgeon iridovirus (WSI) if the health certificate is used for imports of sturgeon.

4. Other diseases, if any, which the department specifies on the certification form.

(c) The accredited veterinarian or certified fish inspector who issues the annual health certificate shall file the original certificate with the department, and shall provide at least 2 copies to the fish farm operator.

**Note:** A certification form which specifies disease inspection, sampling and diagnostic procedures under sub. (16)(a), or additional disease certification requirements under sub. (16)(b)4., constitutes an order under s. 93.07(10), Stats., which is reviewable under ch. 227, Stats., and ch. ATCP 1 unless the department adopts those requirements by rule. If a health certification does not comply with instructions on the certification form, the certification is invalid.

**History:** Emerg. cr. eff. 12-28-98; cr. Register, May, 1999, No. 521, eff. 6-1-99.

#### ATCP 11.59 Health standards for fish introduced into waters of the state. (1) DEFINITIONS. In this section:

(a) "Certified fish inspector" means any of the following:

1. An individual who is currently certified by the American fisheries society as a fish health inspector or fish pathologist.

2. An individual whom a state authorizes and the department approves to certify, on behalf of that state, the health of fish in that state.

(b) "Fish farm" means a facility at which a person hatches fish eggs or holds live fish.

(c) "Individual" means a natural person.

(d) "Person" means an individual, corporation, partnership, cooperative association, limited liability company, trust, the state of Wisconsin or its agencies, or other organization or entity.

(e) "Salmonid" means fish or fish eggs of the Salmonidae family. "Salmonidae" means fish or fish eggs of the family that includes trout, salmon, grayling, char, Dolly Vardon, whitefish, cisco and inconnu.

(f) "Waters of the state" has the meaning given in s. 29.736 (1) (c), Stats.

(2) HEALTH CERTIFICATE REQUIRED. (a) No person may introduce live salmonids into waters of the state after June 1, 1999, and no person may introduce other live fish or fish eggs into waters of the state after December 31, 2001, unless an accredited veterinarian or certified fish inspector does one of the following:

1. Issues a health certificate for those fish or fish eggs.

2. Issues a health certificate, not earlier than January 1 of the calendar year preceding the year in which the fish are introduced into waters of the state, for the fish farm from which those fish or fish eggs originate.

**Note:** See fish stocking regulations under s. 29.736, Stats. In addition to fish stocked from private fish farms, this subsection also pertains to fish stocked by the Wisconsin department of natural resources.

(b) A fish health certificate under par. (a) shall certify that the fish or fish eggs, or the fish farm from which they originate, are free of all the following:

1. Visible signs of infectious or contagious disease.

2. Whirling disease (*Myxobolus cerebralis*, or WD), if the health certificate is used for introducing salmonids.

3. Other diseases, if any, which the department specifies on the certification form.

(3) ISSUING A HEALTH CERTIFICATE. (a) An accredited veterinarian or certified fish inspector shall issue a health certificate under sub. (2) on a form provided by the department, based on a personal inspection of the fish or fish farm. The accredited veterinarian or certified fish inspector shall use inspection, sampling and diagnostic methods specified by the department on the certification form.

**Note:** To obtain a health certification form, contact the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection  
Division of Animal Health  
P.O. Box 8911  
Madison, WI 53708-8911  
Phone: (608) 224-4872

(b) An accredited veterinarian or certified fish inspector who issues a health certificate under sub. (2) shall file the original certificate with the department, and shall provide at least 2 copies to the person introducing the fish or fish eggs into waters of the state.

**Note:** A certification form which specifies disease inspection, sampling and diagnostic procedures under sub. (3)(a), or additional disease certification requirements under sub. (2)(b)3., constitutes an order under s. 93.07(10), Stats., which is reviewable under ch. 227, Stats., and ch. ATCP 1 unless the department adopts those requirements by rule. If a health certification does not comply with instructions on the certification form, the certification is invalid.

(4) INTRODUCING DISEASED FISH. No person may introduce live fish or fish eggs into waters of the state if that person knows, or has reason to know, that those fish or fish eggs are infected or show clinical signs of any reportable disease under s. ATCP 10.025.

**History:** Cr., Register, May, 1999, No. 521, eff. 6-1-99.

### Subchapter VIII — Movement and Exhibition

#### ATCP 11.60 Sale or movement of diseased animals.

(1) GENERAL. No person may, in connection with the import, sale, movement or exhibition of any animal, do any of the following:

(a) Knowingly conceal that the animal has been infected with or exposed to any contagious or infectious disease.

(b) Knowingly misrepresent that the animal has not been exposed to or infected with any contagious or infectious disease.

(c) Knowingly permit an animal that has been exposed to or infected with a contagious or infectious disease to commingle with other animals under conditions which may cause the disease to spread to an animal owned by another person.

(2) PARATUBERCULOSIS; SALE OR MOVEMENT OF INFECTED ANIMALS PROHIBITED. Except as provided under sub. (4), no person may sell or move any animal which is infected with paratuberculosis, as determined by a fecal culture or by a department epidemiologist.

**Note:** This subsection does not prohibit the sale of an animal from a herd in which paratuberculosis has been detected, provided that the animal is not individually infected. However, all sales are subject to the prohibitions under sub. (1). In each contract for the sale of an animal, there is an implied warranty under s. 95.195, Stats., that the animal is not infected with paratuberculosis, unless the seller does one of the following:

1. Notifies the buyer in writing before the sale that the animal is not warranted as being uninfected with paratuberculosis.

2. Complies with paratuberculosis testing and disclosure requirements prescribed by department rule.

(3) OTHER DISEASES; SALE OR MOVEMENT OF INFECTED OR EXPOSED ANIMALS PROHIBITED. Except as provided under sub. (4), no person may sell or move any animal which is infected with or exposed to any of the following contagious or infectious diseases, or which the department has classified as a suspect or reactor for any of the following contagious or infectious diseases:

(a) Anaplasmosis.

(b) Anthrax.

(c) Brucellosis.

(d) Equine encephalomyelitis.

(e) Foot and mouth disease.

(f) Hog cholera.

(g) Infectious stomatitis.

(h) *Mycoplasma gallisepticum*.

(i) Pseudorabies.

(j) Psoroptic mange.

(k) Pullorum.

(L) Rabies.

(m) Salmonellosis in poultry.

(n) Sheep foot rot.

(o) Swine dysentery.

(p) Tuberculosis.

(q) Vesicular exanthema.

Note: Animals infected with or exposed to other contagious or infectious diseases, not listed under this subsection, may be quarantined at the discretion of the department under s. ATCP 11.70. Animals infected with or exposed to equine infectious anemia are subject to quarantine under s. ATCP 10.41.

(4) **PERMIT TO MOVE.** The department may issue a permit allowing the movement of animals under sub. (2) or (3) for slaughter or other purposes prescribed by the department in the permit. Movement of animals is subject to all terms and conditions prescribed by the department in the permit. The department shall grant or deny a permit under this subsection within 5 business days after the department receives a complete permit application containing all information required by the department.

(5) **BRUCELLOSIS EXPOSED ANIMALS.** (a) Except as provided under par. (c), a bovine animal shall be branded with the letter "S" on the left jaw prior to movement if any of the following applies:

1. The animal is part of a herd quarantined for brucellosis.
2. The animal has been in contact for 24 hours or longer with a brucellosis reactor.
3. The animal has had any contact with a brucellosis reactor if the reactor has aborted or calved within the past 30 days and has had a vaginal or uterine discharge.

(b) The "S" brand under par. (a) may not be less than 2 inches nor more than 3 inches high.

(c) This subsection does not apply to a brucellosis reactor branded in compliance with s. ATCP 11.10 (3) (b).

(6) **TUBERCULOSIS REACTORS.** Tuberculosis reactors shall be shipped directly to slaughter, pursuant to a permit under sub. (4). The permit shall specify the place of slaughter.

(7) **REPORT OF SLAUGHTER.** An operator of a slaughtering establishment which receives an animal for slaughter under sub. (4) shall report to the department the description and results of any post-mortem examination of the animal. The report shall be filed within 7 days after the animal is received at the slaughtering establishment.

(8) **PSEUDORABIES EXPOSED ANIMALS.** (a) Swine that are infected with pseudorabies, or that are part of a herd under quarantine for pseudorabies, shall be held separate and apart from all other swine until slaughtered. A swine which comes in contact with infected swine or with swine from a quarantine herd shall be classified as "exposed" and may move only for slaughter, unless otherwise determined in writing by the department.

(b) Pseudorabies quarantined or exposed swine may not be moved except under a department permit which specifies the herd of origin and the place of destination. A separate permit shall accompany each movement until the animals are slaughtered. The department shall notify persons affected by the movement, as provided under s. ATCP 10.31 (6).

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (3) (intro.), Register, September, 1993, No. 453, eff. 10-1-93; r. (3) (e), renum. (3) (f) to (r) to be (3) (e) to (q), Register, January, 1994, No. 457, eff. 2-1-94; am. (4), Register, March, 1995, No. 471, eff. 4-1-95.

**ATCP 11.61 Removal of livestock from slaughtering establishments.** No person may remove any livestock from a slaughtering establishment after the animal has been weighed and purchased by the slaughtering establishment unless the animal is removed under a special permit issued by the state veterinarian. The state veterinarian shall grant or deny a permit within 5 business days after he or she receives a complete application.

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

**ATCP 11.62 Exhibitions and fairs.** (1) **VETERINARIAN TO INSPECT LIVESTOCK.** If a fair or livestock exhibition in this state lasts for more than 24 hours, the sponsors of the fair or exhibition shall appoint a licensed veterinarian to conduct a daily inspection of all livestock at the fair or exhibition. The veterinarian shall also review all records and test results required by this section. If a fair

or livestock exhibition lasts less than 24 hours, all records and test results required by this section shall be reviewed by a licensed veterinarian or by the show chairperson.

(2) **SWINE.** (a) No person may exhibit any swine at a fair or livestock exhibition unless the swine are accompanied by a certificate of veterinary inspection or an interstate health certificate signed by an accredited veterinarian. The certificate shall state that the herd of origin has been inspected on the farm and that no apparent disease has been present in the herd for the past 30 days.

(b) No person may exhibit any breeding swine at a fair or livestock exhibition unless the swine tests negative for pseudorabies in a pseudorabies test performed not more than 30 days before the person exhibits that swine, or the swine originates from a qualified pseudorabies negative herd, a qualified pseudorabies negative grow-out herd in this state, or a state IV or V state or area designated by the national pseudorabies control board.

(c) No person may exhibit any non-breeding swine at a fair or livestock exhibition unless at least one of the following applies:

1. All breeding swine have been removed from the premises of the fair or exhibition before the non-breeding swine arrives, and the non-breeding swine is shipped directly from the fair or exhibition to a slaughtering establishment for slaughter.

2. The non-breeding swine tests negative for pseudorabies in a test performed within 30 days before the swine is exhibited.

3. The non-breeding swine originate from a qualified pseudorabies negative herd, a qualified negative pseudorabies grow-out herd in this state, or a state IV or V state or area designated by the national pseudorabies control board.

(3) **BOVINE ANIMALS.** Bovine animals infected with mange, scab, ringworm or warts may not be exhibited at any fair or livestock exhibition. Animals found to be infected, or showing evidence of infection with mange, scabies, ringworm or warts after arrival at a fair or livestock exhibition shall be isolated from other animals susceptible to the disease, and shall be removed from the premises. This paragraph does not apply to animals showing evidence of ringworm or wart infection if, in the opinion of the veterinarian in charge of the fair or exhibition, the lesion or wart is inactive and not capable of transmitting the disease.

(4) **POULTRY.** No poultry, except waterfowl, may be exhibited at a fair or public exhibition unless one of the following applies:

(a) The poultry originate from a flock or state designated as "U.S. Pullorum-Typhoid Clean" under the national poultry improvement plan, or from a flock meeting equivalent standards.

(b) The poultry test negative for pullorum-typhoid on a test approved by the department within 90 days before the poultry arrive at the fair or exhibition. Testing is required only for sexually mature birds over 4 months of age. Turkeys may be tested for exhibition or fairs by the use of the negative plate test.

(5) **HEALTH RECORDS.** Every person who exhibits livestock or poultry at a fair or exhibition in this state shall make available for inspection by the department, at the fair or exhibition, copies of all required health certificates and test reports. Copies of these documents may be filed with the show chairman or attending veterinarian, who shall ensure that the documents are available for inspection by the department.

(6) **EQUINE ANIMALS.** (a) Except as provided under par. (am), no person may exhibit any equine animal at a fair or livestock exhibition unless one of the following applies:

1. The animal has tested negative for equine infectious anemia during the calendar year in which the animal is exhibited at the fair or livestock exhibition.

2. The animal is exhibited on or before January 31 of any calendar year and the animal tested negative for equine infectious anemia during the preceding calendar year.

(am) Paragraph (a) does not apply to a nursing foal accompanying its dam if the dam has tested negative for equine infectious anemia according to par. (a).

(b) The sponsors of a fair or livestock exhibition shall record the name and address of every person who owns an equine animal exhibited at the fair or exhibition. The sponsors shall keep the record for at least 2 years, and shall make it available to the department for inspection and copying upon request.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (2) (b), (c) (intro.), (3) (a) 2. and (4) (b), cr. (2) (c) 3., Register, September, 1993, No. 453, eff. 10-1-93; cr. (6), Register, January, 1994, No. 457, eff. 2-1-94; emerg. am. (2) (b) and (c) 3., eff. 2-1-95, am. (2) (b) and (c) 3., r. and recr. (6) (a), cr. (6) (am), Register, July, 1995, No. 475, eff. 8-1-95; r. (3) (a), renum. (3) (b) to be (3), Register, February, 1996, No. 482., eff. 3-1-96.

### Subchapter IX — Enforcement

**ATCP 11.70 Quarantines.** (1) **SUMMARY ACTION.** The department may summarily issue quarantine orders to prevent, suppress, control or eradicate contagious, infectious or communicable diseases which may affect domestic or exotic animals in this state, or to prevent animals from being moved or commingled pending further testing, diagnosis or traceback related to suspected disease. No person may move any animal in violation of a quarantine order, or fail to comply with the terms and conditions of a quarantine order.

(2) **SERVICE OF NOTICE.** A quarantine order under this section shall be served upon a person having custody or control of the quarantined animals, or shall be posted on the premises affected by the quarantine order. A quarantine order may be served by any of the following methods:

(a) Personal service.

(b) Certified mail.

(c) Posting a copy of the order at 2 conspicuous places on the premises affected by the quarantine.

(3) **PROOF OF SERVICE.** Service of a quarantine order may be proved by affidavit or by certified mail return receipt.

(4) **CONTENTS OF ORDER.** A quarantine order shall contain the following information:

(a) The name and address of a person having custody or control of the quarantined animals, if known.

(b) A description of the animals affected by the quarantine.

(c) A description of the premises affected by the quarantine.

(d) The reason or justification for the quarantine.

(e) All terms and conditions applicable to the quarantine.

(f) Notice that persons adversely affected by the quarantine may request a hearing to review the quarantine order.

(5) **DURATION OF QUARANTINE.** A quarantine remains in effect until a written notice of release is issued by the department, unless the quarantine is set aside after review under sub. (6).

(6) **REVIEW OF QUARANTINE.** A person adversely affected by a quarantine may, within 30 days after the quarantine order is issued, request a hearing before the department to review the quarantine. The department shall conduct an informal hearing as soon as reasonably possible, and not later than 10 days after receiving a request for hearing. If the matter is not resolved after informal hearing, the person requesting the hearing may seek a formal hearing before the department under ch. 227, Stats. A request for hearing does not stay a quarantine order.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1), Register, December, 1996, No. 492, eff. 1-1-97.

**ATCP 11.71 Destruction or removal of animals illegally imported.** (1) **SUMMARY ACTION.** The department may summarily order the destruction or removal from this state of any animal imported into this state if either of the following applies:

(a) The owner or custodian of the animal fails to produce a valid certificate of veterinary inspection or an interstate health certificate, if a certificate is required under this chapter.

(b) The animal is imported in violation of this chapter, or in violation of any permit condition under this chapter.

(2) **SERVICE OF NOTICE.** An order under sub. (1) shall be served upon a person having custody or control of the animal affected by the order. The order may be served in person or by certified mail. Service may be proved by affidavit or by certified mail return receipt.

(3) **CONTENTS OF ORDER.** An order under sub. (1) shall contain all of the following information:

(a) The name and address of the person having custody or control of the animals, if known.

(b) A description of the animals affected by the order.

(c) The reason or justification for the order.

(d) A reasonable deadline for compliance with the order.

(e) Notice that persons adversely affected by the order may request a hearing to review the order.

(4) **REVIEW OF ORDER.** A person adversely affected by an order under sub. (1) may, within 30 days after receiving the order, request a hearing before the department to review the order. If a hearing is requested, the department shall conduct an informal hearing as soon as reasonably possible, and not later than 10 days after receiving the request for hearing. If the matter is not resolved after informal hearing, the person requesting the hearing may seek a formal hearing before the department under ch. 227, Stats. A request for hearing under this subsection does not postpone the deadline for compliance with the order unless the deadline is postponed by further order of the department.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (2), Register, February, 1996, No. 482, eff. 3-1-96.

**ATCP 11.72 Prohibited conduct.** No persons may:

(1) Knowingly make any false report or statement to the department concerning:

(a) The ownership, identification, age, vaccination status, test status, or health status of livestock; or

(b) The purchase, sale or movement of livestock.

(2) Sell or move any animal in violation of s. ATCP 11.60, or in violation of a quarantine order under s. ATCP 10.70 or 11.70.

(3) Buy, sell, lease or exchange livestock in the name of any person other than a licensed livestock dealer, a licensed livestock market operator, or the person holding or acquiring an ownership or leasehold interest in the livestock.

(4) Transport any livestock without health certificates, permits, or other documents required by ch. ATCP 10 or this chapter.

(5) Fail or refuse, upon reasonable demand by an authorized agent of the department, to permit the examination of:

(a) Animals in transit; or

(b) Health or shipping documents or accompanying animals in transit.

(6) Fail to provide, within 10 days following the receipt of a written request from the department, any relevant report or document relating to the transportation of animals. The department may extend the compliance deadline under this subsection for good cause shown.

(7) Cause or permit a susceptible healthy animal to commingle with a diseased animal while in transit, unless the entire load of animals is shipped directly to slaughter or the commingling is authorized by the department.

(8) Cause or permit the commingling of different livestock species during transit.

(9) Advertise or claim to be licensed by the department, unless the advertisement or claim is true.

(10) Use or possess any unauthorized brand or tattoo device, or use or possess an official brand or official tattoo device without express authorization from the department.

(11) Park or store a vehicle containing animal remains or animal waste in any place where it creates a health hazard or a public nuisance.

**(12)** Deposit animal remains or animal waste in any place where the deposit creates a health hazard or a public nuisance.

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