Chapter ATCP 10

ANIMAL DISEASES

Note: Chapter Ag 10 as it existed on December 31, 1990 was repealed and a new ch. Ag 10 was created effective January 1, 1991; Chapter Ag 10 was renumbered ch. ATCP 10 under s. 13.93 (2m) (b) 1., Stats., Register, April, 1993, No. 448.

Subchapter I — Definitions

ATCP 10.01 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 contagious, 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) "Bison" means American bison of any age or sex, commonly known as buffalo.

(6m) "Blood tuberculosis test" means a laboratory test, approved by the department and the federal bureau, which is performed on blood samples collected under s. ATCP 10.66 (6), and which is used to detect tuberculosis in cervidae.

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

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

(9) "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.

(10) "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.

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

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

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

(13m) "Caudal fold tuberculin test" means a test under s. ATCP 10.15 (1) that is used to detect tuberculosis in bovine animals.

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

(15) "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.

(15m) "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."

(16) "Commingled" means kept or brought in contact with other animals in any environment which permits direct contact between the animals.

(17) "Communicable" means transmissible either directly or indirectly.

(17m) "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.

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

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

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

(20m) "Equine animal" means a horse, mule, zebra, donkey or ass.

(20p) "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.

(20q) "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.

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

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

(22m) "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.

(23) "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.

(24) "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 post–parturient.

(b) Spayed heifer.

(c) Steer.

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

(26) "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.

(27) "Fomite" means an inanimate object or substance which serves to transfer infectious organisms from one animal to another.

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

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

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

(31) "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.

(32) "Individual herd plan" means a written herd management and testing plan that is designed by the department to control and eradicate an infectious, contagious or communicable disease from an affected herd.

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

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

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

(37) "Keeper of farm–raised deer" means a person who keeps farm–raised deer.

(38) "Livestock" means farm animals including bovine animals, sheep, goats, swine, farm–raised deer and equine animals.

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

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

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

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

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

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

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

Note: An 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.

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

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

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

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

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

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

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

(i) Other identification approved by the department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The department under s. ATCP 10.30.

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

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

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

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

(61m) "Single cervical tuberculin test" means a test under s. ATCP 10.66 (4) that is used to detect tuberculosis in cervidae.

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

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

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

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

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

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

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

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

(69m) "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).

(69r) "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, under standards comparable to s. ATCP 10.67 (2).

(70) "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.

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

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

(a) The department under s. ATCP 10.33.

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

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

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

History: Cr. Register, December, 1990, No. 420, eff. 1–1–91; emerg. cr. (15j), (15m), (17m) and (61m), eff. 3–18–91; am. (54), Register, June, 1991, No. 426, eff. 7–1–91; cr. (15j), (15m), (17m) and (61m), Register, November, 1991, No. 431, eff. 12–1–91; r. and recr. (48), cr. (48m), (60m) and (72m), Register, September, 1993, No. 453, eff. 10–1–93; cr. (20m), (20p) and (20q), Register, January, 1994, No. 457, eff. 2–1–94; renum. (45) (d) to be (45) (i), cr. (45) (d) to (h), (60r), am. (56), Register, March, 1995, No. 471, eff. 4–1–95; am. (1), (38), cr. (6m), (13m), (69m), (69r), r. and recr. (10), (17m), (61m), (70), r. (15j), (35) to (37), Register, February, 1996, No. 482, eff. 3–1–9; emerg. cr. (36), eff. 6–3–96; am. (15m), (38), cr. (22m), (36), (37), Register, December, 1996, No. 492, eff. 1–1–97; **r. (50) to (54), Register, September, 1999, No. 525, eff. 7–1–00.**

Subchapter II — General Provisions

ATCP 10.02 Reportable diseases; general. (1) DISEASES REPORTED WITHIN ONE DAY. A veterinarian or diagnostic laboratory that diagnoses or finds evidence of any of the following diseases shall report that diagnosis or finding to the department, in the manner provided under sub. (3), within one day after making the diagnosis or finding:

(a) Any disease that is foreign or exotic to Wisconsin.

(b) Avian influenza.

(c) Brucellosis.

(d) Equine encephalomyelitis.

(e) Pseudorabies.

(f) Rabies.

(g) Tuberculosis.

(h) Vesicular conditions, including vesicular stomatitis.

(i) Viscerotropic velogenic Newcastle disease.

(2) DISEASES REPORTED WITHIN 10 DAYS. A veterinarian or diagnostic laboratory that diagnoses or finds evidence of any of the following diseases shall report that diagnosis or finding to the department, in the manner provided under sub. (3), within 10 days after making the diagnosis or finding:

(a) Anaplasmosis.

(b) Anthrax.
(bm) Avian infectious encephalomyelitis.
(c) Equine infectious anemia.
(cm) Infectious laryngotracheitis.
(d) Mycoplasma gallisepticum infection of poultry.
(dm) Ornithosis (psittacosis).
(dr) Paramyxovirus infections of poultry other than Newcastle Disease.
(e) Paratuberculosis also known as Johne's disease.
(f) Pullorum.
(g) Salmonellosis in poultry.
(h) Scrapie.
(i) Viscerotropic velogenic Newcastle disease.

(3) FORM OF REPORT. (a) A veterinarian or diagnostic laboratory may report under sub. (1) by telephone or by any other effective means of communication. If a veterinarian or diagnostic laboratory reports in any manner other than in writing or by telefax, the veterinarian or diagnostic laboratory shall confirm the report in writing or by telefax within 10 days.

(b) A veterinarian or diagnostic laboratory shall report under sub. (2) in writing or by telefax within 10 days after making the diagnosis.

(4) EXEMPTION. This section does not require a veterinarian to report a diagnosis or finding made by the department or the Wisconsin department of health and family services.

History: Cr. Register, December, 1990, No. 420, eff. 1–1–91; r. and recr., Register, February, 1996, No. 482, eff. 3–1–96; emerg. cr. (2) (bm), (cm), (dm), (dr), and (ei), eff. 6–3–96; cr. (2) (bm), (cm), (dm), (dr), (i), Register, December, 1996, No. 492, eff. 1–1–97; am. (4), Register, May, 1999, No. 521, eff. 6–1–99.

ATCP 10.025 Reportable diseases; fish. (1) REPORT REQUIRED. A person who diagnoses or finds evidence of any of the following diseases in this state shall report that diagnosis or finding to the department, in writing or by telefax, within 10 days after making the diagnosis or finding:

(a) Any aquatic animal disease that is foreign or exotic to Wisconsin.
(b) Channel catfish virus (CCV).
(c) Enteric septicemia of catfish (ESC).
(d) Infectious hematopoietic necrosis virus (IHN).
(e) White sturgeon iridovirus (WSI).
(f) Mycobacteriosis infection.
(g) Proliferative kidney disease (PKD).
(h) Streptococcus iniae.
(i) Viral hemorrhagic septicemia (VHS).
(j) Whirling disease (*Myxobolus cerebralis*, or WD).

(2) EXEMPTION. Subsection (1) does not require a person to report a diagnosis or finding made by the department or the Wisconsin department of health and family services.

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

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

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

(2) SAMPLES AND REPORTS TO INCLUDE OFFICIAL INDIVIDUAL IDENTIFICATION. Every test sample and every test report submitted to the department under sub. (1) shall be identified with the official individual identification of the animal to which the sample or test report pertains. If the animal has no official individual identification, the veterinarian shall identify the animal.

History: Cr. Register, December, 1990, No. 420, eff. 1–1–91; r. (1) (c), Register, February, 1996, No. 482, eff. 3–1–96.

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

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

Subchapter III — Bovine Disease

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

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

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

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

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

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

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

2. A vaccination tag is not required under this paragraph for a registered purebred animal, provided that the veterinarian who performs the vaccination records the animal's breed association registration number or breed tattoo on the vaccination report filed with the department under sub. (3).

(3) REPORTING REQUIREMENT. An accredited veterinarian who performs a brucellosis vaccination shall file a vaccination report with the department within 15 days after the veterinarian performs the vaccination. The veterinarian shall file the vaccination report on a form provided by the department, and shall include in the report the official individual identification of the vaccinated animal. The veterinarian shall provide a copy of the vaccination report to the owner of the vaccinated animal, and shall retain another copy. If a veterinarian fails to file a vaccination report with the department under this subsection, the vaccinated animal does not qualify as an official vaccinate.

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

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

1. An accredited veterinarian who is trained by the department to collect brucellosis test samples.

2. An authorized employe or agent of the department or the federal bureau.

3. A person who collects samples at a slaughtering establishment under the supervision of the department or the federal bureau.

(b) Except as provided under sub. (2) (b), a brucellosis test sample collected from a bovine animal shall be analyzed by the department, or by a laboratory which the department or the federal bureau has approved to analyze brucellosis test samples.

(2) TEST METHOD. (a) Except as provided under par. (b), a brucellosis test shall be performed using a blood serum agglutination test, a particle concentration fluorescence immunoassay (PCFIA), or a supplemental test that is approved by the department and conducted according to procedures approved by the department.

(b) An on–site brucellosis screening test satisfies the brucellosis testing requirement under s. ATCP 11.16 and s. 95.49, Stats., provided that all of the following conditions are met:

1. The screening test is conducted by an accredited veterinarian who is trained by the department to conduct brucellosis screening tests.

2. The screening test is conducted at a livestock market licensed under s. 95.68, Stats.

3. The veterinarian performing the screening test submits to the department within 24 hours a test sample for confirmatory testing under par. (a).

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

Note: See also ss. ATCP 10.02 and 10.03.

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

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

Note: See s. ATCP 11.10 regarding identification of bovine animals.

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

History: Cr. Register, December, 1990, No. 420, eff. 1–1–91; am. (2) (b), Register, March, 1995, No. 471, eff. 4–1–95; r. and recr. (1), (2), Register, February, 1996, No. 482, eff. 3–1–96.

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

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

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

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

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

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

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

ATCP 10.14 Brucellosis–free herd; certification.

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

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

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

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

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

(b) If a brucellosis–free herd certificate is revoked, the herd may not be recertified except under sub. (1). A quarantined herd may not be certified until the quarantine is released.

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

(b) If a brucellosis–free herd certificate is suspended, but no reactors are found in the herd, the herd may be recertified if all suspect animals are slaughtered, removed under department permit, or retested and found not to have an increased titer. Suspect ani-

mals do not qualify as members of a recertified brucellosis–free herd.

(5) STATUS OF INDIVIDUAL ANIMALS. No animal qualifies as a member of a certified brucellosis–free herd unless one or more of the following apply:

(a) The animal was in the herd for at least 60 days prior to the last herd test for certification or recertification.

(b) The animal originated from another certified brucellosis–free herd, or from a brucellosis–free state or nation, and tested negative for brucellosis not less than 60 nor more than 120 days after entering the herd.

(c) The animal tested negative for brucellosis within 30 days before entering the herd, and again within 60 to 120 days after entering the herd.

(d) The animal is a steer, an official spayed heifer, a calf under 6 months old or an official vaccinate under 20 months old, and has been in the herd for at least 60 days.

(e) The animal was born to a herd member.

(6) HERD ADDITIONS. No animal may be added to a certified brucellosis–free herd unless the animal meets one or more of the requirements under sub. (5) (b) to (d). Violation of this subsection is grounds for revocation of a brucellosis–free herd certificate, regardless of whether the animal is infected with brucellosis.

History: Cr. Register, December, 1990, No. 420, eff. 1–1–91; am. (1) (b), (5) (b), Register, February, 1996, No. 482, eff. 3–1–96.

ATCP 10.15 Tuberculosis testing. (1) CAUDAL FOLD TUBERCULIN TEST. (a) No person may perform a caudal fold tuberculin test on a bovine animal unless that person is one of the following:

1. An accredited veterinarian.

2. A veterinarian employed by the department or the federal bureau.

(b) To perform a caudal fold tuberculin test on a bovine animal, a veterinarian shall intradermally inject 0.1 ml of United States department of agriculture bovine purified protein derivative (PPD) tuberculin in either side of the animal's caudal fold.

(c) The same veterinarian who injects the tuberculin under par. (b) 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 by visually observing and palpating the injection site between 66 and 78 hours after the tuberculin is injected.

(d) If visual observation or palpation under par. (c) shows any response, regardless of size, the tested animal is classified as a tuberculosis suspect.

(e) A veterinarian who performs a caudal fold tuberculin test on any bovine animal shall report the test results to the department, on a form provided by the department, not more than 10 days after the veterinarian reads the test results. The veterinarian shall provide a copy of the report to the animal owner.

(f) If a bovine animal is classified as a tuberculosis suspect under par. (d) based on the results of a caudal fold tuberculin test, the veterinarian who performed the test shall report that fact to the department within one day after the veterinarian reads the test results. The veterinarian may report by any means, including telephone or telefax, provided that the veterinarian also files a written report under par. (e) within 10 days.

(2) COMPARATIVE CERVICAL TUBERCULIN TEST. (a) No person, other than an authorized veterinarian employed by the department or the federal bureau, may perform a comparative cervical tuberculin test on a bovine animal.

(b) To perform a comparative cervical tuberculin test on a bovine animal, a veterinarian shall intradermally inject biologically balanced bovine PPD and avian PPD tuberculin at separate sites in the animal's cervical area.

(c) The same veterinarian who injects the tuberculin under par. (b) shall read the test results unless the department or the federal bureau specifically authorizes another veterinarian to read the test results. Between 66 and 78 hours after the tuberculin is injected, the veterinarian shall read the test results by comparing the responses of the 2 tuberculin injection sites.

(d) If a bovine animal is classified as a tuberculosis suspect on 2 successive comparative cervical tuberculin tests, the animal shall be classified as a tuberculosis reactor unless the department determines that the animal should not yet be classified as a reactor. In making that determination, the department shall consider the following:

1. The tuberculosis test responses of other animals in the herd.

2. Necropsy information from other animals from the herd.

3. Whether the animal was a natural addition to the herd.

4. The number and frequency of additions of purchased animals to the herd over the 5 previous years.

(e) If a bovine animal is classified as a tuberculosis suspect on 3 successive comparative cervical tuberculin tests, the animal shall be classified as a tuberculosis reactor.

(3) IDENTIFYING TESTED ANIMALS. If a veterinarian performs a tuberculosis test on any bovine animal which does not yet have an official individual identification, the veterinarian shall identify the animal by inserting an official eartag in the animal's right ear at the time of testing.

(4) ANIMAL HANDLING FACILITIES REQUIRED. The owner or custodian of bovine animals being tested for tuberculosis shall provide animal handling facilities that are adequate to ensure the safety of the animals being tested and the safety of the persons conducting the tests.

Note: See s. ATCP 11.10 regarding identification of bovine animals.

History: Cr. Register, December, 1990, No. 420, eff. 1–1–91; r. and recr. (1), (2), r. (4), Register, February, 1996, No. 482, eff. 3–1–96; cr. (4), Register, December, 1996, No. 492, eff. 1–1–97.

ATCP 10.151 Handling tuberculosis suspects and reactors. (1) ANIMAL CLASSIFIED AS SUSPECT BY CAUDAL FOLD TUBERCULIN TEST. If a bovine animal is classified as a tuberculosis suspect based on the results of a caudal fold tuberculin test, the suspect animal shall be handled in one of the following ways:

(a) It may be retested using the comparative cervical tuberculin test within 10 days after the tuberculin was injected for the caudal fold tuberculin test.

(b) It may be retested using the comparative cervical tuberculin test at least 60 days after the tuberculin was injected for the caudal fold tuberculin test.

(c) It may be slaughtered under sub. (4) with department approval.

(2) ANIMAL CLASSIFIED AS SUSPECT BY COMPARATIVE CERVICAL TUBERCULIN TEST. If a bovine animal is classified as a tuberculosis suspect based on the results of a comparative cervical tuberculin test, the suspect animal shall be handled in one of the following ways:

(a) It may be retested using the comparative cervical tuberculin test until it tests negative or is classified as a tuberculosis reactor. Each comparative cervical tuberculin test shall be conducted at least 60 days after the tuberculin was injected for the last previous comparative cervical tuberculin test.

(b) It may be slaughtered under sub. (4) with department approval.

(3) TUBERCULOSIS REACTORS; IDENTIFICATION AND SLAUGHTER SHIPMENT. (a) Within 24 hours after a bovine animal is classified as a tuberculosis reactor, the bovine animal shall be identified for slaughter in all of the following ways:

1. An official reactor eartag, bearing a serial number, shall be placed in the reactor's left ear.

2. Except as provided under par. (b), the reactor shall be branded on the left hip near the tailhead with the letter "T" not less than 2 inches nor more than 3 inches high.

(b) A reactor need not be branded under par. (a) 2. if all of the following apply:

1. The letters "TB" are legibly tattooed in the animal's left ear, and the left ear is sprayed with yellow paint, within 24 hours after the animal is classified as a reactor.

2. The animal is shipped directly to slaughter, within the time period specified under s. ATCP 10.151 (4) (a). A veterinarian employed by the department or the federal bureau shall accompany and supervise the slaughter shipment, or the reactor shall be shipped to slaughter in a vehicle sealed by the department or the federal bureau. The vehicle seal may not be removed except by the department or the federal bureau.

(4) SLAUGHTERING TUBERCULOSIS SUSPECTS AND REACTORS. (a) Within 15 days after a bovine animal is classified as a tuberculosis reactor, the animal shall be slaughtered with department approval. The department may, for good cause, extend the slaughter deadline by up to 15 days. A reactor shall be slaughtered in compliance with par. (b).

(b) Whenever a bovine animal classified as a tuberculosis suspect or reactor is slaughtered, the slaughter shall comply with all of the following requirements:

1. The slaughtered animal shall be necropsied by or in the presence of a veterinarian employed by the department or the federal bureau.

2. The veterinarian who performs or supervises the necropsy of the slaughtered animal shall collect tissue samples from the animal, and shall submit the tissue samples to the national veterinary services laboratory for histopathological examination and bacterial culture, regardless of whether the necropsy discloses any lesions compatible with tuberculosis.

3. If the slaughtered animal may be used for food, it shall be slaughtered at a slaughtering establishment. No tuberculosis suspect or reactor may be used for food until the results of the histopathological examination are known, and the department releases the animal carcass for use as food.

History: Cr. Register, February, 1995, No. 482, eff. 3–1–96; emerg. cr. (3), renum. (4) and cr. (4) (a) eff. 6–3–96; r. and recr. (3), renum. (4) (intro.), (a) to (c) to be (4) (b) (intro.) and 1 to 3., Register, December, 1996, No. 492, eff. 1–1–97.

ATCP 10.16 Tuberculosis indemnity. No indemnity may be paid under s. 95.25, Stats., for bovine tuberculosis if any of the following occurs:

(1) A reactor is not slaughtered within the time period established under s. ATCP 10.151 (3).

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

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

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

ATCP 10.17 Tuberculosis–free herd; certification. **(1)** INITIAL CERTIFICATION. The department may certify a herd of bovine animals as an "accredited tuberculosis–free herd" if the herd owner provides proof that all animals in the herd over 24 months old have been found negative for tuberculosis in 2 successive tuberculosis tests. The tests shall be conducted not less than 10 months nor more than 14 months apart. If a bacterial culture performed by the national veterinary services laboratory shows that any animal in the herd is infected with tuberculosis, the department may not certify that herd as an accredited tuberculosis–free herd for at least 5 years after the department releases its quarantine on that herd.

(2) RECERTIFICATION. The department may recertify a herd of bovine animals as an accredited tuberculosis–free herd if all animals in the herd over 24 months old test negative for tuberculosis on a tuberculosis test performed not less than 10 months nor more than 14 months after the last certification date. If testing for recertification is not completed within 14 months after the last certification date, certification expires. If certification expires, the herd may not be recertified except under sub. (1).

(3) KNOWN INFECTED HERD; CERTIFICATE REVOKED. If a bacterial culture performed by the national veterinary services laboratory shows that any animal in an accredited tuberculosis–free herd is infected with tuberculosis, the department shall summarily revoke the herd's certification as an accredited tuberculosis–free herd. The state veterinarian may issue a summary revocation order on behalf of the department.

(4) CERTIFICATE SUSPENSION; SUSPECT HERD. If, on any tuberculosis test, an animal in an accredited tuberculosis–free herd shows a positive reaction for tuberculosis, the tuberculosis–free herd certificate shall be summarily suspended pending further testing and evaluation by the department. The suspension notice shall be signed by the state veterinarian and shall be served on the herd owner or agent. A person adversely affected by a summary suspension may request a hearing before the department. A request for hearing does not stay the summary suspension.

(5) STATUS OF INDIVIDUAL ANIMALS. No animal qualifies as a member of an accredited tuberculosis–free herd unless one or more of the following apply:

(a) The animal was in the herd for at least 60 days prior to the last herd test for certification or recertification.

(b) The animal originated from another accredited tuberculosis–free herd, and was a member of that herd of origin when the herd of origin was last tested for tuberculosis.

(c) The animal originated from an accredited tuberculosis–free state or nation and was isolated from other herd members until it tested negative for tuberculosis at least 60 days after entering the herd.

(d) The animal originated from a herd in a modified accredited tuberculosis–free state or nation. An animal does not qualify under this paragraph unless all of the following conditions are met:

1. The herd of origin tested negative for tuberculosis in a herd test of all animals over 24 months of age conducted not more than 12 months before the animal entered the current herd.

2. The animal tested negative for tuberculosis not more than 60 days before the animal entered the current herd.

3. The animal was isolated from other herd members until it tested negative for tuberculosis at least 60 days after it entered the herd.

(e) The animal was born to a member of the herd.

(6) HERD ADDITIONS. No animal may be added to an accredited tuberculosis–free herd unless the animal meets one or more of the requirements under sub. (5) (b) to (d). Violation of this subsection is grounds for revocation of an accredited tuberculosis–free herd certificate, regardless of whether the animal is infected with tuberculosis.

History: Cr. Register, December, 1990, No. 420, eff. 1–1–91; am. (1), (2), (5) (c), (d) (intro.), r. and recr. (3), Register, February, 1996, No. 482, eff. 3–1–96.

ATCP 10.18 Anaplasmosis–free herd; certification. **(1)** INITIAL CERTIFICATION. The department may certify a herd of cattle as an "anaplasmosis–free herd" if the herd owner provides proof that all animals in the herd over 20 months old have been found negative for anaplasmosis in 2 successive anaplasmosis tests. Herd tests shall be conducted not less than 10 months nor more than 14 months apart.

(2) ANNUAL RECERTIFICATION. The department may annually recertify a herd as anaplasmosis–free if all herd animals over 20 months old are annually tested and found negative for anaplasmosis. Annual testing for recertification shall be performed not less than 10 months nor more than 14 months after the last annual certification date. If testing for recertification is not completed within 14 months after the last annual certification date, certification expires. If certification expires, the herd may not be recertified except under sub. (1).

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

(b) If an anaplasmosis–free herd certificate is revoked, the herd may be recertified under sub. (1) following the release of any quarantine affecting the herd. The requirement for the second of 2 successive negative herd tests under sub. (1) is waived and the herd may be recertified if all animals test negative on the first herd test.

(4) STATUS OF INDIVIDUAL ANIMALS. No animal qualifies as a member of an anaplasmosis–free herd unless one or more of the following apply:

(a) The animal was in the herd for at least 60 days prior to the last herd test for certification or recertification under this section.

(b) The animal, which has been in the herd for at least 60 days, originated from another anaplasmosis–free herd.

(c) The animal, which has been in the herd for at least 60 days, tested negative for anaplasmosis within 30 days before entering the herd.

(d) The animal was born to a member of the herd.

(6) HERD ADDITIONS. No animal may be added to a certified anaplasmosis–free herd unless one or both of the following apply:

(a) The animal originates from another anaplasmosis–free herd, and was in that herd of origin when the herd of origin was last tested for anaplasmosis.

(b) The animal tested negative for anaplasmosis within 30 days before entering the herd.

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

ATCP 10.19 Anaplasmosis control. (1) QUARANTINE. The department shall quarantine every herd of bovine animals in which an anaplasmosis reactor is found, unless the department's epidemiologist conducts an investigation and determines that full herd quarantine is not necessary. If the epidemiologist determines that full herd quarantine is not necessary, the department shall quarantine the individual anaplasmosis reactors. A bovine animal is an anaplasmosis reactor if it shows a positive reaction to the complement fixation test at a 4+1:5 dilution or greater.

(2) SEGREGATION; TREATMENT OR SLAUGHTER. Bovine animals classified as anaplasmosis reactors or suspects shall be segregated and treated under department supervision, or shipped to slaughter under a permit issued by the department or an accredited veterinarian. Animals segregated for treatment may be returned to the herd if all segregated animals are retested and found negative for anaplasmosis at least 45 days after treatment is completed. Animals returned to the herd under this subsection may be released from quarantine if the rest of the herd is released from quarantine under sub. (3).

(3) RETESTING. If bovine animals from a quarantined herd under sub. (1) are found negative for anaplasmosis upon initial testing, those animals shall be retested not less than 60 days after all reactors and suspects are segregated from the herd or sent to slaughter under sub. (2). If, upon retest, all of the animals again test negative for anaplasmosis, they may be released from quarantine.

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

ATCP 10.20 Mastitis detection and control. (1) INVESTIGATION AND VOLUNTARY CONTROL MEASURES. The department may investigate the causes and prevalence of mastitis in dairy herds, and may recommend mastitis control measures to herd owners.

(2) ORDER PROHIBITING SALE OF MILK. If a department veterinarian or other accredited veterinarian finds clinical evidence of mastitis in one or more cows, the department may issue an order prohibiting the sale of milk from those cows. A person adversely affected by the order is entitled to a hearing before the department upon request.

History: Cr. Register, December, 1990, No. 420, eff. 1–1–91; r. and recr. Register, June, 1991, No. 426, eff. 7–1–91.

ATCP 10.21 Johne's disease herd classification; disclosure. (1) DEFINITIONS. In this section:

(a) "Anniversary date" means, for any herd of cattle, one of the following:

1. The month and day on which samples are collected for the first annual herd test conducted after July 1, 2000, if no annual herd test was conducted within one year prior to that date. If the first annual herd test conducted after July 1, 2000, is a split herd test, the "anniversary date" is the month and day on which samples are collected from the last group of animals in the split herd test.

2. The month and day between July 1, 1999, and June 30, 2000, on which samples were collected for an annual herd test, if an annual herd test was conducted within that period.

(b) "Annual herd test" means an annual paratuberculosis test conducted on a herd of cattle under this section. An annual herd test includes a random herd test, a split herd test or a whole herd test.

(c) "Herd" means a herd of cattle.

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

(e) "Random herd test" means a paratuberculosis test performed under sub. (5) (b).

(f) "Split herd test" means a paratuberculosis test performed under sub. (5) (c).

(g) "Test eligible animals" means all the following:

1. All cattle, other than bulls, that are 36 months of age or older.

2. All bulls that are 24 months of age or older.

(h) "Whole herd test" means a paratuberculosis test performed under sub. (5) (a).

(2) EXEMPTION FROM IMPLIED WARRANTY. (a) The implied warranty under s. 95.195, Stats., does not apply to a sale of cattle if the seller discloses all the following to the buyer in writing, prior to sale:

1. The current herd classification, under sub. (3), of the herd from which the cattle are being sold.

2. That the cattle are paratuberculosis reactors under sub. (9), if that is the case.

(b) The implied warranty under s. 95.195, Stats., does not apply to cattle sold directly to slaughter or as feeder cattle.

(3) HERD CLASSIFICATION. (a) *Johne's preventive management level A.* The department shall classify a herd as "Johne's preventive management level A" if an annual herd test reveals no paratuberculosis reactors.

Note: Animals from a herd classified "Johne's preventive management level A" normally have the lowest risk of transmitting Johne's disease (paratuberculosis). The risk is normally reduced with each additional year that the herd maintains the level A classification. However, no herd classification ensures that an animal is free of Johne's disease.

The department may certify a herd as a voluntary participant in the national Johne's disease program if the herd is classified under par. (a) as "Johne's preventive management level A." To participate in the national program, a herd owner must enter into a certification contract with the department. In establishing the terms of the contract, the department will be guided by the "U.S. Voluntary Johne's Disease Herd Status Program for Cattle." For more information, contact the department at the following address:

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

(b) *Johne's preventive management level B.* The department shall classify a herd as "Johne's preventive management level B" if fewer than 5% of the animals tested in an annual whole herd test or split herd test, or in a follow–up whole herd test under par. (d)1., are paratuberculosis reactors.

(c) *Johne's preventive management level C.* The department shall classify a herd as "Johne's preventive management level C" if at least 5% but not more than 15% of the animals tested in an annual whole herd test or split herd test, or in a follow–up whole herd test under par. (d) 1., are paratuberculosis reactors.

(d) *Johne's preventive management level D.* The department shall classify a herd as "Johne's preventive management level D" if any of the following apply:

1. A random herd test reveals one or more paratuberculosis reactors, unless the department reclassifies the herd under par. (b) or (c) based on a follow–up whole herd test.

2. More than 15% of the animals tested in a whole herd test or a split herd test are paratuberculosis reactors.

(e) *Maximum risk for Johne's disease.* Every herd in this state, and every herd from which cattle are sold in this state, is automatically classified "maximum risk for Johne's disease" unless one of the following applies:

1. The department classifies that herd under pars. (a) to (d). If the owner of the classified herd fails to complete an annual herd test within the time required under sub. (5), that classification expires and the herd is automatically classified "maximum risk for Johne's disease" until the department reclassifies the herd under pars. (a) to (d).

2. The department has classified that herd within one year prior to July 1, 2000. If the owner of the classified herd fails to complete an annual herd test within the time required under sub. (5), the classification expires and the herd is automatically classified "maximum risk for Johne's disease" until the department reclassifies the herd under pars. (a) to (d).

Note: The herd classifications under pars. (a) to (e) are arranged from most desirable (a) to least desirable (e). "Maximum risk for Johne's disease" is the least desirable herd classification, because it signifies that the herd owner does not have an annual paratuberculosis testing program. A person buying cattle from such a herd faces an unknown, but substantial, risk that the cattle are infected with Johne's disease.

(f) *Classification to include year.* A herd classification under pars. (a) to (d) shall indicate the first year from which the herd has continuously held that classification.

(4) COMMINGLED CATTLE; CLASSIFICATION. (a) Except as provided in par. (c) cattle added to a herd from a herd with a less desirable classification under sub. (3) retain that less desirable herd classification for 120 days after being added but do not affect the classification of the herd to which they are added.

(b) Cattle added to a herd from a herd with a more desirable classification are immediately reclassified to the less desirable classification of the herd to which they are added.

(c) If cattle from herds with different classifications under sub. (3) are temporarily assembled for sale or shipment, the least desirable classification assigned to any of those source herds automatically applies to the temporarily assembled herd.

(d) Cattle from herds classified as "Johne's preventive management level A," "Johne's preventive management level B," "Johne's preventive management level C," or "Johne's preventive management level D" that are sent by their owners to a consignment sale do not constitute a temporarily assembled herd under par. (c), except that animals which are allowed to have direct contact with each other for more than 24 hours constitute a temporarily assembled herd.

(5) ANNUAL HERD TEST. An annual herd test may be any of the following:

(a) *Whole herd test.* A whole herd test is performed on all test eligible animals in the herd. All samples for a whole herd test shall be collected on the same day or on consecutive days. Samples shall be collected on the anniversary date under sub. (1) (a), or within 2 months before or after that date.

(b) *Random herd test.* A random herd test is performed on a group of test eligible animals randomly selected from the test herd by the person who collects the test samples under sub. (6). The randomly selected group shall include at least 30 test eligible animals, or at least 10% of the test eligible animals in the herd, whichever group is larger. All samples for a random herd test shall be collected on the same day. Samples shall be collected on the anniversary date under sub. (1) (a), or within 2 months before or after that date.

Note: A herd with less than 30 test eligible animals is not eligible for a random herd test. The department may not classify a herd as "Johne's preventive management level B" or "Johne's preventive management level C" based on a random herd test. If a random herd test reveals one or more reactor animals, the herd is classified as "Johne's preventive management level D" until the herd owner completes a follow–up whole herd test. See sub. (3) (d) 1.

(c) *Split herd test.* A split herd test is performed, over the course of not more than 12 months, on all test eligible animals in a herd. A split herd test shall comply with all the following requirements:

1. The department shall approve a herd testing plan before any animals are tested. The department shall grant or deny approval, in writing, within 30 days after the herd owner submits a proposed testing plan to the department.

2. All testing shall be completed according to the plan approved by the department.

3. All test eligible animals in the herd shall be tested at least once during the 12 month period ending on the herd's anniversary date.

(6) COLLECTING TEST SAMPLES. Annual herd test samples shall be collected by an accredited veterinarian, or by an employee of the department or the federal bureau. The person who collects an annual herd test sample shall do all the following:

(a) Determine the animals to be tested under sub. (5).

(b) Determine the type of test to be performed under sub. (7).

(c) Collect an appropriate sample from each test animal, based on the type of test to be performed under sub. (7).

(d) Identify each sample with the official individual identification of the animal from which it was collected, and the date on which it was collected.

(e) Transmit the test samples to the laboratory testing those samples under sub. (7).

Note: A herd owner may have cattle tested for Johne's disease at any time. The department will not use the test results to classify the tested herd under this section unless the test complies with this section and the herd owner asks the department to classify the herd.

This rule does not prohibit a person from collecting test samples from animals that are too young to be "test eligible" under ATCP 10.21 (1) (g), but the department will not consider test results from those animals when determining the appropriate herd classification. To facilitate review of results, the person collecting test samples should separate "test eligible" from "non–test eligible" samples, and should prepare separate test submission forms for each category.

(7) LABORATORY TESTING. Annual herd test samples shall be tested by the department, the federal bureau, or a laboratory approved by the department or the federal bureau. The laboratory shall use one of the following tests:

(a) The enzyme linked immunosorbent assay (ELISA).

(b) The fecal culture test.

(c) Another test approved by the department.

(8) TEST RESULTS. A laboratory performing tests under sub. (7) shall report the test results to the department within 10 days. If the herd owner asks the department to classify a herd based on the results of an annual herd test, the department shall classify the herd under sub. (3) within 30 days after it receives both the test results and the herd owner's request. The department shall issue a classification notice under sub. (10) to the herd owner.

Note: Under s. ATCP 10.02 and 10.03, a veterinarian or laboratory that diagnoses or finds evidence of Johne's disease must report that diagnosis or finding to the department within 10 days, in writing or by telefax.

(9) PARATUBERCULOSIS REACTORS. An animal is a paratuberculosis reactor if any of the following apply:

(a) The animal tests positive on the enzyme linked immunosorbent assay (ELISA), unless it subsequently tests negative on the fecal culture test.

(b) The animal tests positive on the fecal culture test.

(c) The animal tests positive on any other test which the department approves and deems conclusive.

(10) NOTICE TO HERD OWNER. Whenever the department classifies a herd under sub. (3) based on an annual herd test, or based

on a follow–up whole herd test under sub. (3) (d) 1., the department shall promptly provide the herd owner with all the following information in writing:

(a) *Individual animal test results.* Individual test results for each animal included in the herd test. Test results shall be identified with each animal's official individual identification.

(b) *Herd classification.* The herd classification under sub. (3). The classification notice shall include the effective date and expiration date of the classification. A classification takes effect on the effective date specified in the notice, and supersedes any prior classification.

(11) REACTOR IDENTIFICATION. (a) No person may move a paratuberculosis reactor under sub. (9) unless an accredited veterinarian first identifies that reactor with a permanent paratuberculosis reactor identification approved by the department.

(b) No person may sell a paratuberculosis reactor under sub. (9) unless both of the following apply:

1. An accredited veterinarian first identifies that reactor with a permanent paratuberculosis reactor identification approved by the department.

2. The seller first discloses to the prospective buyer, in writing, that the animal is a paratuberculosis reactor unless the reactor is sold directly to slaughter or as a feeder animal.

(c) Within 30 days after an animal is determined to be a reactor under sub. (9) (a) or (c), an accredited veterinarian shall do one of the following:

1. Identify the reactor with a permanent paratuberculosis reactor identification approved by the department.

2. Collect a sample from that animal for a fecal culture test.

(d) Within 30 days after an animal tests positive for paratuberculosis on a fecal culture test, an accredited veterinarian shall identify the reactor with a paratuberculosis reactor identification approved by the department.

(12) HERD VACCINATION. No person may vaccinate cattle for paratuberculosis except under a herd agreement with the department. The department may not authorize vaccination in any herd in which the percentage of reactors in the last whole herd test or split herd test was less than 7%, unless special circumstances warrant vaccination in that herd.

(13) MISREPRESENTING HERD CLASSIFICATION. No seller may misrepresent the classification, under sub. (3), of the herd from which cattle are being sold. A seller who misrepresents a herd classification is not exempt from the implied warranty under s. 95.195, Stats., and is subject to possible penalties under s. 95.99, Stats.

(14) DEPARTMENT DISCLOSURE OF HERD CLASSIFICATION. The department may disclose a herd classification under sub. (3) with the written authorization of the herd owner.

Note: See s. 95.232, Stats.

History: Cr. Register, December, 1990, No. 420, eff. 1–1–91; r. and recr. Register, June, 1991, No. 426, eff. 7–1–91; **r. and recr. Register, September, 1999, No. 525, eff. 7–1–00**

Note: Section ATCP 10.215 is repealed, Register, September, 1999, No. 525, effective 7–1–00. Prior to 7–1–00 it reads as shown below.

ATCP 10.215 Paratuberculosis herd classification. (1) RISK CATEGORIES. Within 30 days after the department epidemiologist receives the test results from an annual herd test under s. ATCP 10.21 (8), the epidemiologist shall classify the herd in one of the following paratuberculosis risk categories:

(a) *Documented paratuberculosis–free herd.* Animals from a documented paratuberculosis–free herd are at negligible or insignificant risk of contracting paratuberculosis. A herd shall be classified in this risk category if either of the following conditions are met:

1. In 3 consecutive herd tests, the herd has been tested by the fecal culture test and found completely negative for paratuberculosis. Samples for each herd test shall be taken not less than 10 months nor more than 14 months after samples were taken for the preceding herd test.

2. In 3 consecutive herd tests, the herd has been tested and found completely negative for paratuberculosis. Two of the herd tests shall be by the ELISA method and one of the tests shall be by the fecal culture method. Samples for each herd test shall be taken not less than 10 months nor more than 14 months after samples were taken for the last preceding herd test.

(b) *Low prevalence paratuberculosis herd.* A herd shall be classified as a low prevalence paratuberculosis herd if the latest annual herd test indicates a paratuberculosis prevalence of less than 5%, but the herd does not qualify as a documented paratuberculosis–free herd under par. (a). Negative test animals from a low prevalence paratuberculosis herd are at negligible or insignificant risk of contracting paratuberculosis. An animal not tested because the animal is less than 20 months of age is at low risk of contracting the disease.

(c) *Moderate prevalence paratuberculosis herd.* A herd shall be classified as a moderate prevalence paratuberculosis herd if the latest annual herd test indicates a paratuberculosis prevalence of at least 5% but not more than 10%. A negative test animal from a moderate prevalence paratuberculosis herd has a 2% to 10% risk of contracting paratuberculosis at a later date. Any animal not tested because the animal is less than 20 months of age is at moderate risk for contracting the disease.

(d) *High prevalence paratuberculosis herd.* A herd shall be classified as a high prevalence paratuberculosis herd if the latest annual herd test indicates a paratuberculosis prevalence greater than 10%. All animals from a high prevalence paratuberculosis herd are at high risk for contracting paratuberculosis.

(2) NOTICE TO HERD OWNER. Upon classifying a herd under sub. (1), the department epidemiologist shall promptly provide the herd owner with all of the following information in writing:

(a) *Individual animal test results.* Individual test results for each animal included in the herd test. Test results shall be identified with each animal's official individual identification.

(b) *Herd prevalence.* The prevalence of paratuberculosis in the herd, as determined by the epidemiologist. Upon request by the herd owner, the epidemiologist shall explain the basis on which the herd prevalence was determined.

(c) *Herd classification.* The owner's herd classification, as determined by the epidemiologist under sub. (1). A herd classification takes effect when this classification notice is signed by the department epidemiologist, and immediately supersedes any prior classification. The classification notice shall be accompanied by the following disclaimer:

"This herd classification expires 14 months after (date of latest herd test) unless the herd is retested prior to that date. This classification does not apply to animals which were added to the classified herd from another herd less than 6 months before the classified herd was tested."

(d) *Individual animal risk factor.* The risk that animals from the herd will contract paratuberculosis in the future, based on the risk category in which the herd is classified under sub. (1). The risk statement shall be accompanied by the following disclaimer:

"This risk statement does not apply to animals which were added to the classified herd from another herd less than 6 months before the classified herd was tested."

(e) *Invitation to participate in herd management program.* An invitation to participate in the department's paratuberculosis herd management program under sub. (3), unless the herd is classified as a documented paratuberculosis–free herd under sub. (1) (a).

(f) *Right of hearing.* Notice that the herd owner is entitled to a prompt informal hearing to contest any disputed findings by the department epidemiologist under this section. If a disputed matter is not resolved after informal hearing, the herd owner is also entitled to a formal hearing under ch. 227, Stats.

(3) HERD MANAGEMENT PROGRAM. (a) *General.* If a herd is classified under sub. (1), the herd owner may enroll the herd in the department's paratuberculosis herd management program unless the herd is classified as a documented paratuberculosis–free herd under sub. (1) (a). The herd management program is a voluntary program designed to reduce or eliminate the prevalence of paratuberculosis in a participating herd. If a herd owner chooses to participate, the herd owner and herd veterinarian will enter into a written herd agreement with the department. The herd agreement will include recommended measures for the control or elimination of paratuberculosis in the herd, and may authorize paratuberculosis vaccination under par. (b).

(b) *Vaccination for paratuberculosis.* No person may vaccinate any animal for paratuberculosis except under a herd agreement with the approval of the department. The department will not authorize vaccination in any herd in which the prevalence of paratuberculosis is less than 15% unless special circumstances warrant vaccination in that herd.

History: Cr. Register, June, 1991, No. 426, eff. 7–1–91; am. (1) (a) 2., Register, September, 1993, No. 453, eff. 10–1–93; **r. Register, September, 1999, No. 525, eff. 7–1–00.**

Note: Section ATCP 10.216 is repealed, Register, September, 1999, No. 525, effective 7–1–00. Prior to 7–1–00 it reads as shown below.

ATCP 10.216 Paratuberculosis; sale disclosures. To obtain protection under s. ATCP 10.21 (1) (a), a herd owner selling a bovine animal shall disclose all of the following paratuberculosis information to the buyer prior to sale:

(1) INDIVIDUAL ANIMAL TEST RESULTS. For each animal sold, the most recent paratuberculosis test result reported to the seller under s. ATCP 10.215 (2) (a), if any.

(2) HERD PREVALENCE. The prevalence of paratuberculosis in the seller's herd, as last reported to the seller under s. ATCP 10.215 (2) (b).

(3) HERD CLASSIFICATION. The risk classification of the seller's herd, as last reported to the seller under s. ATCP 10.215 (2) (c).

(4) INDIVIDUAL ANIMAL RISK FACTOR. For each animal sold, the pertinent risk factor last reported to the seller under s. ATCP 10.215 (2) (d).

History: Cr. Register, June, 1991, No. 426, eff. 7–1–91; **r. Register, September, 1999, No. 525, eff. 7–1–00.**

Subchapter IV — Swine Diseases

ATCP 10.30 Pseudorabies negative herd; certification. (1) INITIAL CERTIFICATION. (a) The department may certify a herd of swine as a "qualified pseudorabies negative herd" if the herd owner provides proof that all swine in the herd over 6 months

of age intended for breeding have been tested with a serum neutralization test or other approved test, and that one of the following applies:

1. All swine over 6 months of age were found negative for pseudorabies.

2. If any of the swine tested positive for pseudorabies, all positive swine were permanently removed from the premises, the premises were cleaned and disinfected, and all remaining swine over 6 months of age were retested and found negative for pseudorabies on 2 successive retests. The first retest shall be conducted not less than 30 days after the premises are cleaned and disinfected. The second retest shall be conducted not less than 30 days after the first retest.

(b) All serological tests under this subsection shall be conducted at a state or federal laboratory.

(2) TESTING TO MAINTAIN CERTIFICATION. (a) A veterinarian shall test a qualified pseudorabies negative herd according to one of the following procedures selected by the herd owner:

1. On or before the same date each month, the veterinarian may test at least 7% of all swine in the herd that are over 6 months old. If swine over 6 months old are kept in groups, the veterinarian shall test at least 7% of each group each month.

2. During each quarter, the veterinarian may test at least 20% of all swine in the herd that are over 6 months old. If swine over 6 months old are kept in groups, the veterinarian shall test at least 20% of each group each quarter.

(b) A herd owner who selects a testing procedure under par. (a) may change his or her selection, with department approval, when the department renews the annual herd certification under sub. (5).

(3) EXPIRATION OF CERTIFICATE. Certification as a "qualified pseudorabies negative herd" expires one year after the certification date unless certification is renewed under sub. (5).

(4) REVOCATION OF CERTIFICATES. (a) A qualified pseudorabies negative herd certificate shall be summarily revoked if any of the following occurs:

1. Any approved test discloses that one or more swine in the herd are positive for pseudorabies.

2. Swine are added to the herd in violation of sub. (7).

3. Tests are not conducted as required under sub. (2).

(b) A revocation notice under par. (a) shall be signed by the state veterinarian, and served on the herd owner or agent. A person adversely affected by a revocation notice may request a hearing before the department. A request for hearing does not stay the revocation notice.

(5) ANNUAL RECERTIFICATION. The department may annually renew a qualified pseudorabies negative herd certificate if the herd is tested in compliance with sub. (2).

(7) No swine may be added to a qualified pseudorabies negative herd unless one of the following applies:

(a) The swine originate from a qualified pseudorabies negative herd or a qualified pseudorabies negative grow–out herd.

(b) The swine originate from a stage IV or stage V state or area designated by the national pseudorabies control board.

(c) The swine test negative for pseudorabies not more than 30 days before they are added to the herd, and retest negative between 30 and 45 days after they are added to the herd. The swine shall be isolated from other swine in the herd until they retest negative except that, in an emergency, the department may waive the requirement that a boar be isolated from other swine in the herd.

(8) IDENTIFICATION. Swine tested for pseudorabies under this section shall be individually identified by an official eartag, or by another method approved by the department. Test reports submitted to the department shall include the official individual identification of the swine tested.

History: Cr. Register, December, 1990, No. 420, eff. 1–1–91; am. (7) (a) and (b) (intro.), Register, September, 1993, No. 453, eff. 10–1–93; emerg. r. and recr. (2) and (7), am. (4) (a) 2., and (5), eff. 2–1–95; r. and recr. (2) and (7), am. (4) (a) 2. and (5), r. (6), Register, July, 1995, No. 475, eff. 8–1–95.

ATCP 10.305 Qualified pseudorabies negative grow–out herd; certification. (1) INITIAL CERTIFICATION. The department may certify a herd of swine as a "qualified pseudorabies negative grow–out herd" if the herd owner provides proof that all of the following conditions are met:

(a) The herd is confined to a single grow–out premises.

(b) No swine are farrowed in the herd.

(c) All of the swine in the herd were obtained from the same farrowing premises and from the same farrowing herd.

(d) The farrowing herd from which swine were obtained is a qualified pseudorabies negative herd, and was a qualified pseudorabies negative herd when swine were obtained from that farrowing herd. If the farrowing herd loses its certification as a qualified pseudorabies negative herd, the grow–out herd's certification under this section is void.

(e) A veterinarian has performed pseudorabies tests on animals from the grow–out herd, and all of the tested animals have tested negative for pseudorabies. The animals tested under this paragraph shall include at least one of the following groups:

1. If the initial shipment of animals from the farrowing herd is still in the grow–out herd, at least 60 animals selected at random from that initial shipment. If there were fewer than 60 animals in the initial shipment, the veterinarian shall test all of the animals from the initial shipment.

2. If the initial shipment of animals from the farrowing herd is no longer in the grow–out herd, at least 60 animals selected at random from the grow–out herd. If there are fewer than 60 animals in the grow–out herd, the veterinarian shall test all animals in the grow–out herd.

(2) MAINTAINING CERTIFICATION. To maintain a herd's certification as a qualified pseudorabies negative grow–out herd, a veterinarian shall conduct monthly pseudorabies tests on the herd. Each monthly test shall include a minimum of 55 randomly selected swine over 6 weeks old or, if there are fewer than 55 swine over 6 weeks old in the herd, all swine over 6 weeks old in the herd. If any animal in the herd tests positive for pseudorabies, the herd certification is void.

(3) ANIMALS FROM NEW SOURCE. If the owner of a qualified pseudorabies negative grow–out herd receives swine onto the herd premises from more than one source, the herd certification is void. If a herd owner wishes to obtain certification for a grow–out herd derived from a new source, the herd owner shall slaughter or sell the entire herd from the previous source, and shall disinfect the premises before acquiring any animals from the new source. The department may not certify the herd from the new source until the herd owner demonstrates compliance with this subsection and sub. (1).

(4) RECORDKEEPING. (a) The owner of a qualified pseudorabies negative grow–out herd shall record all of the following information:

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

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

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

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

ATCP 10.31 Pseudorabies control. (1) SURVEILLANCE SAMPLES; TESTING. The department shall maintain a program of surveillance sampling for pseudorabies, under which the department obtains blood or tissue samples from Wisconsin swine on a systematic basis, and tests the samples for pseudorabies. Samples

taken as part of the surveillance sampling program may include blood samples routinely taken from swine at the time of slaughter.

(2) INVESTIGATION; HERD TESTING. Whenever the department detects pseudorabies in any surveillance sample under sub. (1), the department shall initiate an investigation to determine whether swine herds in Wisconsin have been exposed to pseudorabies. The investigation may include additional testing of swine herds suspected of having been exposed to pseudorabies.

(3) QUARANTINE. (a) The department may, in its discretion, quarantine swine whenever the department reasonably suspects that the swine may be infected with or exposed to pseudorabies. The department may apply the quarantine to all swine located on the premises. The quarantine shall comply with s. ATCP 10.70. Before issuing a herd quarantine based on the results from a surveillance sample taken under sub. (1), the department shall consider the reliability of the sample and test result, and the certainty with which the sample and test result indicate a pseudorabies exposure in the herd proposed for quarantine.

(b) The department may release a quarantine imposed under par. (a) if at least one of the following conditions is met:

1. All of the breeding animals and at least 10% of the finishing animals in the quarantined herd test negative on 2 consecutive pseudorabies tests approved by the department and administered at least 30 days apart.

2. All swine on the premises are slaughtered, and the premises are cleaned, disinfected and kept free of swine for at least 30 days.

(4) CONDEMNATION. The state veterinarian or designee may condemn and order the destruction of swine whenever he or she determines that condemnation and destruction are necessary to prevent or reduce the spread of pseudorabies, as provided in s. 95.27, Stats.

(5) HERD PLAN. (a) A herd plan is an agreement between the department and an owner of swine for the eradication of pseudorabies. A herd plan shall be designed to eradicate pseudorabies in the affected herd within 24 months after the first date of herd quarantine. The herd plan may include provisions for inspection, examination, sampling, testing, vaccination, quarantine, and disposition of swine and other susceptible animals.

(b) The owner of swine which are quarantined for pseudorabies may enter into a herd plan with the department within 60 days after the initial date of quarantine. If the owner fails to enter into a herd plan with the department within 60 days, the herd owner is no longer eligible to enter into a herd plan, and is no longer eligible for indemnities in the event of swine condemnation or destruction under sub. (4). The department may extend the 60 day time period at its discretion.

(c) Following the signing of a herd plan, the department and the herd owner shall review the owner's performance under the herd plan and the progress of the herd plan at least once every 90 days. Performance and progress shall be documented by the department. Eradication of pseudorabies shall be accomplished under the herd plan within 24 months after the plan is signed, or within 24 months after the first date of herd quarantine, whichever occurs first. The time period for eradication may be extended by the department. If an owner fails or refuses to comply with a herd plan, the department may give written notice to the owner revoking the owner's eligibility for indemnities in the event of condemnation or destruction under sub. (4). Notice shall be signed by the state veterinarian.

(6) MOVEMENT OF DISEASED SWINE. If the department orders or authorizes the movement of swine infected with or exposed to pseudorabies, the department shall take reasonable steps to notify other herd owners who may be adversely affected by the movement. Notice shall, where feasible, be issued in writing to affected persons at least 10 days prior to movement of the infected or exposed swine. A person adversely affected by the movement of infected or exposed swine may make written or oral comments to the department before the swine are moved.

(7) RIGHT OF HEARING. A person adversely affected by an order for the quarantine, condemnation, movement or destruction of swine under this section, or by a notice under sub. (5) (c) revoking eligibility for indemnities, may request a hearing before the department. A request for hearing shall be made within 10 days after the department's order or notice is received by the affected person.

History: Cr. Register, December, 1990, No. 420, eff. 1–1–91; renum. (3) to be (3) (a), cr. (3) (b), Register, September, 1993, No. 453, eff. 10–1–93.

ATCP 10.32 Pseudorabies; vaccination and vaccine control. (1) PERMIT. No person may vaccinate swine for pseudorabies unless the owner of those swine holds a vaccination permit from the department. To obtain a permit, an owner of swine shall submit a written application to the department. The department may issue a vaccination permit for swine which have been infected with or exposed to pseudorabies, or which the department identifies as being at risk for pseudorabies. The department shall grant or deny an application for a vaccination permit within 5 business days after the department receives a complete application. The department may, in its discretion, require that a vaccination performed under department permit be performed by a veterinarian licensed in this state.

(2) VACCINE LABEL. No person may sell, distribute or possess any pseudorabies vaccine in this state unless the vaccine container is labeled with the name and address of the vaccine manufacturer.

(3) REPORT OF SALES. Every person who sells or furnishes pseudorabies vaccine to a veterinarian in this state shall file a report with the department within 15 days after the vaccine is delivered to the veterinarian. The report shall specify the name and address of each recipient, the date of delivery and the amount of vaccine delivered.

(4) SALES RESTRICTED. (a) Except as provided under par. (b) or (c), no person may sell or furnish pseudorabies vaccine to a retail purchaser or user in this state, other than a veterinarian licensed in this state who is authorized to vaccinate swine on behalf of an owner who holds a vaccination permit under sub. (1). The number of doses of vaccine sold or furnished may not exceed the number of doses specified in the permit.

(b) The department may issue a permit authorizing a veterinarian licensed in this state to purchase pseudorabies vaccine for use in swine outside the state. The department shall grant or deny a permit application within 5 business days after the department receives a written application from a veterinarian licensed in this state. The veterinarian shall record, and file with the department on a monthly basis, the number of doses of vaccine purchased for use outside the state, the location of each herd on which the vaccine was used, and the name and address of the herd owner.

(c) Paragraph (a) does not prohibit a veterinarian from furnishing vaccine to a herd owner who holds a permit under sub. (1), provided that the veterinarian acquired the vaccine in compliance with par. (a).

History: Cr. Register, December, 1990, No. 420, eff. 1–1–91; am. (1), r. and recr. (2), cr. (3) and (4), Register, September, 1993, No. 453, eff. 10–1–93.

ATCP 10.33 Brucellosis–free herd; certification. (1) INITIAL CERTIFICATION. The department may certify a herd of swine as a "validated brucellosis–free herd" if the herd owner provides proof that all breeding swine in the herd over 6 months of age which have been segregated from non–breeding swine are found negative for brucellosis in a brucellosis test conducted by an accredited veterinarian.

(2) REVOCATION OF CERTIFICATE. The department shall, by written notice, summarily revoke a validated brucellosis–free herd certificate if a reactor is disclosed in any brucellosis test of the herd, or if swine are added to the herd contrary to sub. (4). A revocation notice shall be signed by the state veterinarian, and shall be served on the herd owner or agent. A person adversely

affected by a revocation notice may request a hearing before the department, but a request for hearing does not stay the revocation notice.

(3) ANNUAL RECERTIFICATION. (a) The department may annually recertify a herd of swine as a validated brucellosis–free herd if one of the following conditions are met:

1. All breeding swine in the herd over 6 months of age which have been segregated from non–breeding swine are found negative for brucellosis in a test conducted by a veterinarian not more than 13 months after the last annual certification date.

2. Twenty–five percent of all breeding swine in the herd over 6 months of age have been tested every 3 months and found negative for brucellosis, with each breeding animal tested at least once during the certification period.

3. Ten percent of all breeding swine in the herd over 6 months of age have been tested and found negative for brucellosis each month.

(b) If testing for recertification is not completed within the time period prescribed under par. (a), certification expires. If certification expires, the herd may not be recertified except under sub. (1).

(4) ADDITIONS TO HERD. No swine may be added to a validated brucellosis–free herd unless one or more of the following apply:

(a) The swine originate from a validated brucellosis–free herd or from a validated brucellosis–free grow–out herd.

(b) The swine have tested negative for brucellosis in 2 successive brucellosis tests conducted by a veterinarian at least 30 but not more than 60 days apart. The most recent test shall be conducted not more than 30 days before the swine are added to the validated brucellosis–free herd.

(c) The swine originate from a herd in which all swine over 6 months of age tested negative in a brucellosis test conducted not more than 30 days before the swine are added to the validated brucellosis–free herd.

(5) TEST CLASSIFICATION. Swine brucellosis tests shall be classified "negative" when no reaction on the card test is disclosed in a complete herd test, or when no reaction is disclosed by the agglutination test using a 1–100 or higher dilution.

(6) BLOOD SAMPLES SUBMITTED TO APPROVED LABORATORY. Veterinarians taking blood samples from swine for testing under this section shall submit all blood samples, properly identified, to a laboratory approved by the department or the federal bureau.

(8) IDENTIFICATION TAGS. Swine which have been tested for brucellosis under this section shall be individually identified with an official eartag or by another method acceptable to the department. A veterinarian who conducts a brucellosis test shall submit the test results to the department within 15 days after the veterinarian obtains the test results.

History: Cr. Register, December, 1990, No. 420, eff. 1–1–91; am. (4) (a), Register, September, 1993, No. 453, eff. 10–1–93.

ATCP 10.335 Validated brucellosis–free grow–out herd. (1) INITIAL CERTIFICATION. The department may certify a herd of swine as a "validated brucellosis–free grow–out herd" if the herd owner provides proof that all of the following conditions are met:

(a) The herd is confined to a single grow–out premises.

(b) No swine are farrowed in the herd.

(c) All of the swine in the herd were obtained from the same farrowing premises and from the same farrowing herd.

(d) The farrowing herd from which swine were obtained is a validated brucellosis–free herd, and was a validated brucellosis–free herd when swine were obtained from that farrowing herd. If the farrowing herd loses its certification as a validated brucellosis–free herd, the grow–out herd's certification under this section is void.

(e) A veterinarian has performed brucellosis tests on the grow–out herd, and all of the tested animals have tested negative for brucellosis. The animals tested under this paragraph shall include at least one of the following groups:

1. Sixty animals selected at random from the initial shipment from the farrowing herd or, if there were fewer than 60 animals in the initial shipment, all animals in the initial shipment.

2. If the initial shipment of animals from the farrowing herd is no longer in the grow–out herd, at least 60 animals selected at random from the grow–out herd, or, if there are less than 60 animals in the grow–out herd, all animals in the grow–out herd.

(2) MAINTAINING CERTIFICATION. To maintain a herd's certification as a validated brucellosis–free grow–out herd, a veterinarian shall conduct monthly brucellosis tests on animals over 6 weeks old in the herd. Monthly tests shall be conducted so that at least 10% of the swine in the herd are tested each month, and every animal in the herd is tested at least once each year. If any animal in the herd tests positive for brucellosis, the herd certification is void.

(3) ANIMALS FROM NEW SOURCE. If the owner of a validated brucellosis–free grow–out herd receives swine onto the herd premises from more than one source, the herd certification is void. If a herd owner wishes to obtain certification for a grow– out herd derived from a new source, the herd owner shall slaughter or sell the entire herd from the previous source, and shall disinfect the premises before acquiring any animals from the new source. The department may not certify the herd from the new source until the herd owner demonstrates compliance with this subsection and sub. (1).

(4) RECORDKEEPING. (a) The owner of a validated brucellosis–free grow–out herd shall record all of the following information:

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

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

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

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

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

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

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

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

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

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

Subchapter V — Equine Diseases

ATCP 10.40 Equine infectious anemia; testing. (1) SAMPLE DRAWN BY VETERINARIAN. A licensed accredited vet-

erinarian shall draw every equine blood sample used for an equine infectious anemia test.

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

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

ATCP 10.41 Equine infectious anemia; quarantine. **(1)** TEST POSITIVE ANIMAL; QUARANTINE. The department shall summarily quarantine every equine animal that tests positive on an equine infectious anemia test. The quarantine notice shall comply with s. ATCP 10.70 and shall also include all of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) No person may move, sell or transfer custody of an equine animal quarantined under sub. (1), (2) or (8) (b), without a permit from the department. The department shall grant or deny the permit within 5 days after the permit is requested.

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

Subchapter VI — Poultry Diseases

ATCP 10.50 Poultry; disease control. **(1)** PROHIBITIONS. (a) No poultry may be used for breeding purposes and no poultry eggs may be used for hatching unless they originate from a flock which is tested annually and classified "U.S. pullorum–typhoid clean" as provided in the national poultry improvement plan. No turkeys or turkey eggs may be used for breeding purposes or hatching unless they originate from a flock which is tested annually and classified "Mycoplasma gallisepticum clean" as provided in the national poultry improvement plan.

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

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

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

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

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

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

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

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

(h) All poultry flocks classified as reactor, infected or suspect under standards of the national poultry improvement plan shall be quarantined to the premises and may be removed only directly to slaughter. The flock owner shall furnish proof of slaughter upon request by the department. The quarantine may be released following 2 negative tests of the entire flock conducted at least 21 days apart.

(3) PREMISES. No turkey breeding flocks may be commingled with other species of domestic fowl or reared within 100 yards of any other poultry.

(4) HATCHERIES. (a) No operator of a hatchery may hatch any poultry eggs or permit poultry eggs to be on the hatchery premises unless the eggs originate from a flock which complies with this section.

(b) No eggs of any other species of fowl may be hatched in a turkey hatchery.

(c) The department shall inspect poultry hatcheries at least annually.

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

Subchapter VII — Other Animal Diseases

ATCP 10.60 Aleutian disease–free herd; mink. **(1)** QUALIFYING FOR CERTIFICATE. The department may certify a herd of mink as an "Aleutian disease–free herd" if the herd owner provides proof that all mink in the breeder herd have been found negative for Aleutian disease in 2 consecutive counterimmunoelectrophoresis (CEP) plate tests, or other tests approved by the department. The tests shall be conducted at a state approved laboratory not less than 60 nor more than 395 days apart.

(2) REVOCATION OF CERTIFICATE. (a) The department shall, by written notice, summarily revoke the "Aleutian disease–free herd" certification of a herd if any of the following occurs:

1. An animal in the herd is found positive for Aleutian disease in any test approved by the department.

2. Mink are added to the herd in violation of sub. (4).

3. The herd owner violates the requirements of sub. (5).

4. The herd owner fails to report a positive finding for Aleutian disease in any animal in the herd.

(b) A revocation notice under par. (a) shall be signed by the state veterinarian, and served on the herd owner or agent. A person adversely affected by a revocation notice may request a hearing before the department, but a request for hearing does not stay the revocation notice. If certification is revoked, the herd may be not recertified except under sub. (1).

(3) ANNUAL RECERTIFICATION. The department may annually recertify a herd of mink as an "Aleutian disease–free herd" if the herd owner provides proof that all male animals and 10% of all female animals in the herd have been found negative for Aleutian disease in a CEP or other approved test performed on a herd sample taken not later than 15 months after the last annual certification date. If testing for recertification is not completed within 15 months after the last annual certification date, certification expires. If certification expires, the herd may not be recertified except under sub. (1).

(4) HERD ADDITIONS. (a) Mink may be added to a certified Aleutian disease–free herd without prior testing if they originate from another certified Aleutian disease–free herd.

(b) Mink from other than a certified Aleutian disease–free herd shall be tested and found negative for Aleutian disease not more than 30 days before they are added to a certified Aleutian disease–free herd. The added mink shall be isolated from other mink in the herd, and shall be retested not less than 30 nor more than 60 days after being added to the herd.

(c) Male mink from other than a certified Aleutian disease–free herd may be added to a certified Aleutian disease–free herd without being subject to isolation, provided that the male is tested and found negative for Aleutian disease in 2 successive tests before being added to the herd. The second test shall be conducted within 30 to 60 days after the first test.

(5) SAMPLE COLLECTION AND TESTING; MONITORING BY DEPARTMENT. (a) Department inspectors may monitor the collection of samples for certification or recertification testing under this section. Samples shall be submitted directly to an approved laboratory for testing.

(b) The department may require collection of not more than 200 blood samples from each herd at reasonable times for the purpose of random evaluation.

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

ATCP 10.61 Brucellosis–free herd; goats. **(1)** INITIAL CERTIFICATION. The department may certify a herd of goats as a"certified brucellosis–free herd" if the herd owner provides proof that all animals over 6 months of age in the herd have been found negative for brucellosis in 2 consecutive brucellosis tests. The tests shall be conducted at a state or federally approved laboratory not less than 10 nor more than 14 months apart.

(2) REVOCATION OF CERTIFICATE. The department shall, by written notice, summarily revoke a certified brucellosis–free herd certification if any goat in the herd is found positive for brucellosis in any test approved by the department. A revocation notice shall be issued by the state veterinarian, and shall be served on the herd owner or agent. A person adversely affected by a revocation notice may request a hearing before the department, but a request for hearing does not stay the revocation notice.

(3) ANNUAL RECERTIFICATION. The department may annually recertify a herd of goats as a certified brucellosis–free herd if the herd owner provides proof that all animals in the herd over 6 months of age have been found negative for brucellosis in an approved test performed on a herd sample taken not later than 14 months after the last annual certification date. If testing for recertification is not completed within 14 months after the last annual certification date, certification expires. If certification expires, the herd may not be recertified except under sub. (1).

(4) STATUS OF INDIVIDUAL ANIMALS. No goat qualifies as a member of a certified brucellosis–free herd unless both of the following apply:

(a) The goat was born to a herd member or has been a member of the herd for at least 90 days.

(b) The goat has been tested and found negative for brucellosis in the most recent herd test, unless the goat was born since the last herd test or was under 6 months old at the time of the last herd test.

(5) HERD ADDITIONS. No goat may be added to a certified brucellosis–free herd unless one or more of the following apply:

(a) The goat originates from another certified brucellosis–free herd and was included in that herd's most recent brucellosis test.

(b) The goat originates from a brucellosis–free state.

(c) The goat tests negative for brucellosis within 30 days prior to entering the herd, and again between 60 to 120 days after enter-

ing the herd. An imported goat shall also be accompanied by an interstate health certificate or certificate of veterinary inspection under s. ATCP 11.02.

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

ATCP 10.62 Tuberculosis–free herd; goats. (1) INITIAL CERTIFICATION. The department may certify a herd of goats as an "accredited tuberculosis–free herd" if the herd owner provides proof that all animals in the herd over 12 months of age have been found negative for tuberculosis in 2 successive tuberculosis tests. The tests shall be conducted not less than 10 months nor more than 14 months apart.

(2) REVOCATION OF CERTIFICATE. If a tuberculosis test shows that any goat in an accredited tuberculosis–free herd is infected with tuberculosis, the herd certificate shall be summarily revoked. A department veterinarian shall retest all animals showing a tuberculosis reaction within 7 days after the department receives notice of the reaction.

(3) ANNUAL RECERTIFICATION. The department may annually recertify a herd of goats as an accredited tuberculosis–free herd if all goats over 12 months of age in the herd have been found negative for tuberculosis in a tuberculosis test conducted not more than 14 months after the last annual certification date. If testing for recertification is not completed within 14 months after the last annual certification date, certification expires. If certification expires, the herd may not be recertified except under sub. (1).

(4) STATUS OF INDIVIDUAL GOATS. No goat qualifies as a member of an accredited tuberculosis–free herd unless one or more of the following apply:

(a) The goat originated from another accredited tuberculosis–free herd.

(b) The goat was in the herd for at least 60 days prior to the last herd test.

(c) The goat was born to a herd member.

(5) HERD ADDITIONS. No goat may be added to an accredited tuberculosis–free herd unless one or more of the following apply:

(a) The goat originates from another accredited tuberculosis–free herd, and was in that herd of origin when that herd was last tested for tuberculosis.

(b) The goat originates from a herd in an accredited tuberculosis–free state or nation.

(c) The goat originates from a herd in a modified accredited tuberculosis–free state or nation; all goats over 12 months old in that herd of origin test negative for tuberculosis not more than 12 months before the goat is moved from that herd to the accredited tuberculosis–free herd; and the goat tests negative for tuberculosis not more than 60 days before it is added to the accredited tuberculosis–free herd.

(d) The goat tests negative for tuberculosis within 60 days prior to entering the accredited tuberculosis–free herd, and is isolated from other goats in the herd until it tests negative for tuberculosis at least 60 days after entering the herd.

History: Cr. Register, December, 1990, No. 420, eff. 1–1–91; am. (5) (b), (c), Register, February, 1996, No. 482, eff. 3–1–96.

ATCP 10.63 Johne's disease in goats; herd classification; disclosure. (1) DEFINITIONS. In this section:

(a) "Anniversary date" means, for any herd of goats, one of the following:

1. The month and day on which samples are collected for the first annual herd test conducted after July 1, 2000, if no annual herd test was conducted within one year prior to that date. If the first annual herd test conducted after July 1, 2000, is a split herd test, the "anniversary date" is the month and day on which samples are collected from the last group of animals included in the split herd test.

2. The month and day between July 1, 1999, and June 30, 2000, on which samples were collected for an annual herd test, if an annual herd test was conducted within that period.

3. The month and day on which samples were taken to complete the first split herd test under a plan approved by the department under par. (5) (b).

(b) "Annual herd test" means an annual paratuberculosis test conducted on a herd of goats under this section. An annual herd test includes a random herd test, a split herd test or a whole herd test.

(c) "Herd" means a herd of goats.

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

(e) "Random herd test" means a paratuberculosis test performed under sub. (5) (b).

(f) "Split herd test" means a herd test conducted under sub. (5) (c).

(g) "Test eligible animals" means all goats 18 months of age or more.

(h) "Whole herd test" means a paratuberculosis test performed under sub. (5) (a).

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(2) EXEMPTION FROM IMPLIED WARRANTY. (a) The implied warranty under s. 95.195, Stats., does not apply to a sale of goats if the seller discloses all the following to the buyer in writing, prior to sale:

1. The current herd classification, under sub. (3), of the herd from which the goats are being sold.

2. That the goats are paratuberculosis reactors under sub. (9), if that is the case.

(b) The implied warranty under s. 95.195, Stats., does not apply to goats sold directly to slaughter.

(3) HERD CLASSIFICATION. (a) *Johne's preventive management level A.* The department shall classify a herd as "Johne's preventive management level A" if an annual herd test reveals no paratuberculosis reactors.

Note: Animals from a herd classified "Johne's preventive management level A" normally have the lowest risk of transmitting Johne's disease (paratuberculosis). The risk is normally reduced with each additional year that the herd maintains the level A classification. However, no herd classification ensures that an animal is free of Johne's disease.

(b) *Johne's preventive management level B.* The department shall classify a herd as "Johne's preventive management level B" if fewer than 5% of the animals tested in an annual whole herd test or split herd test, or in a follow–up whole herd test under par. (d)1., are paratuberculosis reactors.

(c) *Johne's preventive management level C.* The department shall classify a herd as "Johne's preventive management level C" if at least 5% but not more than 15% of the animals tested in an annual whole herd test or split herd test, or in a follow–up whole herd test under par. (d) 1., are paratuberculosis reactors.

(d) *Johne's preventive management level D.* The department shall classify a herd as "Johne's preventive management level D" if any of the following apply:

1. A random herd test reveals one or more paratuberculosis reactors, unless the department reclassifies the herd under par. (b) or (c) based on a follow–up whole herd test.

2. More than 15% of the animals tested in a whole herd test or a split herd test are paratuberculosis reactors.

(e) *Maximum risk for Johne's disease.* Every herd in this state, and every herd from which goats are sold in this state, is automatically classified "maximum risk for Johne's disease" unless one of the following applies:

1. The department classifies that herd under pars. (a) to (d). If the owner of the classified herd fails to complete an annual herd test within the time required under sub. (5), that classification expires and the herd is automatically classified "maximum risk for Johne's disease" until the department reclassifies the herd under pars. (a) to (d).

2. The department has classified that herd within one year prior to July 1, 2000. If the owner of the classified herd fails to complete an annual herd test within the time required under sub.

(5), the classification expires and the herd is automatically classified "maximum risk for Johne's disease" until the department reclassifies the herd under pars. (a) to (d).

Note: The herd classifications under pars. (a) to (e) are arranged from most desirable (a) to least desirable (e). "Maximum risk for Johne's disease" is the least desirable herd classification, because it signifies that the herd owner does not have an annual paratuberculosis testing program. A person buying goats from such a herd faces an unknown, but substantial, risk that the goats are infected with Johne's disease.

(f) *Classification to include year.* A herd classification under pars. (a) to (d) shall indicate the first year from which the herd has continuously held that classification.

(4) COMMINGLED GOATS; CLASSIFICATION. (a) Except as provided in par. (c), goats added to a herd from a herd with a less desirable classification under sub. (3) retain that less desirable herd classification for 120 days after being added but do not affect the classification of the herd to which they are added.

(b) Goats added to a herd from a herd with a more desirable classification are immediately reclassified to the less desirable classification of the herd to which they are added.

(c) If goats from herds with different classifications under sub. (3) are temporarily assembled for sale or shipment, the least desirable classification assigned to any of those source herds automatically applies to the temporarily assembled herd.

(d) Goats from herds classified as "Johne's preventive management level A," "Johne's preventive management level B," "Johne's preventive management level C," or "Johne's preventive management level D" that are sent by their owners to a consignment sale do not constitute a temporarily assembled herd under par. (c), except that animals which are allowed to have direct contact with each other for more than 24 hours constitute a temporarily assembled herd.

(5) ANNUAL HERD TEST. An annual herd test may be any of the following:

(a) *Whole herd test.* A whole herd test is performed on all test eligible animals in the herd. All samples for the whole herd test shall be collected on the same day or on consecutive days. Samples shall be collected on the anniversary date under sub. (1) (a), or within 2 months before or after that date.

(b) *Random herd test.* A random herd test is performed on a group of test eligible animals randomly selected from the test herd by the person who collects the test samples under sub. (6). The randomly selected group shall include at least 30 test eligible animals, or at least 10% of the test eligible animals in the herd, whichever group is larger. All samples for a random herd test shall be collected on the same day. Samples shall be collected on the anniversary date under sub. (1) (a), or within 2 months before or after that date.

Note: A herd with less than 30 test eligible animals is not eligible for a random herd test. The department may not classify a herd as "Johne's preventive management level B" or "Johne's preventive management level C" based on a random herd test. If a random herd test reveals one or more reactor animals, the herd is classified as "Johne's preventive management level D" until the herd owner completes a follow–up whole herd test. See sub. (3) (d) 1.

(c) *Split herd test.* A split herd test is performed, over the course of not more than 12 months, on all test eligible animals in a herd. A split herd test shall comply with all the following requirements:

1. The department shall approve a herd testing plan before any animals are tested. The department shall grant or deny approval, in writing, within 30 days after the herd owner submits a proposed testing plan to the department.

2. All testing shall be completed according to the plan approved by the department.

3. All test eligible animals in the herd shall be tested at least once during the 12 month period ending on the herd's anniversary date.

(6) COLLECTING TEST SAMPLES. Annual herd test samples shall be collected by an accredited veterinarian, or by an employee of the department or the federal bureau. The person who collects an annual herd test sample shall do all the following:

(a) Determine the animals to be tested under sub. (5).

(b) Determine the type of test to be performed under sub. (7).

(c) Collect an appropriate sample from each test animal, based on the type of test to be performed under sub. (7).

(d) Identify each sample with the official individual identification of the animal from which it was collected, and the date on which it was collected.

(e) Transmit the test samples to the laboratory testing those samples under sub. (7).

Note: A herd owner may have animals tested for Johne's disease at any time. The department will not use the test results to classify the tested herd under this section unless the test complies with this section and the herd owner asks the department to classify the herd.

This rule does not prohibit a person from collecting test samples from animals that are too young to be "test eligible" under ATCP 10.63 (1) (g), but the department will not consider test results from those animals when determining the appropriate herd classification. To facilitate review of results, the person collecting test samples should separate "test eligible" from "non–test eligible" samples, and should prepare separate test submission forms for each category.

(7) LABORATORY TESTING. Annual herd test samples shall be tested by the department, the federal bureau, or a laboratory approved by the department or the federal bureau. The laboratory shall use one of the following tests:

(a) The fecal culture test.

(b) Another test approved by the department.

(8) TEST RESULTS. A laboratory performing tests under sub. (7) shall report the test results to the department within 10 days. If the herd owner asks the department to classify a herd based on the results of an annual herd test, the department shall classify the herd under sub. (3) within 30 days after it receives both the test results and the herd owner's request. The department shall issue a classification notice under sub. (10) to the herd owner.

Note: Under s. ATCP 10.02 and 10.03, a veterinarian or laboratory that diagnoses or finds evidence of Johne's disease must report that diagnosis or finding to the department within 10 days, in writing or by telefax.

(9) PARATUBERCULOSIS REACTORS. An animal is a paratuberculosis reactor if any of the following apply:

(a) The animal tests positive on the fecal culture test.

(b) The animal tests positive on any other test which the department approves and deems conclusive.

(10) NOTICE TO HERD OWNER. Whenever the department classifies a herd under sub. (3) based on an annual herd test, or based on a follow–up whole herd test under sub. (3) (d)1., the department shall promptly provide the herd owner with all the following information in writing:

(a) *Individual animal test results.* Individual test results for each animal included in the herd test. Test results shall be identified with each animal's official individual identification.

(b) *Herd classification.* The herd classification under sub. (3). The classification notice shall include the effective date and expiration date of the classification. A classification takes effect on the effective date specified in the notice, and supersedes any prior classification.

(11) REACTOR IDENTIFICATION. (a) No person may move a paratuberculosis reactor under sub. (9) unless an accredited veterinarian first identifies that reactor with a permanent paratuberculosis reactor identification approved by the department.

(b) No person may sell a paratuberculosis reactor under sub. (9) unless both of the following apply:

1. An accredited veterinarian first identifies that reactor with a permanent paratuberculosis reactor identification approved by the department.

2. The seller first discloses to the prospective buyer, in writing, that the animal is a paratuberculosis reactor unless the reactor is sold directly to slaughter.

(c) Within 30 days after an animal tests positive for paratuberculosis, an accredited veterinarian shall identify the reactor with a paratuberculosis reactor identification approved by the department.

(12) HERD VACCINATION. No person may vaccinate goats for paratuberculosis except under a herd agreement with the department. The department may not authorize vaccination in any herd in which the percentage of reactors in the last whole herd test or

split herd test was less than 7%, unless special circumstances warrant vaccination in that herd.

(13) MISREPRESENTING HERD CLASSIFICATION. No seller may misrepresent the classification, under sub. (3), of the herd from which goats are being sold. A seller who misrepresents a herd classification is not exempt from the implied warranty under s. 95.195, Stats., and is subject to possible penalties under s. 95.99, Stats.

(14) DEPARTMENT DISCLOSURE OF HERD CLASSIFICATION. The department may disclose a herd classification under sub. (3) with the written authorization of the herd owner.

Note: See s. 95.232, Stats.

History: Cr. Register, December, 1990, No. 420, eff. 1–1–91; **r. and recr. Register, September, 1999, No. 525, eff. 7–1–00.**

ATCP 10.64 Brucella ovis–free flock; sheep. (1) INITIAL CERTIFICATION. The department may certify a flock of sheep as "brucella ovis–free" if the flock owner provides proof that all rams in the flock over 6 months of age have been found negative for brucella ovis in 2 successive enzyme linked immune serum assay (ELISA) tests, or other tests approved by the department. The tests shall be conducted not less than 45 days nor more than 60 days apart.

(2) REVOCATION OF CERTIFICATE. When any test of a brucella ovis–free flock discloses that any ram in the flock is positive for brucella ovis, the certificate shall be summarily revoked by written notice to the herd owner or agent. The revocation notice shall be signed by the state veterinarian. A person adversely affected by a revocation notice may request a hearing before the department, but a request for hearing does not stay the revocation notice. If certification is revoked, the herd may not be recertified except under sub. (1).

(3) HANDLING REACTORS. If any brucella–ovis reactors are disclosed in a flock, all reactors shall be segregated, quarantined and castrated under supervision of the department, or sent to slaughter under a permit issued by the department or an accredited veterinarian.

(4) ANNUAL RECERTIFICATION. The department may annually recertify a flock of sheep as a brucella ovis–free flock if all rams in the flock test negative for brucella ovis not more than 14 months after the last annual certification date. If testing for recertification is not completed within 14 months after the last annual certification date, certification expires. If certification expires, the herd may not be recertified except under sub. (1).

(5) STATUS OF INDIVIDUAL ANIMALS. No ram qualifies as a member of a brucella ovis–free flock unless one or more of the following apply:

(a) The ram was included in the initial certification under sub. (1).

(b) The ram originates from another brucella ovis–free flock.

(c) The ram has been in the flock for at least 60 days, and was in the flock at the time of the last flock test for brucella–ovis.

(d) The ram was born to a flock member.

(6) FLOCK ADDITIONS. No ram may be added to a brucella ovis–free flock unless one or both of the following apply:

(a) The ram originates from another brucella ovis–free flock, and was included in the last flock test of that flock.

(b) The ram tests negative for brucella ovis within 30 days before entering the brucella ovis–free flock, and again within 45 to 60 days after entering the flock.

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

ATCP 10.65 Cervidae; herd identification. (1) Except as provided under sub. (2), no person may keep a herd of cervidae in this state unless that person first reports the following information to the department in writing:

(a) The location of the herd.

(b) The number and types of animals in the herd.

(c) The name and address of the herd owner.

(d) The name and address of the local herd custodian if other than the herd owner.

Note: The information under sub. (1) may be reported to the following address:
Administrator, Division of Animal Health
Wisconsin Department of Agriculture, Trade and Consumer Protection
P.O. Box 8911
Madison, WI 53708–8911

(2) A person who is registered as a keeper of farm–raised deer under s. ATCP 10.652 is not required to file a report under sub. (1).

Note: Since the definition of "cervidae" includes farm–raised deer, all provisions of ATCP 10 and 11 which relate to cervidae apply to farm–raised deer unless farm–raised deer are specifically exempted.

History: Cr. Register, February, 1996, No. 482, eff. 3–1–96; r. and recr. Register, December, 1996, No. 492, eff. 1–1–97.

ATCP 10.651 Cervidae; disease testing. (1) ANIMALS AVAILABLE FOR TESTING. The owner or custodian of a herd of cervidae shall make the herd available to the department for disease testing upon request.

(2) ANIMALS RESTRAINED FOR TESTING. The owner or custodian of a herd of cervidae shall restrain the cervidae for disease testing in a manner which insures the safety of the cervid and of the person performing the test. The owner or custodian shall restrain the cervidae by one of the following methods:

(a) By providing animal handling facilities that comply with sub. (3).

(b) By tranquilizing the cervidae so they can be safely tested. No department staff may tranquilize the cervidae. If the department determines that a cervid is not adequately tranquilized, so that the safety of the cervid and the persons performing the test cannot be reasonably ensured, the department may require the owner or custodian to provide additional tranquilization before the department proceeds with testing. The department assumes no liability for any injury or death of a cervid which may be caused by tranquilization.

(c) By moving the cervidae, pursuant to a permit issued under s. ATCP 11.60 (4), to an isolation and testing facility approved under s. ATCP 11.56 (4) where the cervidae can be safely tested.

(3) ANIMAL HANDLING FACILITIES. (a) Animal handling facilities under sub. (2) (a) shall include all of the following:

1. A holding pen in which cervidae can be safely handled, and from which cervidae can be safely directed into an alleyway and then to a chute or individual restraining pen for testing.

2. An alleyway through which cervidae can be safely guided into a chute or restraining pen for testing.

3. A chute or restraining pen which can safely hold cervidae for testing.

4. Adequate fencing. Fences used to confine cervidae in animal handling facilities shall be at least 7 feet 10 inches high, except that fences used to confine cervidae of the genus rangifer shall be at least 5 feet high.

(b) If the department determines that animal handling facilities do not comply with par. (a), the department may order the owner or custodian to modify the facilities, to provide acceptable alternative facilities, or to provide an acceptable alternative method of restraining cervidae under sub. (2). The owner or custodian shall comply with the department's order within 30 days, unless for good cause the department specifies a different time period.

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

ATCP 10.652 Farm–raised deer; keepers registered. (1) REGISTRATION CERTIFICATE REQUIRED. (a) Except as provided under par. (b), no person may keep farm–raised deer unless that person holds a current registration certificate issued by the department under this section. A registration certificate is not transferable.

(b) Paragraph (a) does not apply to an establishment licensed under s. 97.42, Stats., which keeps live farm–raised deer for not more than 72 hours before slaughtering those deer.

Note: A registration certificate under this section does not entitle the holder of that certificate to operate as a livestock dealer unless that person is also licensed under s. ATCP 12.03. A livestock dealer license under s. ATCP 12.03 does not entitle the holder of that license to keep farm–raised deer unless that person also holds a registration certificate under this section.

(2) REGISTRATION CERTIFICATE EXPIRES. A registration certificate under sub. (1) expires on December 31 of each year. The holder of a registration certificate may renew that certificate by submitting an annual renewal application under sub. (4).

(3) REGISTERING MULTIPLE LOCATIONS. A person keeping farm–raised deer at more than one location may do either of the following:

(a) Obtain a separate registration certificate for each location. No person may move farm–raised deer between separately registered locations without an interstate health certificate or certificate of veterinary inspection, unless the deer are exempt under s. ATCP 11.56 (2). If disease is detected at one registered location, animals at a separately registered location will not be considered part of the same herd, and will not be treated as exposed animals unless an investigation shows that suspect or reactor animals have actually moved between the locations.

(b) Register multiple locations under a single registration certificate. If a registration certificate covers multiple locations, the holder of that certificate may freely move farm–raised deer between those locations without an interstate health certificate or certificate of veterinary inspection. If disease is detected at one location, all of the farm–raised deer at all of the locations are considered to be part of a single exposed herd.

(4) APPLYING FOR REGISTRATION CERTIFICATE. To obtain or renew a registration certificate, a person keeping farm–raised deer shall file a registration application on a form provided by the department. The application shall be accompanied by the fee that is required under sub. (5). The application form shall include all of the following information:

(a) The name, address and telephone number of the herd owner.

(b) If the farm–raised deer are under the care of a custodian other than the herd owner, the name, address and telephone number of the custodian.

(c) The location or locations at which the farm–raised deer will be kept, including the county, township, section and fire number assigned to the location.

(d) The number of farm–raised deer being kept at each location.

(e) The species, age and sex of the farm–raised deer being kept at each location.

Note: A registration form may be obtained by writing to the following address:
Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708–8911

(5) FEES. A person applying for a registration certificate shall pay the following annual registration fee:

(a) $50 if the person keeps no more than 15 farm–raised deer at the locations covered by the certificate.

(b) $100 if the person keeps more than 15 farm–raised deer at the locations covered by the certificate.

Note: Under s. 93.21 (5) (b), Stats., a person who files an application for the renewal or reissuance of a registration certificate after the registration certificate has expired must pay, in addition to the fee prescribed under sub. (5), an additional fee equal to 20 percent of this fee.

(6) ACTION ON REGISTRATION APPLICATION. The department shall grant or deny a registration application under sub. (4) within 30 days after the department receives a complete application.

(7) DENIAL, SUSPENSION OR REVOCATION OF REGISTRATION CERTIFICATE. The department may deny, suspend or revoke a farm–raised deer registration for cause, pursuant to s. 93.06 (7), Stats. Grounds may include any of the following:

(a) Violating applicable provisions of ch. 95, Stats., this chapter, or ch. ATCP 11 or 12.

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

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

(d) Refusing or failing, without just cause, to produce records or respond to a department subpoena.

(e) Paying a registration fee with a worthless check.

(8) RECORDKEEPING. (a) A person who keeps farm–raised deer shall keep all of the following records for each farm–raised deer which that keeper of farm–raised deer receives from another person, or which that keeper of farm–raised deer delivers to another person:

1. The official individual identification of the farm–raised deer.

2. The name and address of the person from whom the keeper of farm–raised deer received, or to whom the keeper of farm–raised deer delivered the farm–raised deer.

3. The date on which the keeper of farm–raised deer received or delivered the farm–raised deer.

4. The location at which the keeper of farm–raised deer received or delivered the farm–raised deer.

(b) A person required to keep records under par. (a) shall do all of the following:

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

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

History: Cr. Register, December, 1996, No. 492, eff. 1–1–97; renum. and am. (2) (a) to be (2), and r. (2) (b) and (4) (f), am. (4) (intro.) and r. and recr. (5), Register, May, 1999, No. 521, eff. 6–1–99.

ATCP 10.66 Tuberculosis in cervidae. (1) WHO MAY PERFORM A TUBERCULOSIS TEST. No person other than a veterinarian employed by the department or the federal bureau may perform a tuberculosis test on a cervid in this state, except that an accredited veterinarian may do any of the following if that accredited veterinarian is trained by the department to perform tuberculosis tests on cervidae:

(a) Perform a single cervical tuberculin test on a cervid from a herd other than a quarantined herd.

(b) Obtain a blood sample for a blood tuberculosis test, except from a member of a quarantined herd.

(2) TESTING RESTRICTIONS. No person may do either of the following:

(a) Perform a tuberculosis test on a cervid from a quarantined herd or known infected herd, except with the department's approval.

(b) Perform a comparative cervical tuberculin test or blood tuberculosis test on any cervid in this state until that cervid is tested using the single cervical tuberculin test.

(3) IDENTIFYING TESTED CERVIDAE. If a veterinarian conducts a tuberculosis test on a cervid that does not yet have an official individual identification, the veterinarian shall identify that cervid by inserting an official eartag in the cervid's right ear when the cervid is tested. An official eartag shall conform to the national uniform eartagging system. A breed association tattoo which uniquely identifies the cervid may be used in place of an official eartag.

(4) SINGLE CERVICAL TUBERCULIN TEST. (a) To perform a single cervical tuberculin test on a cervid, a veterinarian shall inject intradermally 0.1 ml, 5,000 international units, of United States department of agriculture contract PPD bovis tuberculin in the cervid's midcervical region.

(b) The same veterinarian who injects the tuberculin under par. (a) 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 by visually observing and palpating the injection site between 66 and 78 hours after the tuberculin is injected.

(c) A cervid from a herd other than a known infected herd, when tested using the single cervical tuberculin test, shall be classified as negative or suspect. The cervid shall be classified as suspect if the veterinarian performing the test detects any response, regardless of size, when the veterinarian visually examines or palpates the tuberculin injection site.

(d) A cervid from a known infected herd, when tested with the single cervical tuberculin test, shall be classified as negative or reactor. The cervid shall be classified as a reactor if the veterinarian performing the test detects any response, regardless of size, when the veterinarian examines or palpates the tuberculin injection site.

(5) COMPARATIVE CERVICAL TUBERCULIN TEST. (a) To perform a comparative cervical tuberculin test on a cervid, a veterinarian shall intradermally inject biologically balanced bovine PPD and avian PPD tuberculin at separate sites in the cervid's cervical area.

(b) The same veterinarian who injects the tuberculin under par. (a) 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 comparing the responses of the 2 tuberculin injection sites.

(c) A cervid from a herd other than a known infected herd, when tested using the comparative cervical tuberculin test, shall be classified as negative, suspect or reactor. If the cervid is classified as suspect on 2 comparative cervical tuberculin tests, the cervid shall be classified as a reactor unless the department determines that the cervid should not yet be classified as a reactor. Before the department determines that the cervid should not yet be classified as a reactor, the department shall consider the tuberculosis test responses and necropsy information from other animals in the herd, whether the animal in question was a natural addition to the herd or had been purchased, and the number and frequency of additions of purchased animals to the herd over the 5 previous years. If the cervid is classified as suspect on 3 comparative cervical tuberculin tests, the cervid shall be classified as a reactor.

(d) No cervid from a known infected herd may be tested using the comparative cervical tuberculin test.

(6) BLOOD TUBERCULOSIS TEST. (a) A veterinarian collecting a blood sample for a blood tuberculosis test shall collect that blood in a manner approved by the department. The veterinarian shall handle and ship the sample, in a manner approved by the department, to a laboratory that is approved by the department and qualified to perform a blood tuberculosis test.

(b) A cervid from a herd other than a known infected herd, when tested using the blood tuberculosis test, shall be classified as negative, suspect or reactor. If the test results are equivocal, the cervid shall be classified as suspect. If the cervid is classified as suspect on 2 blood tuberculosis tests, the cervid shall be classified as a reactor unless the department determines that the cervid should not yet be classified as a reactor. Before the department determines that the cervid should not yet be classified as a reactor, the department shall consider the tuberculosis test responses and necropsy information from other animals in the herd, whether the animal in question was a natural addition to the herd or had been purchased, and the number and frequency of additions of purchased animals to the herd over the 5 previous years. If the cervid is classified as suspect on 3 blood tuberculosis tests, the cervid shall be classified as a reactor.

(c) A cervid from a known infected herd may only be tested with a blood tuberculosis test if the blood is collected simultaneously with a whole herd single cervical test. When a cervid from a known infected herd is tested using the blood tuberculosis test, it shall be classified as negative or reactor. A cervid which would otherwise be classified as a suspect shall be classified as a reactor if it is from a known infected herd.

(7) CERVID CLASSIFIED AS SUSPECT BY SINGLE CERVICAL TUBERCULIN TEST. If a cervid is classified as a tuberculosis suspect based on a single cervical tuberculin test, the suspect cervid shall be handled in one of the following ways:

(a) It may be retested using the comparative cervical tuberculin test within 10 days after the tuberculin was injected for the single cervical tuberculin test, or at least 90 days after the tuberculin was injected for the single cervical tuberculin test.

(b) It may be retested using the blood tuberculosis test at least 12 days but not more than 45 days after the tuberculin was injected for the single cervical tuberculin test.

(c) It may be slaughtered under sub. (11) with department approval.

(8) CERVID CLASSIFIED AS SUSPECT BY COMPARATIVE CERVICAL TUBERCULIN TEST. If a cervid is classified as a tuberculosis suspect based on a comparative cervical tuberculin test, the suspect cervid shall be handled in one of the following ways:

(a) It may be retested using the comparative cervical tuberculin test until it tests negative or is classified as a tuberculosis reactor. Each comparative cervical tuberculin test shall be conducted at least 90 days after the tuberculin was injected for the last previous comparative cervical tuberculin test.

(b) It may be slaughtered under sub. (11) with department approval.

(9) CERVID CLASSIFIED AS SUSPECT BY BLOOD TUBERCULOSIS TEST. If a cervid is classified as a tuberculosis suspect based on a blood tuberculosis test, the suspect cervid shall be handled in one of the following ways:

(a) It may be retested using the blood tuberculosis test until it tests negative or is classified as a tuberculosis reactor. Each blood tuberculosis test shall be conducted at least 30 days but not more than 90 days after the last previous blood tuberculosis test.

(b) It may be slaughtered under sub. (11) with department approval.

(10) CERVID CLASSIFIED AS REACTOR. (a) Within 24 hours after a cervid is classified as a tuberculosis reactor, the cervid shall be identified for slaughter in all of the following ways:

1. An official reactor eartag, bearing a serial number, shall be placed in the reactor's left ear.

2. Except as provided under par. (am), the reactor shall be branded on the left hip near the tailhead with the letter "T" not less than 2 inches nor more than 3 inches high.

(am) A reactor need not be branded under par. (a) 2. if all of the following apply:

1. The letters "TB" are legibly tattooed in the reactor's left ear, and the left ear is sprayed with yellow paint, within 24 hours after the cervid is classified as a reactor.

2. The reactor is shipped directly to slaughter, with department approval, within the time period specified under par. (b). A veterinarian employed by the department or the federal bureau shall accompany and supervise the slaughter shipment, or the reactor shall be shipped to slaughter in a vehicle sealed by the department or the federal bureau. The vehicle seal may not be removed except by the department or the federal bureau.

(b) Within 15 days after a cervid is classified as a tuberculosis reactor, the cervid shall be slaughtered with department approval. The department may, for good cause, extend the slaughter deadline by up to 15 days. A reactor shall be slaughtered in compliance with sub. (11).

(c) Within 15 days after a reactor is slaughtered under par. (b), the herd owner or custodian shall clean and disinfect the premises where the reactor was kept. The department may, for good cause, extend the deadline for cleaning and disinfecting the premises by up to 15 days.

Note: See sub. (17) and s. 95.31, Stats.

(11) SLAUGHTERING CERVIDAE. (a) No person may slaughter any of the following without written authorization from the department:

1. A cervid currently classified as a tuberculosis suspect or reactor.

2. A cervid from a herd that is currently classified as a known infected herd under sub. (15).

3. A cervid from a herd that is currently quarantined under this section.

(am) When a cervid identified in par. (a) is shipped to slaughter, a veterinarian employed by the department or the federal bureau shall accompany and supervise the slaughter shipment, or the cervid shall be shipped to slaughter in a vehicle sealed by the department or the federal bureau. The vehicle seal may not be removed except by the department or the federal bureau.

(b) Whenever a cervid identified under par. (a) is slaughtered, it shall be necropsied by or in the presence of a veterinarian employed by the department or the federal bureau. The veterinarian who performs or supervises the necropsy shall collect tissue samples from the cervid, and shall submit the tissue samples to the national veterinary services laboratory for histopathological examination and bacterial culture, regardless of whether the necropsy reveals any lesions compatible with tuberculosis.

(c) No cervid identified under par. (a) may be used for food unless that cervid is slaughtered at a slaughtering establishment. No cervid identified under par. (a) 1. or 2. may be used for food until the results of the histopathological examination under par. (b) are known, and the department releases the animal carcass for use as food.

(12) TUBERCULOSIS SUSPECT; HERD QUARANTINE. (a) Whenever a tuberculosis suspect is found in a herd of cervidae other than a known infected herd, the department shall quarantine the entire herd. The department may perform tuberculosis tests on other members of the herd, regardless of whether the suspect cervid is found to be a reactor or is found to be infected with tuberculosis.

(b) The department may release a quarantine under par. (a), regardless of whether the department has tested other herd members, if either of the following occurs:

1. The suspect cervid retests negative on a comparative cervical tuberculin test or blood tuberculosis test under this section.

2. The suspect cervid is slaughtered under sub. (11) and neither the histopathology nor the bacterial culture reveals any evidence of tuberculosis.

(13) TUBERCULOSIS REACTOR; HERD QUARANTINE. (a) Whenever a tuberculosis reactor is found in a herd of cervidae other than a known infected herd, the department shall quarantine the entire herd. The department may perform tuberculosis tests on other members of the herd, regardless of whether the reactor is found to be infected with tuberculosis.

(b) The department may release a quarantine under par. (a), regardless of whether the department has tested other herd members, if the reactor is slaughtered under sub. (11) and neither the histopathology nor the bacterial culture reveals any evidence of tuberculosis.

(14) LESIONS COMPATIBLE WITH TUBERCULOSIS; HERD QUARANTINE AND TESTING. (a) If the histopathological examination performed on specimens obtained from a slaughtered cervid from a herd other than a known infected herd reveals lesions that are compatible with tuberculosis, but the bacterial culture on that cervid fails to isolate *mycobacterium bovis*, the department shall quarantine the herd until the whole herd tests negative for tuberculosis under sub. (16). The whole herd test shall be performed at least 90 days after the injection of the tuberculin for the last single cervical tuberculosis test which identified a suspect or reactor in the herd.

(b) Whenever the department releases a herd quarantine under par. (a), the department shall continue to test the whole herd at least once annually using the single cervical tuberculin test. The department shall perform annual whole herd testing for at least 2 years, until the department determines that further testing is unnecessary.

(15) KNOWN INFECTED HERDS. (a) A herd of cervidae is classified as a known infected herd if the national veterinary services laboratory isolates *mycobacterium bovis* in a bacterial culture taken from a herd member. When a herd is classified as a known infected herd, every suspect cervid in the herd is automatically reclassified as a reactor.

(b) The department may condemn and order the destruction of cervidae in a known infected herd if the department finds that their destruction is necessary to prevent or control the spread of tuberculosis among cervidae or domestic animals in this state.

Note: See sub. (18) and s. 95.31, Stats.

(c) The department shall quarantine all cervidae in a known infected herd that are not condemned and destroyed under par. (b). The department may not release the quarantine until the entire herd tests negative on 3 successive whole herd tests under sub. (16).

(d) Each whole herd test under par. (c) shall be performed at least 90 days after injection of the tuberculin for the last previous single cervical tuberculosis test that identified a suspect or reactor in the herd. If a known infected herd tests negative on any whole herd test under sub. (16), each subsequent whole herd test under par. (c) shall be performed at least 180 days after injection of the tuberculin for the last previous single cervical tuberculosis test.

(e) Whenever the department releases a herd quarantine under par. (c), the department shall continue to test the whole herd at least once annually using the single cervical tuberculin test. The department shall continue with annual whole herd testing for at least 5 years, until the department determines that further testing is unnecessary.

(f) When the department releases the quarantine under par. (c), the herd is no longer classified as a known infected herd.

(16) WHOLE HERD NEGATIVE TEST. A herd completes a negative whole herd test whenever one of the following occurs:

(a) Every cervid in the herd tests negative on the single cervical tuberculin test.

(b) If the herd is other than a known infected herd, every cervid in the herd is tested using the single cervical tuberculin test, and every suspect cervid retests negative on the comparative cervical tuberculin test or the blood tuberculosis test.

(c) If the herd is other than a known infected herd, every cervid in the herd is tested using the single cervical tuberculin test, every suspect is slaughtered under sub. (11), and the bacteriological culture on every slaughtered suspect is negative.

(d) If the herd is a known infected herd, every cervid in the herd is tested using the single cervical tuberculin test, every reactor is slaughtered under sub. (11), and the histopathological examination and bacteriological culture on every slaughtered reactor are negative.

(17) REMOVING CERVIDAE FROM QUARANTINED HERD. No person may remove any cervid from a herd quarantined under this section unless, with the department's approval, the cervid is shipped directly to slaughter under sub. (11).

(18) TUBERCULOSIS INDEMNITY. (a) The department may pay tuberculosis indemnities under s. 95.31, Stats., only for the following cervidae:

1. Reactors slaughtered under sub. (10).

2. Cervidae condemned and destroyed under sub. (15) (b).

(b) A person claiming tuberculosis indemnities for cervidae under par. (a) shall file that claim in writing on a form provided by the department. The claimant shall include, with the claim, a slaughter report certified by the department or an accredited veterinarian. The department may not pay indemnities except in response to a claim properly filed under this paragraph.

Note: A copy of the claim form may be obtained by request from:
Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, Wi 53708-8911

(c) The department may not pay tuberculosis indemnities for cervidae under par. (a) if any of the conditions under s. 95.36, Stats., apply.

(d) The department may not pay tuberculosis indemnities for cervidae under par. (a) if the herd owner or custodian fails to comply with the terms and conditions specified under sub. (10) or in the department's condemnation order.

(e) If the department postpones a condemnation order at the request of the herd owner or custodian to permit further herd testing, the department may not pay tuberculosis indemnities under par. (a) for that herd which exceed the amount which the department would have paid had it not postponed the condemnation order.

History: Emerg. cr. eff. 3–18–91; cr. Register, November, 1991, No. 431, eff. 12–1–91; am. (8) (b) 1., Register, September, 1993, No. 453, eff. 10–1–93; r. and recr. Register, February, 1996, No. 482, eff. 3–1–96; emerg. r. and recr. (10) (a), cr. (10), (am) and am. (11), eff. 6–3–96; r. and recr. (10) (a), cr. (10) (am), (11) (am), Register, December, 1996, No. 492, eff. 1–1–97.

ATCP 10.67 Cervidae; herd certification. **(1)** ACCREDITED TUBERCULOSIS–FREE HERD. (a) *Initial certification.* The department may certify a herd of cervidae as an accredited tuberculosis–free herd if the herd tests negative on at least 3 consecutive single cervical tuberculin tests conducted not less than 9 months nor more than 15 months apart.

(b) *Recertification.* The department may recertify a herd of cervidae as an accredited tuberculosis–free herd if the herd tests negative on a single cervical tuberculin test conducted not less than 21 months nor more than 27 months after the effective date of the current certification.

(c) *Certification effective date.* Each certification under par. (a) and each recertification under par. (b) takes effect retroactively, beginning on the date of the last herd test whose results are used to justify the certification or recertification.

(d) *Expired certification.* If testing for recertification under par. (b) is not performed within 27 months after the effective date of the current certification, the current certification expires. If a certification expires, the department may not recertify the herd unless the herd requalifies for certification under par. (a).

(e) *Herd members included in herd test.* Each herd test under this section shall include all herd members over 12 months old, and all herd members under 12 months old that were not born in the herd.

(2) TUBERCULOSIS QUALIFIED HERD. (a) *Initial certification.* The department may certify a herd of cervidae as a tuberculosis qualified herd if the herd tests negative on a single cervical tuberculin test.

(b) *Recertification.* The department may recertify a herd of cervidae as a tuberculosis qualified herd if the herd tests negative on a single cervical tuberculin test conducted not less than 9 months nor more than 15 months after the effective date of the current certification.

(c) *Certification effective date.* Each certification under par. (a) and each recertification under par. (b) takes effect retroactively, beginning on the date of the last herd test whose results are used to justify the certification or recertification.

(d) *Expired certification.* If testing for recertification under par. (b) is not performed within 15 months after the effective date of the current certification, the current certification expires. If a certification expires, the department may not recertify the herd unless the herd requalifies for certification under par. (a).

(e) *Herd members included in herd test.* Each herd test under this section shall include all herd members over 12 months old, and all herd members under 12 months old that were not born in the herd.

(3) TUBERCULOSIS MONITORED HERD. (a) *Certification.* The department may annually certify a herd of cervidae as a tuberculosis monitored herd if the number of herd members over one year old that are slaughtered and inspected for tuberculosis over the preceding 3–year period is sufficient to detect any tuberculosis that may be present in the herd at the 2% prevalence level. Table 1 shows, for various herd sizes, the number of cervidae that must be slaughtered and inspected over a 3–year period in order to meet this requirement. At least 25% of the cervidae required to be slaughtered and inspected over a 3–year period must be slaughtered and inspected in each year of that 3–year period.

TABLE 1 Slaughter Rate 2% Prevalence

Herd Population	3–Year Slaughter Rate	Herd Population	3–Year Slaughter Rate
10	10	20	20
30	30	40	40
50	48	60	55
70	62	80	68
90	73	100	78
120	86	140	92
160	97	180	101
200	105	250	112
300	117	350	121
400	124	450	127
500	129	600	132
700	134	800	136
900	137	1000	138
1200	140	1400	141
1600	142	1800	143
2000	143	3000	145

4000	146	5000	147
6000	147	7000	147
8000	147	9000	148
10000	148		

To determine the 3–year slaughter requirement for an actual herd, use the herd size from Table 1 that most nearly approximates the actual herd size.

(b) *Certification expires.* An annual certification under par. (a), if not renewed, expires one year after it is issued.

(c) *Slaughter records.* The department may not certify a tuberculosis monitored herd under this subsection unless the herd owner provides the department with slaughter records that document compliance with certification requirements under par. (a).

(4) HERDS NOT QUALIFIED FOR CERTIFICATION. (a) If lesions histopathologically compatible with tuberculosis are found in any member of a herd of cervidae, the department may not certify that herd as an accredited tuberculosis–free herd, a tuberculosis qualified herd or a tuberculosis monitored herd for at least 2 years after the department releases its quarantine on that herd.

(b) If a herd of cervidae is classified as a known infected herd under s. ATCP 10.66 (15), the department may not certify that herd as an accredited tuberculosis–free herd, a tuberculosis qualified herd or a tuberculosis monitored herd for at least 5 years after the department releases its quarantine on that herd.

(5) ADDING CERVIDAE TO CERTIFIED HERD. No person may add a cervid to an accredited tuberculosis–free herd, a tuberculosis qualified herd or a tuberculosis monitored herd unless one of the following applies:

(a) The cervid is born into the herd.

(b) The cervid originates from an accredited tuberculosis–free herd and has never been exposed to cervidae from any herd other than an accredited tuberculosis–free herd.

(c) The cervid originates from a tuberculosis qualified herd or a tuberculosis monitored herd, and meets all of the following requirements:

1. It has never been exposed to cervidae from a herd other than an accredited tuberculosis–free herd, a tuberculosis qualified herd or a tuberculosis monitored herd.

2. It tests negative on a single cervical tuberculin test conducted not more than 90 days before it arrives at the premises where the receiving herd is located, and retests negative on a single cervical test conducted not less than 90 days after it arrives at those premises. The cervid shall be isolated from all other animals in the receiving herd until it retests negative.

(d) The cervid tests negative on 2 tuberculosis tests before it arrives at the premises where the receiving herd is located, and retests negative at least 90 days after it arrives at those premises. The pre–arrival tests shall be conducted at least 90 days apart, and the second pre–arrival test shall be conducted not more than 90 days before the arrival date. Beginning on or before the date of the first pre–arrival test, the cervid shall be isolated from every other animal in its herd of origin. The cervid shall also be isolated from all members of the receiving herd until it retests negative on the post–arrival test.

(6) STATUS OF CERVIDAE ADDED TO HERD. (a) No cervid qualifies as a member of an accredited tuberculosis–free herd, a tuberculosis qualified herd or a tuberculosis monitored herd if the cervid is added to the herd in violation of sub. (5).

(b) No cervid qualifies as a member of an accredited tuberculosis–free herd, a tuberculosis qualified herd or a tuberculosis monitored herd until it retests negative within 90 days after it is added to the herd if a retest is required under sub. (5).

(7) SUSPENDING OR REVOKING HERD CERTIFICATION. (a) The department may, for cause, suspend or revoke the certification of a herd of cervidae as an accredited tuberculosis–free herd, a tuberculosis qualified herd or a tuberculosis monitored herd.

(b) The state veterinarian, on behalf of the department, shall summarily suspend a herd certification under par. (a) if any cervid in the herd is classified as a tuberculosis suspect or reactor. The department may reinstate the herd certification if, upon further testing or analysis, the department releases the herd from quarantine under s. ATCP 10.66 (12) (b) or (13) (b).

(c) The state veterinarian, on behalf of the department, shall summarily revoke a herd certification under par. (a) if the department finds that any of the following apply:

1. The herd is a known infected herd under s. ATCP 10.66 (15).

2. A herd member is found to have lesions histopathologically compatible with tuberculosis.

3. A cervid has been added to the herd in violation of sub. (5).

History: Cr. Register, February, 1996, No. 482, eff. 3–1–96.

ATCP 10.68 Fish farms. (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) "Self–contained fish rearing facility" has the meaning given in s. 29.001 (76), Stats.

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

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

(2) REGISTRATION CERTIFICATE REQUIRED. Except as provided in sub. (3), a person operating a fish farm for any of the following purposes shall obtain a registration certificate for that fish farm:

(a) Hatching fish eggs or holding live fish for any of the following purposes:

1. Sale or distribution.
2. Introduction into the waters of the state.
3. Fishing.
4. Use as bait or fertilizer.
5. Use as human food or animal feed.
6. Education, demonstration or research.

(b) Holding live fish or fish eggs owned by another person.

Note: A Wisconsin Department of Natural Resources (DNR) fish stocking permit is not needed to stock fish into a fish farm registered under sub. (2). However, a DNR stocking permit is needed to stock fish into the waters of the state. (See s. 29.736, Stats.)

A DNR sport fishing license is not required to fish within a registered fish farm. Persons fishing at a registered fish farm do not need to comply with season, size or bag limits. (See s. 29.001 (27), Stats.)

Toxicants required for fish farming operations may be used in self–contained fish rearing facilities if there is no discharge from the facility, or if the discharge of the chemical is allowed under a Wisconsin Pollutant Discharge Elimination System (WPDES) permit. Otherwise, a DNR aquatic pesticide use permit is required. (See ss. 29.088 (2) (g), 29.601 (5) (b) and 283.31, Stats.) Pesticide applications must comply with ch. ATCP 29, Wis. Adm. Code, administered by the department of agriculture, trade and consumer protection. There may be other federal, state, or local regulations pertaining to the use of these toxicants.

(3) EXEMPTIONS. A person may do any of the following without a registration certificate under sub. (2):

(a) Hold, rear, sell or distribute live ornamental fish, or hatch 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) Hold live bait fish under a bait dealer license issued by the state of Wisconsin department of natural resources under s. 29.509, Stats.

(c) Hold or rear live fish, or hatch fish eggs, in a fully enclosed building solely for purposes of display or research within that building, provided that no untreated water used to hold those fish or fish eggs is discharged to waters of the state.

(d) Exhibit live fish in a public forum for not more than 15 days in a calendar year, or for a longer period of time which the department authorizes in writing for a specific exhibit.

(e) Hold live fish or fish eggs for not more than 30 days at a food processing plant, retail food establishment or restaurant 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.

(f) Transport live fish or fish eggs to or from a fish farm.

(4) TYPE 1 OR TYPE 2 REGISTRATION CERTIFICATE. (a) Except as provided in par. (b), a person required to hold a fish farm registration certificate under sub. (2) may hold either a type 1 or type 2 registration certificate.

(b) A person may not sell or distribute live fish or fish eggs from a fish farm without a type 2 registration certificate, except that a person holding a type 1 registration certificate may do any of the following:

1. Allow fishing at the fish farm, including public fishing for a fee.

2. Sell or distribute live fish or fish eggs to a food processing plant, retail food establishment or restaurant at which the fish or fish eggs are 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.

3. Move live fish between type 1 fish farms which that person operates in this state.

Note: A person holding a type 1 registration certificate may, at any time during the registration year, convert that certificate to a type 2 certificate by paying the additional fee under sub. (8) and complying with health certification requirements under sub. (14).

(5) ANNUAL EXPIRATION DATE. A fish farm registration certificate under sub. (2) expires on December 31 of the calendar year for which it is issued.

(6) PERSONS OPERATING 2 OR MORE FISH FARMS. A person who operates 2 or more fish farms shall obtain a separate registration certificate under sub. (2) for each fish farm. A person may obtain annual registration certificates for 2 or more fish farms by filing a single annual application under sub. (7) and paying a single annual fee under sub. (8). There is no additional charge for additional fish farms. A registration certificate is not transferable between persons or locations.

Note: A person registering 2 or more fish farms may choose to register those fish farms as type 1 or type 2 fish farms. The applicant submits only one annual application and pays only one annual fish farm registration fee. There is no additional charge to register additional fish farms. If any of the fish farms is registered as a type 2 fish farm, the applicant must pay the type 2 registration fee.

(7) APPLYING FOR A REGISTRATION CERTIFICATE. To obtain or renew a fish farm registration certificate under sub. (2), a fish farm operator shall file an application with the department. The operator shall file an application on a form provided by the department. An operator may, by filing a single application form, obtain registration certificates for 2 or more fish farms. The application shall include all of the following:

(a) The name, address and telephone number of the fish farm operator.

(b) The location of each fish farm for which the operator seeks a registration certificate. The location shall include the county, township, section number and fire number of the fish farm.

(c) For each fish farm under par. (b), a statement indicating whether the operator seeks a type 1 or type 2 registration certificate.

(d) The fee required under sub. (8).

(e) The name, address and telephone number of the individual responsible for administering each of the fish farms under par. (b) on behalf of the operator, if the individual administering that fish farm is not the operator.

(f) The species of fish hatched or kept at each fish farm under par. (b).

(g) A description of each fish farm under par. (b), including fish farm facilities and activities.

(h) A copy of each health certificate required under sub. (13) for a type 1 fish farm or under sub. (14) for a type 2 fish farm. If an operator is registering a fish farm for the first time, the department may issue a registration certificate before the operator files a health certificate, provided that the operator obtains and files the required health certificate within 30 days after the department issues the registration certificate or within 30 days after the operator stocks fish at the fish farm.

(i) Other relevant information required by the department.

Note: You may obtain a registration 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

A fish farm operator may also need certain permits from the Wisconsin department of natural resources (DNR). Contact DNR to find out about DNR permit requirements.

(8) REGISTRATION FEES. (a) Except as provided in par. (b), an operator shall pay the following annual fee to obtain registration certificates for one or more fish farms:

1. A total fee of $25 if the fish farms are all type 1 fish farms.

2. A total fee of $50 if any of the fish farms is a type 2 fish farm.

(b) The following persons are exempt from registration fees under this subsection:

1. A bona fide scientific research organization that is operating a fish farm solely for the purpose of scientific research.

2. A primary or secondary school.

3. The state of Wisconsin and its agencies.

(c) A fish farm operator shall pay the full annual registration fee for a fish farm registered for less than a full calendar year.

(d) An applicant for an annual fish farm registration certificate under sub. (2) shall pay, in addition to the annual registration fee prescribed by this subsection, a surcharge equal to the amount of that fee if the department determines that, within 365 days prior to submitting an application, the applicant operated a fish farm without a registration certificate in violation of sub. (2) or (4) (b). Payment of the surcharge does not relieve the applicant of any other civil or criminal penalty or liability that may result from the violation, nor does it constitute evidence of a violation.

(9) ACTION ON REGISTRATION APPLICATION. The department shall grant or deny a registration application within 30 days after the applicant files a complete application under sub. (7).

(10) DENYING, SUSPENDING OR REVOKING A REGISTRATION CERTIFICATE. The department may deny, suspend or revoke a fish farm registration certificate for cause, including any of the following:

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

(b) Violating applicable provisions of ch. 95, Stats., this chapter, or ch. ATCP 11.

(c) Violating the terms of the registration certificate.

(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. (11) or respond to a department subpoena.

(g) Paying a registration fee with a worthless check.

Note: The denial, suspension or revocation of a registration certificate is subject to a right of hearing under ch. 227, Stats., and ch. ATCP 1, Wis. Adm. Code. The department will not deny registration to a new owner of a fish farm merely because ownership has changed.

(11) RECORDKEEPING. (a) A fish farm operator shall keep all of the following records related to fish or fish eggs which the operator ships from or receives at the fish farm:

1. The name, address, and fish farm registration number, if any, of the person from whom the operator received, or to whom the operator delivered fish or fish eggs.

2. The date on which the operator received or delivered the fish or fish eggs.

3. The location at which the operator received or delivered the fish or fish eggs.

4. The size or class, quantity and species of fish or fish eggs received or delivered.

(b) An operator 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.

(12) FISH SOURCE. (a) No person selling or distributing fish or fish eggs may misrepresent, directly or by implication, the source or disposition of those fish or fish eggs.

(b) A person transporting fish or fish eggs from a fish farm shall have documentary evidence showing that the person obtained those fish from that fish farm. Evidence may include a bill of sale, bill of lading, import permit, health certificate, certificate of veterinary inspection or other document which identifies the fish farm.

(13) TYPE 1 FISH FARM; ANNUAL HEALTH CERTIFICATE. (a) No person may obtain a type 1 fish farm registration certificate for any calendar year beginning after December 31, 2001 unless one of the following applies:

1. An accredited veterinarian or certified fish inspector has issued a health certificate for that fish farm not earlier than January 1 of the preceding calendar year.

2. An accredited veterinarian or certified fish inspector has issued a health certificate, not earlier than January 1 of the preceding calendar year, for each fish farm from which the fish farm operator received fish or fish eggs in the preceding calendar year.

(b) Health certificates issued under par. (a) shall comply with the same requirements that apply to health certificates issued for type 2 fish farms under sub. (14).

(c) A fish farm operator shall include copies of all health certificates required under par. (a) with the operator's application for an annual fish farm registration certificate under sub. (7).

(14) TYPE 2 FISH FARM; ANNUAL HEALTH CERTIFICATE. (a) No person may obtain a type 2 fish farm registration certificate for any calendar year beginning after December 31, 2001 unless an accredited veterinarian or certified fish inspector issues a health certificate for that fish farm not earlier than January 1 of the preceding calendar year. The accredited veterinarian or certified fish inspector shall issue the health certificate 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) A health certificate under par. (a) shall certify all of the following:

1. That fish at the fish farm are free of visible signs of infectious or contagious disease.

2. That salmonids at the fish farm are free of whirling disease (*Myxobolus cerebralis*, or WD), if any salmonids are hatched or kept at the fish farm.

3. That fish at the fish farm are free of other diseases, if any, which the department specifies on the certification form.

(c) An accredited veterinarian or certified fish inspector who issues a health certificate under this subsection shall file the original certificate with the department, and shall provide at least 2 copies to the fish farm operator. A fish farm operator shall include a copy of the certificate with the operator's application for an annual fish farm registration certificate under sub. (7).

Note: A certification form which specifies disease inspection, sampling and diagnostic procedures under sub. (14) (a), or additional disease certification requirements under sub. (14) (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 has adopted 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.

Subchapter VIII — Enforcement

ATCP 10.70 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 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, January, 1994, No. 457, eff. 2–1–94; am. (1), Register, December, 1996, No. 492, eff. 1–1–97.

ATCP 10.71 Destruction or removal or 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 interstate health certificate, if a certificate is required.

(b) The animal is imported in violation of ch. ATCP 11, or in violation of any permit condition under ch. ATCP 11.

(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.

ATCP 10.72 Prohibited conduct. (1) No person may:

(a) Fail to present an animal for any required disease test.

(b) Allow the sale, movement, or disposition of an animal before any required official test result for that animal is known.

(c) Misrepresent the disease status of any animal, or of the herd from which an animal originates.

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

(e) Remove, alter, or tamper with any form of official identification or official back tag.

(f) Import manure from slaughter plants or stock yards without first obtaining a permit from the department. The department shall grant or deny a permit request within 5 days after the department receives a complete permit application.

(2) No veterinarian may fail to report any reportable disease to the department, as required by s. ATCP 10.02.

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