

Chapter ATCP 11

ANIMAL MOVEMENT

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Note: Chapter Ag 11 as it existed in December 31, 1990 was repealed and a new ch.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

Subchapter I — Definitions

ATCP 11.01 Definitions. As used in this chapter:

(1) "Accredited tuberculosis-free herd" means a herd of bovine animals, cervids 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.

Note: See s. ATCP 10.05.

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

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

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

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

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

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

(11m) "Breeder swine" means all the following:

- (a) Sexually intact swine 4 months of age or older.
- (b) Swine intended for breeding, regardless of the age of the swine.

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

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

(12m) "Brucellosis monitored herd" means a herd of cervids that is certified as a brucellosis monitored herd by one of the following:

- (a) The department under s. ATCP 10.675.
- (b) The authorized animal health agency in the state where the herd is located, under standards comparable to s. ATCP 10.675.

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

(13m) "Brucellosis test eligible animals" means cattle and bison that are at least 18 months old as evidenced by the loss of the first pair of temporary incisor teeth, and official calfhood vaccinates that are parturient or post-parturient. "Brucellosis test eligible animals" does not include any of the following:

- (a) Steers.
- (b) Spayed heifers.
- (c) Official calfhood vaccinates of the dairy cattle breeds under 20 months old.
- (d) Official calfhood vaccinates of bison or beef cattle breeds under 24 months old. For purposes of this paragraph, animals that have their first pair of fully erupted permanent incisor teeth are considered to be at least 24 months old.

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

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

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

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

(17) “Certificate of veterinary inspection” means a written certificate that complies with s. ATCP 11.02 (2).

(17m) “Certified brucellosis-free flock” means a flock of sheep that is certified as brucellosis-free by one of the following:

- (a) The department under s. ATCP 10.64.
- (b) The authorized animal health agency in the state where the flock is located, under standards comparable to s. ATCP 10.64.

(18) “Certified brucellosis-free herd” means a herd of cattle, cervids, or goats that is certified as brucellosis-free by one of the following:

- (a) The department under s. ATCP 10.14, 10.61 or 10.675.
- (b) The authorized animal health agency in the state where the herd is located, under standards comparable to s. ATCP 10.14 or 10.61.

(18m) “Cervid” means a member of the family of animals that includes deer, elk, moose, caribou, reindeer and the subfamily musk deer. “Cervid” includes all “farm-raised deer”.

(19) “Commingled” means kept or brought together with other animals in any environment which permits direct physical contact between the animals.

(20) “Communicable” means transmissible either directly or indirectly.

(21) “Contagious” means spread by contact, body secretions or fomites.

(22) “Cow” means a female bovine animal after first calving.

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

(24) “Equine animal” has the meaning given in s. 95.68 (1) (a), Stats.

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

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

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

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

(27) “Exotic ruminant” means a ruminant not indigenous to Wisconsin. “Exotic ruminant” includes llamas and other camelids, but does not include bovine animals or cervids.

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

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

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

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

(30m) “Federally approved livestock import market” means a livestock market that complies with s. ATCP 11.04.

(31) “Feeder cattle” means bovine animals, kept for the sole purpose of feeding prior to slaughter, which are not more than 18

months old as evidenced by the absence of permanent teeth, and whose sexual status is one of the following:

- (a) Non-spayed female that is not parturient or post-parturient.
- (b) Spayed heifer.
- (c) Steer.

(32) “Feeder swine” means swine that weighs 80 pounds or less and are kept for the sole purpose of feeding for slaughter.

(32m) “Feeder swine pseudorabies monitored herd” means a herd of swine which is certified as being a feeder swine pseudorabies monitored herd by one of the following:

- (a) The department under s. ATCP 10.34.
- (b) The authorized animal health agency in the state where the herd is located, under standards comparable to s. ATCP 10.34.

(33) “Flock” as applied to poultry means all poultry on a farm, except that the department may designate as a separate “flock” any group of poultry that has not been allowed to commingle with other poultry on a farm for at least 21 days.

(33m) “Flock” as applied to sheep means a commonly owned or controlled group of sheep that have at some time been commingled or allowed to commingle with other sheep in the group.

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

(35) “Hatchery” means premises used to hatch poultry or ratites. “Hatchery” includes buildings, incubators, hatchers and auxiliary equipment.

(36) “Heifer” means a female bovine animal up to first calving.

(37) “Herd” means a commonly owned or controlled group of animals, of the same species, that have at some time been commingled or allowed to commingle with other animals in the group.

(38) “Infectious” means caused by a pathogenic agent.

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

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

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

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

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

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

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

(46) “Mare” means a female equine animal over 731 days of age.

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

(49) “Mycoplasmosis” means a disease of poultry caused by bacteria of the genus *Mycoplasma*.

(50) “National poultry improvement plan” means the plan established by the federal bureau under 9 CFR 145.

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

(52) “Official backtag” means an identification backtag, approved by the federal bureau or the department, that conforms to the national uniform backtagging system.

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

(53) “Official eartag” means an identification eartag, approved by the federal bureau or the department, that conforms to the national uniform eartagging system.

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

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

- (a) The animal’s official eartag number.
- (b) The animal’s breed association tattoo.
- (c) The animal’s breed association registration number.
- (d) A registration freeze brand number which uniquely identifies the animal.
- (e) The 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 sexual status.
- (g) The microchip number of a ratite which uniquely identifies that ratite.
- (h) The leg band number of ratite which uniquely identifies that ratite.
- (i) For a swine weighing 80 pounds or less, the premises identification of the premises of origin.
- (j) Other identification approved by the department.

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

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

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

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

(58m) “Originates from a state” or “originating from a state” means coming directly from one of the following:

- (a) A state in which the animal was born and kept since birth.
- (b) A state to which the animal was moved from a state holding an equal or better federal classification for the disease in question.
- (c) A state in which the animal has been kept for at least 120 days.

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

(63) “Person” includes any individual, corporation, partnership association, limited liability company, trust, governmental entity, or other organization or entity.

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

(65) “Pseudorabies” means the contagious, infectious and communicable disease of livestock and other animals which is

caused by the pseudorabies herpes virus, and which is also known as Aujeszky’s disease, mad itch, or infectious bulbo-paralysis.

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

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

(67m) “Qualified pseudorabies negative grow-out herd” means a grow-out herd of swine that is certified by one of the following:

- (a) The department under s. ATCP 10.33.
- (b) The authorized animal health agency in the state where the herd is located, under standards comparable to s. ATCP 10.33.

(68) “Qualified pseudorabies negative herd” means a herd of swine that is certified by one of the following:

- (a) The department under s. ATCP 10.32.
- (b) The authorized animal health agency in the state where the herd is located, under standards comparable to s. ATCP 10.32.

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

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

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

(70g) “Shipped directly to a slaughtering establishment” means delivered to a slaughtering establishment within 10 days without leaving slaughter channels, except that if an animal is a brucellosis, tuberculosis, pseudorabies, chronic wasting disease or scrapie reactor, “shipped directly to a slaughtering establishment” means delivered to a slaughtering establishment without being off-loaded at any other location in this state.

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

(71) “Slaughtering establishment” means a slaughtering establishment that 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.

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

(72) “Sow” means a sexually mature female swine.

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

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

(75) “Steer” means a castrated male bovine animal.

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

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

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

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

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

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

- (a) The department under s. ATCP 10.67.
- (b) The authorized animal health agency of the state where the herd is located, using standards comparable to those under s. ATCP 10.67.

(80p) “Tuberculosis non–modified accredited state” means a state or area that the federal bureau has classified as a bovine tuberculosis non–modified accredited state or a state or area in which bovine tuberculosis is present in at least 0.01 percent but not more than 0.1 percent of the total number of herds or cattle and bison in the state.

(80r) “Tuberculosis qualified herd” means a herd of cervids that is certified as a tuberculosis qualified herd by one of the following:

- (a) The department under s. ATCP 10.67.
- (b) The authorized animal health agency of the state where the herd is located, using standards comparable to those under s. ATCP 10.67.

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

- (a) A caudal fold tuberculin test or a comparative cervical tuberculin test for bovine animals.
- (b) A single cervical tuberculin test or a comparative cervical tuberculin test for cervids.
- (c) An axillary tuberculosis test for exotic ruminants or south american camelidae.

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

(82m) “USDA” means the United States department of agriculture.

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

- (a) The department under s. ATCP 10.36.
- (b) The authorized animal health agency of the state where the herd is located, under standards comparable to s. ATCP 10.36.

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

(84m) “Wisconsin certified veterinarian” means a veterinarian certified under s. ATCP 10.05.

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

History: Cr. Register, December, 1990, No. 420, eff. 1–1–91; emerg. cr. (18j), (18m), (20m) and (70m), eff. 3–18–91; cr. (18j), (18m), (20m), (70m) and (85), am. (27), Register, November, 1991, No. 431, eff. 12–1–91; am. (27), r. and recr. (58), cr. (58m), Register, September, 1993, No. 453, eff. 10–1–93; cr. (24p) and (24q), Register, January, 1994, No. 457, eff. 2–1–94; am. (25), (42), (44), (45), (64), renum. (54) (d) to be (54) (i), cr. (54) (d) to (h), (69m), Register, March, 1995, No. 471, eff. 4–1–95; am. (1), (41), cr. (8m), (16m), (71m), (80m), (80r), r. and recr. (13), (20m), (70m), (81), r. (18j), (40), Register, February, 1996, No. 482, eff. 3–1–96; emerg. cr. (40), eff. 6–3–96; am. (18m), (41), cr. (29m), (40), (40e), Register, December, 1996, No. 492, eff. 1–1–97; r. (60), Register, September, 1999, No. 525, eff. 7–1–00; emerg. cr. (11m), eff. 5–25–00; am. (1) (intro.), (7), (17), (18), (18m), (24), (27), (29m), (32), (35), (49), (50), (52), (53), (54) (e), (f) 2., (63), (68), (71), (80m), (80r), (83) and (85), r. (3) to (5), (8), (20m), (39), (47), (61) and (62), r. and recr. (33), (37) and (81) (b), renum. (54) (i) to be (54) (j), cr. (11m), (12m), (13m), (17m), (30m), (32m), (33m), (54) (i), (67m), (70g), (82m) and (84m), Register, November, 2000, No. 539, eff. 12–1–00; cr. (80p), Register, April, 2001, No. 544, eff. 5–1–01.

Subchapter II — General Provisions

ATCP 11.02 Certificate of veterinary inspection.

(1) CERTIFICATE REQUIRED FOR IMPORT. No person may import

any of the following animals into this state unless the animal is accompanied by a valid certificate of veterinary inspection:

- (a) Bovine animals, except as provided under s. ATCP 11.11
- (1) (b).
- (b) Swine, except as provided under s. ATCP 11.20 (1) (b).
- (c) Equine animals, except as provided under s. ATCP 11.30 (1).
- (d) Poultry.
- (e) Sheep.
- (f) Goats.
- (g) Dogs or domestic cats.
- (h) Circus, rodeo, racing or menagerie animals.
- (i) Exotic ruminants and South American camelids
- (j) Cervids.
- (k) Ratites, except ratites imported directly from a federal quarantine facility.

(2) WHO MAY ISSUE. An accredited veterinarian shall prepare and sign a certificate of veterinary inspection, except that a Wisconsin certified veterinarian shall prepare and sign a certificate issued in Wisconsin.

(3) FORM. (a) A certificate of veterinary inspection shall be issued on a form provided by the department, the federal bureau or the state in which the certificate is issued. A certificate issued in this state shall be issued on a form provided by the department.

Note: A certificate of veterinary inspection issued in another state for fish imported to this state must also be issued on a form provided by the department. See ATCP 11.58 (15).

(b) A veterinarian may obtain a certificate of veterinary inspection form from the department. The department shall charge a fee of \$3 for each form provided.

Note: Veterinarians may obtain certificate forms and pay fees 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
 Fax: (608) 224–4871

(4) CONTENTS. A certificate of veterinary inspection shall include all the following:

(a) Identification of each animal covered by the certificate. Official individual identification is required for bovine animals, swine, equine animals, sheep 6 months of age or older, goats, ratites and cervids. Except as provided under s. ATCP 11.03, official individual identification is not required for any of the following if the certificate clearly identifies the shipment destination and the number of animals included in the shipment:

- 1. Poultry.
- 2. Veal calves or steers originating from a brucellosis–free state or nation, or a brucellosis class A state, unless official individual identification is required under s. ATCP 11.11(5)(a)1.d.

- (b) The species, breed, sex and age of the animal.
- (c) The name and address of the person shipping the animal, and the location from which the animal is shipped.
- (d) The name and address of the person receiving the animal, and the location at which the animal will be received.
- (e) Any information required under this chapter for the import or movement of the animal.

Note: This chapter requires additional information for the import or movement of certain animals. Required information may include, for example, information related to herd or flock of origin, animal vaccination status or diagnostic test results. The department may also require additional information under s. ATCP 11.03.

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

(g) The following statement, or one substantially similar:

“I certify, as a veterinarian, that I have inspected the animals identified on this certificate and that the animals are not

showing signs of contagious or infectious disease, except where noted. Vaccinations and test results are as indicated on the certificate. To the best of my knowledge, the animals identified on this certificate meet applicable federal and state of destination requirements."

(h) The veterinarian's signature and date of signature.

(5) CERTIFICATE VALID FOR 30 DAYS. (a) Except as provided under par. (b) or s. ATCP 11.03, a certificate of veterinary inspection is valid for 30 days.

(b) Except as provided in s. ATCP 11.03, a certificate of veterinary inspection is valid for 90 days if all the following apply:

1. A veterinarian issues the certificate for the interstate movement of an animal solely for exhibition at a livestock fair, exhibition or show.

2. The animal returns to its herd of origin after being exhibited.

(6) FILING COPIES OF CERTIFICATE. (a) If this chapter requires a certificate of veterinary inspection to accompany animals imported to this state, the veterinarian who signs the certificate shall also file copies with the department and the chief livestock health official in the state of origin. The veterinarian shall file the copies within 7 days after the import shipment date.

(b) Whenever a Wisconsin certified veterinarian issues a certificate of veterinary inspection for export or intrastate movement of Wisconsin animals, the veterinarian shall file a copy of the certificate with the department within 7 days after the export or intrastate movement. If the animals are being exported, the veterinarian shall also file a copy of the certificate with the chief livestock health official of the state of destination.

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

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

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

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

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; emerg. am. (1) (a) (intro.) and (3) (i), eff. 3-18-91; am. (1) (a) (intro.), cr. (3) (j), Register, November, 1991, No. 431, eff. 12-1-91; am. (3) (g), Register, September, 1993, No. 453, eff. 10-1-93; am. (1) (a) (intro.), (e), (4) (a), (5) (b), cr. (3) (k), Register, March, 1995, No. 471, eff. 4-1-95; am. (1) (a) 2., (3) (i), (4) (b), cr. (6), Register, February, 1996, No. 482, eff. 3-1-96; emerg. cr. (1) (em), eff. 6-3-96; cr. (1) (em), am. (5) (b), Register, December, 1996, No. 492, eff. 1-1-97; cr. (2m), Register, May, 1999, No. 521, eff. 6-1-99; r. and recr. Register, November, 2000, No. 539, eff. 12-1-00; am. (4) (a) 2., Register, April, 2001, No. 544, eff. 5-1-01.

ATCP 11.03 Import restrictions. (1) GENERAL. (a) Persons importing animals to this state shall comply with applicable import requirements under this chapter and chs. ATCP 10 and 12.

(b) The state veterinarian may by written notice or by oral notice confirmed in writing, direct a person to comply with additional import requirements if the state veterinarian determines, based on an epidemiological evaluation of current disease risks in the herd, state or nation of origin, that those additional requirements are needed to prevent the spread of disease to this state.

Note: Whenever the state veterinarian imposes additional import requirements under par. (b), the department will determine whether those import requirements have general application. If the requirements have general application, the department will adopt an emergency rule and promulgate a permanent rule adopting the requirements. If the import requirements do not have general application, the requirements constitute an order under s. 93.07 (10), Stats., and are reviewable in a contested case proceeding under ch. 227, Stats., and ch. ATCP 1. Whenever an additional import requirement affects an entire state or a substantial portion of a state, the department will notify the chief animal health officer in the affected state.

(c) No person who receives a notice of an additional import requirement under par. (b) may import an animal in violation of the additional import requirement.

(2) IMPORT PERMIT. (a) No person may import an animal to this state without first obtaining a written import permit from the department if a written permit is required by this chapter or chs. ATCP 10 or 12.

(b) The department may issue a written permit in paper or electronic form. The department shall include a permit number on each written permit.

(c) The department shall grant or deny the permit within 30 days after the department received a complete permit application.

(d) An importer, or an accredited veterinarian acting on behalf of an importer, may apply for a permit in any of the following ways:

1. By telephone at (608) 224-4879.

2. By writing to 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

(e) A permit application under par. (d) shall include all the following information:

1. The name, address and telephone number of the importer.

If an accredited veterinarian applies on behalf of an importer, the veterinarian shall also disclose his or her name, address and telephone number.

2. The name and address of the import recipient.

3. The type of animal being imported.

4. The number of animals being imported.

5. The state or nation from which the animals are being imported.

6. Any other information required by the department.

(f) The department may accept the information under par. (e) by telephone or other oral communications, or may require the applicant to submit the information in writing. The department may accept written information in hard copy or electronic form.

(g) An import permit expires 30 days after it is issued, unless the department specifies a different expiration date on the import permit.

(3) WRITTEN PERMIT WAIVING IMPORT REQUIREMENTS. (a) The state veterinarian may issue a written import permit that waives import requirements for a single import shipment if the state veterinarian determines that special conditions justify the waiver.

(b) A permit under par. (a) shall identify the import shipment, the import requirements waived, and the special conditions that justify the waiver. The permit may specify alternative import requirements that the state veterinarian deems necessary.

(c) A person applying for an import permit under par. (a) shall apply in writing. The application shall include all the information

required under sub. (2) (e), and shall explain the special conditions that justify the permit.

(4) **PERMIT RECORDS.** The department shall keep, for at least 5 years, a record of every permit issued under this section.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; r. and recr. Register, November, 2000, No. 539, eff. 12-1-00.

ATCP 11.04 Federally approved livestock import markets. (1) **APPROVAL REQUIRED.** A livestock market is a federally approved livestock import market, for purposes of this chapter, if all the following apply:

- (a) The livestock market is licensed under s. ATCP 12.02.
- (b) The livestock market operator has a current agreement with the federal bureau under 9 CFR 71.20.
- (c) The department has authorized the livestock market to receive animal import shipments as a federally approved livestock import market under this chapter.
- (d) The livestock market operates in compliance with this section.

(2) **RECEIVING ANIMALS AT A FEDERALLY APPROVED LIVESTOCK IMPORT MARKET.** Animals of a type identified in a federal livestock market agreement under sub. (1) (b) may be imported to that market without meeting import requirements under this chapter, provided that the animals are imported in compliance with 9 CFR 71, 78 and 85 and the agreement under sub. (1) (b).

(3) **REMOVING ANIMALS FROM A FEDERALLY APPROVED LIVESTOCK IMPORT MARKET.** The operator of a federally approved livestock import market may not release any animal from that market to a Wisconsin destination unless the animal meets all applicable import requirements under this chapter.

(4) **RECORDS.** The operator of a federally approved livestock import market shall keep all records required by this chapter, ch. ATCP 12 and 9 CFR 71.20. The operator shall keep the records for at least 5 years, and shall make them available to the department for inspection and copying upon request.

History: Cr. Register, November, 2000, No. 539, eff. 12-1-00.

Subchapter III — Bovine Animals

ATCP 11.10 Identification of bovine animals.

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

- 1. Vaccinates, identifies or tests a bovine animal in order to complete a certificate of veterinary inspection or any other official document or certification related to that animal.
- 2. Tests a bovine animal for any disease listed under s. ATCP 10.03.

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

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

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

(2) **IDENTIFYING OFFICIAL BRUCELLOSIS VACCINATES.** A veterinarian who vaccinates a bovine animal for brucellosis shall identify

the animal in compliance with the USDA brucellosis eradication uniform methods and rules dated February 1, 1998.

Note: Copies of the USDA brucellosis eradication uniform methods and rules dated February 1, 1998 (APHIS publication 91-45-011) are on file with the department, the secretary of state and the revisor of the statutes. Copies may be obtained from:

Wisconsin Department of Agriculture, Trade and Consumer Protection
 Division of Animal Health
 P.O. Box 8911
 Madison, WI 53708-8911

(3) **REACTOR IDENTIFICATION.** (a) Tuberculosis reactors shall be identified according to s. ATCP 10.16.

(b) Brucellosis reactors shall be identified according to s. ATCP 10.36.

(c) Paratuberculosis reactors shall be identified according to s. ATCP 10.21.

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

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

- 1. The number of each official backtag applied to a bovine animal. If a bovine animal is already backtagged at the time of receipt, the person receiving the animal shall record that official backtag number.
- 2. The date on which each bovine animal was received and identified under this subsection.
- 3. The name and address of the person from whom the bovine animal was received.
- 4. Whether the animal was of a beef or dairy breed. If the animal is a beef and dairy crossbreed, it shall be classified as a beef breed.

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

(d) *Records kept and made available.* Records under pars. (b) and (c) shall be kept for a period of 5 years, and shall be made available to the department for inspection and copying upon request.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1) (b) 1., (4) (b) 4 and (c), Register, September, 1, 1993, No. 453, eff. 10-1-93; r. and recr. (1) (a), Register, February, 1996, No. 482, eff. 3-1-96; emerg. am. (3) (a), eff. 6-3-96; am. (3) (a), Register, December, 1996, No. 492, eff. 1-1-97; cr. (3) (c), Register, September, 1999, No. 525, eff. 7-1-00; am. (1) (a) 1. and (4) (d), r. and recr. (2) and (3), Register, November, 2000, No. 539, eff. 12-1-00.

ATCP 11.11 Bovine animals; import. (1) **CERTIFICATE OF VETERINARY INSPECTION.** (a) *Requirement.* Except as provided in par. (b), no person may import a bovine animal into this state unless the animal is accompanied by a valid certificate of veterinary inspection. The certificate shall comply with s. ATCP 11.02 and shall include the following information:

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

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

3. The written import permit number, if a written import permit is required under sub. (3) or (5).

4. A report of a negative tuberculosis test conducted not more than 60 days before the animal enters this state, unless the animal is exempt from the tuberculosis testing requirement under sub. (4) (b).

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

6. Any other information required under this section.

(b) *Exemptions.* A certificate of veterinary inspection is not required under par. (a) for any of the following:

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

2. An animal imported directly to a federally approved live-stock import market under s. ATCP 11.04.

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

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

(b) *Exemptions.* Paragraph (a) does not require a pre-import brucellosis test for any of the following animals:

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

2. An animal originating from a brucellosis-free state or nation, unless testing is required under s. ATCP 11.03 (1) (b).

3. An animal originating from a certified brucellosis-free herd.

4. An animal imported directly to a federally approved live-stock import market under s. ATCP 11.04.

5. A steer or official spayed heifer.

6. A calf under 6 months old originating from a brucellosis class A state.

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

8. Feeder cattle originating from a brucellosis class A state that are imported directly to an approved feedlot.

(c) *Exhibition animals; extended time for pre-import test.* An animal may be tested for brucellosis up to 90 days before the animal enters this state if all the following apply:

1. The animal originates from a brucellosis class A state.

2. The animal is imported solely for exhibition at a fair or live-stock exhibition.

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

(d) *Test method.* A laboratory approved by the department or the federal bureau shall conduct a brucellosis test under par. (a). The laboratory shall conduct the test using the tube, plate, or buffered acidified plate antigen (BAPA) test method, or another test method approved by the department.

(3) **IMPORT FROM BRUCELLOSIS CLASS B OR C STATES.** (a) *Written authorization required.* Except as provided in par. (b), no person may import a bovine animal originating from a brucellosis

class B or C state unless the department first issues a written permit under s. ATCP 11.03 authorizing that import shipment.

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

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

2. An animal originating from a certified brucellosis-free herd.

3. A steer or official spayed heifer.

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

(b) *Exemptions.* Paragraph (a) does not require a pre-import tuberculosis test for any of the following:

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

2. An animal imported directly to a federally approved live-stock import market under appropriate documents required by the federal bureau.

3. Feeder cattle imported directly to an approved feedlot.

4. A calf under 6 months old.

5. An animal originating from an accredited tuberculosis-free state or nation, provided that Wisconsin animals may be shipped to that state or nation without a prior tuberculosis test, unless testing is required under s. ATCP 11.03 (1) (b).

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

(c) *Exhibition animals; extended time for pre-import test.* An animal may be tested for tuberculosis up to 90 days before the animal enters this state if all the following apply:

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

2. The animal is imported solely for exhibition at a fair or live-stock exhibition.

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

(5) **IMPORTS FROM TUBERCULOSIS NON-MODIFIED ACCREDITED STATES.** (a) *Pre-import requirements.* No person may import to this state any bovine animal that originates from a tuberculosis non-modified accredited state unless all the following apply:

1. The animal is accompanied by a valid certificate of veterinary inspection that complies with ss. ATCP 11.02 and 11.11(1). The certificate shall include all the following information:

a. The identification number of the import permit required under subd. 2.

b. The whole herd tuberculosis test result required under subd. 3.

c. The individual test result required under subd. 4.

d. The official individual identification number of the imported animal.

2. The department issues an import permit under s. ATCP 11.03(2).

3. The animal originates from a herd that has tested negative on a whole herd tuberculosis test, conducted within 12 months prior to the import date, that included every animal 12 months of age or older in the herd. An imported veal calf need not originate from a tested herd if all the following apply:

a. The veal calf is less than 30 days old on the import date.

b. The veal calf is imported solely for feeding prior to slaughter.

c. The veal calf is confined to the premises at which it is first received in this state, until it is shipped to slaughter. The veal calf, when shipped to slaughter, shall be accompanied by a completed United States department of agriculture form VS1-27.

Note: The United States department of agriculture form VS1-27 is a form which permits the movement of restricted animals and must be obtained from a certified veterinarian.

4. The animal has tested negative on a tuberculosis test conducted within 60 days prior to the import date.

Note: U.S. department of agriculture rules for interstate shipment of animals may specify a different time period for tuberculosis testing prior to interstate shipment. An importer must comply with USDA rules; however, compliance with USDA rules does not excuse a violation of subd. 4.

(b) *Post-import testing.* The owner of a bovine animal imported to this state from a non-modified accredited state shall have the animal tested for tuberculosis not less than 60 days nor more than 90 days after it is imported. This testing requirement does not apply to feeder cattle imported for feeding prior to slaughter if all the following apply:

1. The feeder cattle are confined to the premises at which they are first received in this state, until they are shipped to slaughter.

2. The feeder cattle, when shipped to slaughter, are accompanied by a completed United States department of agriculture form VS1-27.

Note: The United States department of agriculture form VS1-27 is a form which permits the movement of restricted animals and must be obtained from a certified veterinarian.

(c) *Post-import confinement.* Bovine animals imported from a non-modified accredited state may not be removed from the premises at which they are first received in this state unless one of the following applies:

1. The animals test negative for tuberculosis under par. (b).

2. The animals are shipped directly from the premises to a slaughtering establishment for slaughter.

3. The animals were imported directly to a show or exhibition in this state, and are returned directly from that show or exhibition to their state of origin.

(d) *Exemption.* This subsection does not apply to animals that are imported directly to a slaughtering establishment for slaughter.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (2) (b) 1., (3) (b) 2 and 6, (4) (d) 4, and 5, and (6) (d), cr. (2) (b) 7., (4) (d) 6., (6) (b) 7. and (e), Register, September, 1993, No. 453, eff. 10-1-93; am. (3) (b) 6., Register, March, 1995, No. 471, eff. 4-1-95; am. (1) (a) 1., (c) 2. and 3., (3) (b) 2. and 5. to 9., (c) 1., (5) (b) 5. to 7., (c) 1., r. (1) (a) 2., (2), (6) (b) 5., Register, February, 1996, No. 482, eff. 3-1-96; r. and recr. Register, November, 2000, No. 539, eff. 12-1-00; correction in (1) (a) 3. made under s. 13.93 (2m) (b) 7., Stats., Register, November, 2000, No. 539; am. (1) (a) 3., cr. (5), Register, April, 2001, No. 544, eff. 5-1-01; **correction in (1) (a) 3. made under s. 13.93 (2m) (b) 7., Stats., Register, May, 2001, No. 545.**

ATCP 11.12 Reactor and suspect animals; import restricted. (1) BRUCELLOSIS REACTORS; IMPORT RESTRICTED. No person may import a brucellosis reactor into this state, except that a reactor originating from an adjacent state may be imported directly to a slaughtering establishment for slaughter if all the following apply:

(a) The department first issues a written import permit under s. ATCP 11.03 that identifies the animal as a brucellosis reactor imported for slaughter.

(b) Brucellosis reactors from this state may be imported to that adjacent state for slaughter under equivalent terms and conditions.

(2) TUBERCULOSIS SUSPECTS AND REACTORS; IMPORT RESTRICTED. (a) *Tuberculosis reactors.* No person may import a tuberculosis reactor into this state, except that a tuberculosis reactor may be imported directly to a slaughtering establishment for slaughter if the department first issues a written import permit under s. ATCP 11.03 that identifies the animal as a tuberculosis reactor imported for slaughter.

(c) *Tuberculosis suspects.* No person may import a tuberculosis suspect into this state until the suspect status is resolved, except that a tuberculosis suspect may be imported directly to a slaughtering establishment for slaughter if the department first issues a

written import permit under s. ATCP 11.03 that identifies the animal as a tuberculosis suspect imported for slaughter.

(3) PARATUBERCULOSIS REACTORS; IMPORT. No person may import to this state a bovine animal determined to be a paratuberculosis reactor under s. ATCP 10.21 (9) unless an accredited veterinarian first identifies that reactor with a permanent paratuberculosis reactor identification approved by the department.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; r. and recr. Register, November, 2000, No. 539, eff. 12-1-00.

ATCP 11.13 Approved veal lot. History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1), Register, March, 1995, No. 471, eff. 4-1-95; r. Register, November, 2000, No. 539, eff. 12-1-00.

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

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

(2) PERMIT APPLICATION. To obtain an approved feedlot permit, a feedlot operator shall submit an application on a form provided by the department. The application shall identify the location of the feedlot by county, township and section, and shall include other relevant information required by the department. The application shall be accompanied by a fee of \$75. The department shall grant or deny a permit application within 30 days after a complete application is filed with the department.

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

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

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

(c) The feedlot shall be devoid of vegetation.

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

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

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

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

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

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

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; cr. (3) (d), am. (5) (a) and (b), Register, September, 1993, No. 453, eff. 10-1-93; am. (1), (2), Register, March, 1995, No. 471, eff. 4-1-95; am. (2), Register, May, 1999, No. 521, eff. 6-1-99; am. (1), (3) (c), (d), (4), (5) (intro.) and (b), Register, November, 2000, No. 539, eff. 12-1-00.

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

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

ATCP 11.16 Intrastate movement of bovine animals; brucellosis test.
History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1), (2) (g), Register, March, 1995, No. 471, eff. 4-1-95; cr. (2) (L), Register, February, 1996, No. 482, eff. 3-1-96; r. Register, November, 2000, No. 539, eff. 12-1-00.

ATCP 11.17 Intrastate movement of bovine animals; paratuberculosis reactors. Intrastate movement of bovine animals; paratuberculosis reactors. No person may sell or move, from a location in this state, a bovine animal determined to be a paratuberculosis reactor under s. ATCP 10.21 (9) unless a Wisconsin certified veterinarian first identifies that reactor with a permanent paratuberculosis reactor identification approved by the department.

History: Cr. Register, September, 1999, No. 525, eff. 7-1-00; am. Register, November, 2000, No. 539, eff. 12-1-00.

Subchapter IV — Swine

ATCP 11.20 Swine; import. (1) CERTIFICATE OF VETERINARY INSPECTION. (a) *Requirement.* Except as provided in par. (b), no person may import a swine into this state unless the swine is accompanied by a valid certificate of veterinary inspection. The certificate shall comply with s. ATCP 11.02 and shall include all the following information:

1. The official individual identification of the swine.

Note: A person may use, as the "official individual identification" of feeder swine, the premises identification of the premises where the feeder swine originated. See s. ATCP 11.01 (54) (i).

2. The import permit number if an import permit is required under sub. (2).

3. If sub. (5) (a) applies, a statement certifying that no pseudorabies vaccine has been used on the swine.

4. If sub. (3) (a) applies, the identification number of the pseudorabies qualified negative herd or pseudorabies qualified negative grow-out herd from which the swine originates, and the date of the last herd qualifying test.

5. If sub. (4) (a) applies, a report of a negative brucellosis test conducted not more than 30 days before the swine enters this state.

6. Any other information required under this section.

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

1. Swine imported directly to a slaughtering establishment for slaughter.

2. Swine imported directly to a federally approved livestock import market.

3. Micro pigs imported directly to a laboratory pursuant to a written import permit under sub. (9).

(c) *Prompt delivery to department.* Within 24 hours after a veterinarian issues a certificate of veterinary inspection for swine that are being imported from a pseudorabies stage I, II or III state to this state, the veterinarian shall deliver a copy of that certificate to the department. The veterinarian may deliver the certificate by fax or other electronic transmission.

(2) **IMPORT PERMIT.** (a) *Requirement.* Except as provided in par. (b), no person may import any swine into this state unless the person obtains an import permit from the department. The depart-

ment may issue an import permit in writing, by telephone, or by fax or other electronic communication.

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

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

2. An animal imported directly to a federally approved livestock import market.

3. An animal originating from a pseudorabies stage IV or V state.

4. Micro pigs imported directly to a laboratory pursuant to a written import permit under sub. (9).

(c) *Permit application.* A person may apply for an import permit under par. (a) in writing, by telephone, or by fax or other electronic communication. The applicant shall identify the importer, the state from which the import shipment originates and the person receiving the import shipment in this state. If sub. (3) (a) applies, the applicant shall also provide the department with the following information:

1. The identification number of the pseudorabies qualified negative herd or pseudorabies qualified negative grow-out herd from which the swine originate.

2. The date of the last herd test that qualified the herd of origin as a pseudorabies qualified negative herd or pseudorabies qualified negative grow-out herd.

(d) *Herd Plan.* The department may not issue an import permit under par. (a) for animals originating from a pseudorabies stage I or II state unless the person receiving the import shipment has entered into a herd plan with the department.

(3) **SWINE MUST ORIGINATE FROM A PSEUDORABIES QUALIFIED NEGATIVE HERD.** (a) *Requirement.* Except as provided in par. (b), no person may import a swine into this state unless the swine originates from a pseudorabies qualified negative herd or, if the swine originates from an off-site facility, a pseudorabies qualified negative grow-out herd that qualifies on the basis of monthly testing.

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

1. Swine imported directly to a slaughtering establishment for slaughter.

2. Swine imported directly to a federally approved livestock import market.

3. Swine originating from a pseudorabies stage IV or V state.

4. Swine originating from a pseudorabies stage III state that are imported for feeding for slaughter.

5. Breeder swine or show pigs that originate from a pseudorabies stage III state and have tested negative for pseudorabies on a test conducted not more than 30 days before the swine enters this state.

6. Micro pigs imported directly to a laboratory pursuant to a written import permit under sub. (9).

(4) **BRUCELLOSIS TEST.** (a) *Requirement.* Except as provided in par. (b), no person may import a swine into this state unless the swine tests negative on a pre-import brucellosis test conducted not more than 30 days before the swine enters this state.

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

1. Swine imported directly to a slaughtering establishment for slaughter.

2. Swine imported directly to a federally approved livestock import market.

3. Swine originating from a brucellosis stage III [free] state, unless testing is required under s. ATCP 11.03 (1) (b).

4. Swine originating from a validated brucellosis-free herd.

5. Feeder swine.

6. Micro pigs imported directly to a laboratory pursuant to a written permit under sub. (9).

(5) PSEUDORABIES VACCINATES; IMPORTS PROHIBITED. (a) *Prohibition.* Except as provided in par. (b), no person may import into this state any swine that has been vaccinated for pseudorabies.

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

1. Swine imported directly to a slaughtering establishment for slaughter.
2. Micro pigs imported directly to a laboratory pursuant to a written permit under sub. (9).

(6) IMPORTED SWINE; ISOLATION AND PSEUDORABIES TESTING. (a) *Requirement.* Except as provided in par. (b), a person receiving imported swine in this state shall do all the following:

1. Isolate the imported swine from all other swine on the premises until the imported swine test negative for pseudorabies.
2. Have all the imported swine tested for pseudorabies not less than 30 days nor more than 45 days after the swine enter this state.

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

1. Swine imported directly to a slaughtering establishment for slaughter.
2. Swine imported directly to a federally approved livestock import market.
3. Swine originating from a pseudorabies stage IV or V state, unless testing is required under s. ATCP 11.03 (1) (b).
4. An import shipment of swine that includes no breeder swine or show pigs, if the person receiving that shipment tests a representative statistical sample of these swine for pseudorabies. The person shall test the statistical sample not less than 30 days nor more than 45 days after the swine enter this state. The person shall isolate all of the imported swine until the sample swine test negative for pseudorabies.

5. Micro pigs imported directly to a laboratory pursuant to a written permit under sub. (9).

(7) Slaughter swine imported from pseudorabies stage i or ii state. No person may import slaughter swine from a pseudorabies stage I or II state unless the swine are shipped in a sealed vehicle directly to a slaughter establishment, and are accompanied by a USDA permit for movement of restricted animals, form VS 1-27 or a Wisconsin import for slaughter form completed by a person approved by the department.

(8) FEEDER SWINE AND OTHER SWINE IMPORTED FROM PSEUDORABIES STAGE I OR II STATE. (a) *Separate from breeding stock.* All feeder swine and other swine that are imported for finish feeding prior to slaughter that originate from a pseudorabies stage I or II state shall at all times be kept separate from breeding stock.

(b) *Movement restricted.* No feeder swine or other swine that is imported for finish feeding prior to slaughter that originates from a pseudorabies stage I or II state may be removed from the farm at which it was received except for shipment direct to slaughter.

(c) *Commingled swine.* Swine that are shipped to a farm after being commingled with imported feeder swine or other swine that are imported for finish feeding prior to slaughter at a federally approved livestock import market are considered imported feeder swine under this subsection.

(9) LABORATORY IMPORT PERMIT. The department may issue a written import permit under s. ATCP 11.03 authorizing the import of micro pigs directly to a laboratory in this state, subject to the following conditions stated in the permit:

- (a) The laboratory shall use the micro pigs for bona fide scientific research, studies or tests.
- (b) The micro pigs shall be imported to the laboratory in a closed, biologically controlled environment that keeps the pigs biologically isolated from other swine.

(c) The micro pigs shall be confined in the laboratory so they are biologically isolated from other swine.

(d) The laboratory operator shall euthanize all of the micro pigs at the end of the study, test or experiment, and shall dispose of all carcasses in a manner that prevents biological exposure to other swine.

(10) GARBAGE-FED SWINE; IMPORT PROHIBITED. Swine fed on raw commercial garbage may not be imported into this state for slaughter or any other purpose. Swine fed on cooked commercial garbage may not be imported into this state unless the department first issues a written import permit under s. ATCP 11.03 that identifies the imported swine as swine fed on cooked commercial garbage.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; cr. (1) (b) (3), (2) (b) 6, (3) (b) 4, and 5., (4) (b) 3., (5) (b) 4. and (9), Register, September, 1993, No. 453, eff. 10-1-93; am. (2) (b) 3. and 4., cr. (5) (b) 5., Register, July, 1995, No. 475, eff. 8-1-95; emerg. r. and recr. eff. 5-25-00; r. and recr. Register, November, 2000, No. 539, eff. 12-1-00.

ATCP 11.21 Part 76 market. History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; r. Register, November, 2000, No. 539, eff. 12-1-00.

ATCP 11.22 Slaughter swine identification.

(1) IDENTIFICATION REQUIRED. Except as provided in sub. (3), a livestock trucker, livestock market operator or slaughtering establishment operator shall do all the following whenever that person receives a sow, boar or stag for slaughter, or for sale or shipment to slaughter:

(a) Identify the swine with an official swine backtag or other approved slaughter identification, unless the swine already bears an official slaughter identification.

(b) Make a record of the slaughter identification.

(2) RECORDKEEPING. (a) A record under sub. (1) (b) shall include all the following:

1. The swine's slaughter identification number.
2. The date on which the swine was received.
3. The date on which the slaughter identification was applied. If the swine already bore a slaughter identification when received, the record shall note that fact.
4. The name and address of the person from whom the swine was received.
5. The class of swine received.

(b) A person required to keep records under sub. (1) (b) shall keep those records for at least 5 years, and shall make them available to the department for inspection and copying upon request.

(3) LOW-VOLUME SLAUGHTER ESTABLISHMENTS; EXEMPTION. The department may, by written notice, exempt a slaughtering establishment from sub. (1) if all the following apply:

- (a) The slaughtering establishment receives all of its swine directly from producers.
- (b) The slaughtering establishment can identify the herd of origin of every swine slaughtered.
- (c) The slaughtering establishment slaughters not more than 100 swine per day, and operates no more than 5 days per week.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1), (2) (a) 1., Register, February, 1996, No. 482, eff. 3-1-96; r. and recr. Register, November, 2000, No. 539, eff. 12-1-00.

ATCP 11.23 Swine; intrastate movement. (1) PSEUDORABIES TEST REQUIRED. Except as provided in sub. (2), no person may move a swine within this state unless all the following apply:

(a) The swine first tests negative on a pseudorabies test conducted not more than 30 days prior to the intrastate movement.

(b) A copy of the negative test report under par. (a) accompanies the swine. The operator of a swine growth performance test station shall keep copies of pseudorabies test reports for all swine moved into or out of the test station. The test station operator shall retain the copies for a period of 5 years, and make them available to the department for inspection and copying upon request.

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

- (a) This state qualifies as a pseudorabies stage IV or V state.
- (b) The animal originates from a qualified pseudorabies negative herd or a qualified pseudorabies negative grow-out herd.
- (c) The animal is moved directly to a slaughtering establishment for slaughter.
- (d) The animal is moved to the premises of a livestock dealer or livestock market if the dealer or market operator complies with the testing requirement under par. (a) before the animal is moved from those premises.
- (e) The animal is moved between 2 premises, both of which are owned or operated by the owner of the animal.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1) (a) and (2) (a) (intro.), Register, September, 1993, No. 453, eff. 10-1-93; emerg. r. (1), am. (2) (a) 1. and (b) 1., eff. 2-1-95; r. (1), am. (2) (a) 1. and (b) 1., Register, July, 1995, No. 475, eff. 8-1-95; r. and recr. Register, November, 2000, No. 539, eff. 12-1-00.

Subchapter V — Equine Animals

ATCP 11.30 Equine animals; import. (1) CERTIFICATE OF VETERINARY INSPECTION. (a) *Requirement.* Except as provided in pars. (b) to (e), no person may import an equine animal into this state unless the animal is accompanied by a valid certificate of veterinary inspection. The certificate shall comply with s. ATCP 11.02 and shall include all the following:

1. The official individual identification of the equine animal.
2. A report of a negative test for equine infectious anemia if required by sub. (2).

(b) *Animal imported for slaughter.* Paragraph (a) does not apply to an equine animal imported directly to a slaughtering establishment for slaughter.

(c) *Animal imported to livestock market.* Paragraph (a) does not apply to an equine animal imported directly to a livestock market licensed under s. ATCP 12.02 if any of the following apply:

1. The animal is shipped directly to a slaughtering establishment, for slaughter, within 10 days after it arrives at the livestock market and before it is commingled with any equine animal that is not shipped to slaughter.
2. A Wisconsin certified veterinarian issues a certificate of veterinary inspection for the equine animal before the animal leaves the livestock market or is commingled with any other equine animal at the market. The certificate shall include a report of a negative test for equine infectious anemia if a test is required under sub. (2).

(d) *Animal imported for, or returned from, veterinary treatment.* Paragraph (a) does not apply to any of the following:

1. An equine animal that is imported directly to a veterinary facility for treatment, provided that the animal is returned to its place of origin immediately after treatment.
2. An equine animal returning to its place of origin in this state immediately after treatment in a veterinary facility outside this state.

(e) *Animal imported for trail ride, horse show or exhibition.* Paragraph (a) does not apply to an equine animal imported for a trail ride, horse show or exhibition if all the following apply:

1. Ownership does not change while the animal is in this state.
2. The animal remains in this state for no more than 7 days.
3. The animal is accompanied by a report of a negative equine infectious anemia test conducted in compliance with sub. (2).
4. The animal originates from a state that allows Wisconsin equine animals to attend trail rides, horse shows or exhibitions in that state under similar conditions.

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

1. The animal tested negative on an equine infectious anemia test conducted during the calendar year in which the animal is imported into this state.

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

(b) *Nursing foal.* Paragraph (a) does not apply to a nursing foal accompanying its dam.

(c) *Animal imported to livestock market.* Paragraph (a) does not apply to an equine animal imported directly to a livestock market licensed under s. ATCP 12.02, provided that one of the following applies:

1. The equine animal is shipped directly to a slaughtering establishment, for slaughter, within 10 days after it arrives at the livestock market and before it is commingled with any other animal that is not shipped to slaughter.

2. The livestock market operator has the animal tested for equine infectious anemia within 10 days after it arrives at the market, and obtains the test results before the animal leaves the livestock market and before it is commingled with any other equine animal at the livestock market.

(d) *Animal imported for, or returned from, veterinary treatment.* Paragraph (a) does not apply to any of the following:

1. An equine animal that is imported directly to a veterinary facility for treatment, provided that the animal is returned to its place of origin immediately after treatment.

2. An equine animal returning to its place of origin in this state immediately after treatment in a veterinary facility outside this state.

(e) *Animal imported under written permit.* The department may issue a written permit under s. ATCP 11.03, authorizing the permit holder to import an equine animal before that person obtains the results of an equine infectious anemia test under par. (a). The department shall include the following conditions in the import permit:

1. An equine infectious anemia test sample shall be collected before the animal is imported.

2. The animal shall be confined to the premises at which the animal is first received in this state until the test results are known. The animal may not be commingled with any other equine animals on the premises during that confinement period.

(3) EQUINE INFECTIOUS ANEMIA; TEST POSITIVE ANIMALS. (a) No person may import an equine animal that has tested positive for equine infectious anemia.

(b) If an equine animal tests positive for equine infectious anemia under sub. (2) (c) or (e) after it enters this state, the owner or custodian of the animal shall do one of the following:

1. Euthanize the animal on the premises where it is located.

2. Ship the animal directly to a slaughtering establishment for slaughter, with department approval under s. ATCP 10.41 (9) (b).

3. Return the animal to its state of origin, with department approval under s. ATCP 10.41 (9) (b).

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1) (a) (intro), 2. and (2) (a), Register, January, 1994, No. 457, eff. 2-1-94; am. (1) (a) 2., r. and recr. (2) (a), Register, July, 1995, No. 475, eff. 8-1-95; r. and recr. Register, November, 2000, No. 539, eff. 12-1-00.

ATCP 11.31 Equine markets. **History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91; r. Register, November, 2000, No. 539, eff. 12-1-00.

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

1. The stallion or mare is imported directly to an approved equine quarantine station in a sealed vehicle. The vehicle shall be

sealed at a federally approved quarantine station by a federally approved agent. The vehicle seal shall not be removed except by an authorized employee or agent of the department at the approved equine quarantine station.

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

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

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

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

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

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

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

(d) The name and address of the Wisconsin certified veterinarian who will perform all identification, handling, testing and treatment of equine animals at the approved equine quarantine station under procedures or protocols established under sub. (5).

(e) Other relevant information required by the department.

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

(5) **TESTING AND TREATMENT PROCEDURES; WRITTEN AGREEMENT.** Before the department issues any permit under sub. (3) for an approved equine quarantine station, the station operator and the Wisconsin certified veterinarian designated under sub. (3) (d) shall enter into a written agreement with the department. The agreement shall establish the procedures and protocols that will be used to identify, handle, test and treat equine animals quarantined at the station. The approved equine quarantine station shall be operated in compliance with the agreed procedures and protocols. The designated veterinarian shall perform the procedures and protocols, except as otherwise authorized by the department.

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

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

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

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

(b) Records under par. (a) shall be retained for at least 5 years, and shall be made available for inspection and copying by the department upon request.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (3) (c), (d), (5) and (6) (b), Register, November, 2000, No. 539, eff. 12-1-00.

ATCP 11.33 Movement sale or transfer of animals infected with equine infectious anemia. No person may knowingly move or transfer custody of an animal that has tested positive for equine infectious anemia, or that is subject to a quarantine under s. ATCP 10.41, without first obtaining a permit from the department. The department shall grant or deny a permit application within 5 days after the department receives a complete application in writing.

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

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

(a) The animal has tested negative for equine infectious anemia during the current calendar year and the official test report accompanies the animal.

(b) The sale or transfer of ownership occurs on or before January 31, the animal has tested negative for equine infectious anemia during the preceding calendar year and the official test report accompanies the animal.

(2) **EXEMPTIONS.** Subsection (1) does not apply to any of the following:

(a) A nursing foal accompanying its dam.

(b) An equine animal sold directly to a slaughtering establishment for slaughter.

(c) An equine animal consigned to a livestock market for sale directly to slaughter. If the animal is not sold to slaughter within 10 days after it is received at the market, it shall be tested immediately.

(d) An equine animal sold to a livestock market operator, provided that the livestock market operator shall either ship the animal to slaughter or have the animal tested within 10 days after purchase.

History: Cr. Register, January, 1994, No. 457, eff. 2-1-94; r. and recr. (1), Register, July, 1995, No. 475, eff. 8-1-95; r. and recr. Register, November, 2000, No. 539, eff. 12-1-00.

Subchapter VI — Poultry

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

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

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

gram, the department may approve alternative methods of certifying poultry and poultry eggs imported into this state.

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

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

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

Subchapter VII — Other Animals

ATCP 11.50 Sheep imports. No person may import a sheep into this state for any purpose except immediate slaughter unless the sheep is accompanied by a valid certificate of veterinary inspection. The certificate shall comply with s. ATCP 11.02.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. Register, November, 2000, No. 539, eff. 12-1-00.

ATCP 11.51 Goat imports. (1) No person may import a goat into this state unless the goat is accompanied by a valid certificate of veterinary inspection that complies with s. ATCP 11.02.

(2) **IMPORTS FROM TUBERCULOSIS NON-MODIFIED ACCREDITED STATES.** (a) *Pre-import requirements.* No person may import to this state any goat that originates from a tuberculosis non-modified accredited state unless all the following apply:

1. The goat is accompanied by a valid certificate of veterinary inspection that complies with s. ATCP 11.02. The certificate shall include all the following information:

- a. The identification number of the import permit required under subd. 2.
- b. The whole herd tuberculosis test result required under subd. 3.
- c. The individual test result required under subd. 4.

2. The department issues an import permit under s. ATCP 11.03(2).

3. The goat originates from a herd that has tested negative on a whole herd tuberculosis test conducted within 12 months prior to the import date. The whole herd test shall include every animal 12 months of age or older in the herd.

4. The goat has tested negative on a tuberculosis test conducted within 60 days prior to the import date.

Note: U.S. department of agriculture rules for interstate shipment of animals may specify a different time period for tuberculosis testing prior to interstate shipment. An importer must comply with USDA rules; however, compliance with USDA rules does not excuse a violation of subd. 4.

(b) *Post-import testing.* The owner of a goat imported from a tuberculosis non-modified accredited state shall have the goat tested for tuberculosis not less than 60 days nor more than 90 days after it is imported.

(c) *Post-import confinement.* Goats imported from a non-modified accredited state may not be removed from the premises at which they are first received in this state unless one of the following applies:

1. The goats test negative for tuberculosis under par. (b).
2. The goats are shipped directly from the premises to a slaughtering establishment for slaughter.
3. The goats were imported directly to a show or exhibition in this state, and are returned directly from that show or exhibition to their state of origin.

(d) *Exemption.* This subsection does not apply to goats that are imported directly to a slaughtering establishment for slaughter.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. Register, November, 2000, No. 539, eff. 12-1-00; renum. ATCP 11.51 to be ATCP 11.51 (1), cr. (2), Register, April, 2001, No. 544, eff. 5-1-01.

ATCP 11.52 Dogs and domestic cats; imports. No person may import any dog or domestic cat into this state unless it is accompanied by a valid certificate of veterinary inspection.

The certificate shall comply with s. ATCP 11.02, and shall indicate whether the dog or cat has been vaccinated for rabies by a licensed veterinarian, the date of the last vaccination, and the date on which the dog or cat is due for revaccination. If the dog or cat has not been vaccinated by a licensed veterinarian, or if the dog or cat is due for revaccination when it enters this state, the owner shall have the dog or cat vaccinated by a licensed veterinarian within 30 days after the dog or cat enters this state, or within 30 days after the dog or cat reaches 4 months of age, whichever occurs later. Vaccinations shall comply with age and time standards and label instructions approved by the federal bureau for the type of vaccine used.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. Register, September, 1993, No. 453, eff. 10-1-93; am. Register, November, 2000, No. 539, eff. 12-1-00.

ATCP 11.53 Circus, rodeo, racing and menagerie animals; importation. (1) PERMIT REQUIRED. Except as provided in sub. (3), no person may import any circus, rodeo, racing or menagerie animal into this state without a written permit from the department under s. ATCP 11.03.

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

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

(b) Every brucellosis test eligible bovine animal shall have a negative brucellosis test conducted within 30 days prior to entry.

(c) Every equine animal shall be tested and found negative for equine infectious anemia within the current calendar year, except if the equine animal is imported before January 31, the equine animal shall have tested negative for equine infectious anemia within the preceding calendar year.

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

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

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

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; emerg. cr. (2) (cm), eff. 3-18-91; cr. (2) (cm), Register, November, 1991, No. 431, eff. 12-1-91; am. (1), cr. (3), Register, September, 1993, No. 453, eff. 10-1-93; am. (2) (cm), Register, February, 1996, No. 482, eff. 3-1-96; r. and recr. (1), am. (2) (a) to (c), r. (2) (e), Register, November, 2000, No. 539, eff. 12-1-00.

ATCP 11.54 Exotic ruminants; import. (1) CERTIFICATE OF VETERINARY INSPECTION. No person may import an exotic ruminant into this state unless the animal is accompanied by a valid certificate of veterinary inspection. The certificate shall comply with s. ATCP 11.02, and shall include the following information:

- (a) The permit number of the permit obtained under sub. (2).
- (b) A report of a negative tuberculosis test under sub. (3).
- (c) A report of a negative brucellosis test under sub. (4).

(2) **IMPORT PERMIT.** No person may import an exotic ruminant into this state without a written import permit under s. ATCP 11.03.

(3) **TUBERCULOSIS TEST REQUIRED.** (a) Except as provided under par. (b), no person may import an exotic ruminant into this state unless the animal tests negative on a tuberculosis test that is approved by the department, and is conducted not more than 60 days prior to the import date. The person who imports an exotic ruminant shall contact the department and obtain a list of specific tests approved for the species to be imported.

Note: A person may obtain a list of approved tests for a specific species 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

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

(c) The veterinarian performing a tuberculosis test under par. (a) or (b) shall be one of the following:

1. An accredited veterinarian, except that a test performed in this state shall be performed by a Wisconsin certified veterinarian.
2. An employee of the department or the federal bureau.

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

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

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1), Register, March, 1995, No. 471, eff. 4-1-95; renum. (1) to be (1) (intro.) and am., cr. (1) (a) to (c), (3), (4), am. (2), Register, February, 1996, No. 482, eff. 3-1-96; am. (1) (intro.), (2) and (4), r. and recr. (3), Register, November, 2000, No. 539, eff. 12-1-00.

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

1. An official eartag, conforming to the national uniform eartagging system, which is inserted in the cervid's right ear.
2. Another form of official individual identification which the department approves in writing.

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

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

1. Vaccinates, identifies or tests a cervid in order to complete an interstate health certificate, certificate of veterinary inspection, or other official document or certification related to that cervid.
2. Tests a cervid for any disease listed under s. ATCP 10.03.

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

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

(d) *Livestock dealer or livestock market operator required to identify farm-raised deer.* 1. Whenever a livestock dealer or livestock market operator receives any farm-raised deer, the livestock dealer or livestock market operator shall immediately identify that farm-raised deer with an official eartag or other official individual

identification unless the deer already bears an official individual identification or is backtagged for slaughter under sub. (2).

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

(2) FARM-RAISED DEER; SLAUGHTER IDENTIFICATION. (a) *Identification required.* Whenever a livestock trucker, livestock dealer, livestock market operator or slaughtering establishment operator receives any farm-raised deer for slaughter, or for sale or shipment to slaughter, that recipient shall immediately identify that farm-raised deer with an official backtag or other approved slaughter identification unless the farm-raised deer already bears an official slaughter identification.

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

1. The number of the official slaughter identification under par. (a) which that recipient applied to that deer at the time of receipt, or which that deer bore at the time of receipt.
2. The date on which that recipient received that deer.
3. The name and address of the person from whom that recipient received that deer.

(c) *Records retained for at least 5 years; inspection and copying.* A person required to keep records under par. (b) shall do all of the following:

1. Retain those records for at least 5 years after the records are made.
2. Make those records available to the department, upon request, for inspection and copying.

(3) TUBERCULOSIS REACTOR. Whenever the department classifies a cervid as a tuberculosis reactor, the owner of the cervid shall take the actions required under s. ATCP 10.66 (7).

History: Emerg. cr., 11.545, eff. 6-3-96; cr. Register, December, 1996, No. 492, eff. 1-1-97; am. (2) (a), (b) 1. and (c), r. and recr. (3), Register, November, 2000, No. 539, eff. 12-1-00.

ATCP 11.55 Cervids import requirements. (1) **CERTIFICATE OF VETERINARY INSPECTION REQUIRED.** No person may import a cervid into this state unless the cervid is accompanied by a valid certificate of veterinary inspection. The certificate shall comply with s. ATCP 11.02 and shall include the following information:

- (a) A report of negative tuberculosis tests under sub. (2).
- (b) The permit number of the import permit under sub. (4).
- (c) A report of a negative pre-import brucellosis test conducted not more than 30 days before the cervid enters this state.

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

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

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

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

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

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

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

4. A cervid originating from a tuberculosis qualified herd, provided that the cervid is accompanied by a certificate of veterinary inspection that includes the source herd number, the date on which the source herd was last tested for tuberculosis, and a certification that the imported cervid tested negative on a tuberculosis test under par. (a) 1. not more than 90 days before the cervid was imported into this state.

5. A cervid originating from a tuberculosis monitored herd, provided that the cervid is accompanied by a certificate of veterinary inspection that includes the source herd number, the date on which the source herd was first certified as a tuberculosis monitored herd, the most recent date on which the source herd was recertified as a tuberculosis monitored herd, and certification that the imported cervid tested negative on a tuberculosis test under par. (a) 1. not more than 90 days before the cervid was imported into this state.

(c) *Blood tuberculosis test does not qualify.* A blood tuberculosis test (BTB test) does not qualify as a pre-import tuberculosis test under this subsection.

(3) ANIMAL FROM SUSPECT HERD MAY NOT BE IMPORTED. No cervid may be imported to this state from a herd of origin in which any animal is classified as a tuberculosis suspect until the suspect status has been resolved. This paragraph does not apply to a cervid imported directly to a slaughtering establishment for slaughter.

(4) IMPORT PERMIT REQUIRED. No person may import a cervid into this state without a written import permit under s. ATCP 11.03.

(5) IMPORTS FROM TUBERCULOSIS NON-MODIFIED ACCREDITED STATES. (a) *Pre-import requirements.* No person may import to this state any cervid that originates from a tuberculosis non-modified accredited state unless all the following apply:

1. The cervid is accompanied by a valid certificate of veterinary inspection that complies with s. ATCP 11.02. The certificate shall include all the following information:

- a. The identification number of the import permit required under sub. (4).
- b. The whole herd tuberculosis test result required under subd. 2.
- c. The individual test result required under subd. 3.

2. The cervid originates from a herd that has tested negative on a whole herd tuberculosis test conducted within 12 months prior to the import date. The whole herd test shall include every animal 12 months of age or older in the herd.

3. The cervid has tested negative on a tuberculosis test conducted within 90 days prior to the import date.

Note: U.S. department of agriculture rules for interstate shipment of animals may specify a different time period for tuberculosis testing prior to interstate shipment. An importer must comply with USDA rules; however, compliance with USDA rules does not excuse a violation of subd. 3.

(b) *Post-import testing.* The owner of a cervid imported from a tuberculosis non-modified accredited state shall have the cervid tested for tuberculosis not less than 90 days nor more than 120 days after it is imported.

(c) *Post-import confinement.* Cervids imported from a non-modified accredited state may not be removed from the premises at which they are first received in this state unless one of the following applies:

1. The cervids test negative for tuberculosis under par. (b).
2. The cervids are shipped directly from the premises to a slaughtering establishment for slaughter.

3. The cervids were imported directly to a show or exhibition in this state, and are returned directly from that show or exhibition to their state of origin.

(d) *Exemption.* This subsection does not apply to cervids that are imported directly to a slaughtering establishment for slaughter.

History: Emerg. cr. eff. 3-18-91; cr. Register, November, 1991, No. 431, eff. 12-1-91; cr. (1) (c), Register, September, 1993, No. 453, eff. 10-1-93; r. and recr. (2), register, February, 1996, No. 482, eff. 3-1-96; r. and recr. (1), (3) and (4), am. (2) (b) 3. to 5., cr. (2) (c), Register, November, 2000, No. 539, eff. 12-1-00; cr. (5), Register, April, 2001, No. 544, eff. 5-1-01.

ATCP 11.56 Keeping and moving cervids within Wisconsin.

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

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

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

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

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

(c) The cervid is only moved between institutions that are accredited by the american association of zoological parks and aquariums.

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

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

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

(3) COMMINGLING WITH BOVINE ANIMALS PROHIBITED. No person may cause or allow captive cervids to commingle with bovine animals on the same premises or in the same building, enclosure or vehicle.

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

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

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

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

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

History: Emerg. cr. eff. 3-18-91; cr. Register, November, 1991, No. 431, eff. 12-1-91; cr. (2) (e) and (f), am. (3), Register, September, 1993, No. 453, eff.

10-1-93; am. (1), (2) (c), (e) 1., cr. (2) (g), Register, February, 1996, No. 482, eff. 3-1-96; emerg. am. (2) (b), cr. (2) (bm) and (4), r. and recr. (2) (e), eff. 6-3-96; am. (2) (b), cr. (2) (bm), r. and recr. (2) (e), cr. (4), Register, December, 1997, No. 492, eff. 1-1-97; am. (1), (2) (f), (3) and (4) (a), r. (2) (g), Register, November, 2000, No. 539, eff. 12-1-00; cr. (5), Register, April, 2001, No. 544, eff. 5-1-01.

ATCP 11.57 Ratites; imports. No person may import a ratite into this state unless both the following apply:

(1) The person holds an import permit under s. ATCP 11.03.

(2) The ratite is accompanied by a valid certificate of veterinary inspection that complies with s. ATCP 11.02. A certificate of veterinary inspection is not required if the ratite is imported directly from a federal quarantine facility.

Note: The department recommends, but does not require, that every ratite imported into Wisconsin be isolated on the recipient's premises for at least 14 days, and that the bird be tested for avian influenza before being allowed to commingle with other ratites or poultry.

History: Cr. Register, March, 1995, No. 471, eff. 4-1-95; r. and recr. Register, November, 2000, No. 539, eff. 12-1-00.

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

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

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

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

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

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

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

(e) "Individual" means a natural person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The date of the import shipment.

2. The wild source, if any, from which the importer obtained the imported fish or fish eggs.

3. The name, address and telephone number of the fish farm from which the importer obtained the imported fish or fish eggs, if the importer obtained them from a fish farm.

4. The name, address and telephone number of the person receiving the import shipment if that person is not the importer. The importer shall also record the recipient's fish farm registration number under s. ATCP 10.68, stocking permit number under s. 29.736, Stats., or bait dealer license number under s. 29.509, Stats., if any.

Note: See sub. (6).

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

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

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

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

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

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

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

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

1. The import shipment is labeled with the name and address of that fish farm.

2. No fish or fish eggs in the import shipment were ever collected from a wild source.

3. An accredited veterinarian or certified fish inspector has issued an annual health certificate for that fish farm under sub. (16), and has filed a copy of that certificate with the department.

4. The importer has filed a copy of the annual fish farm health certificate with the importer's permit application under sub. (9) or, if the state of Wisconsin department of natural resources is the importer, the department of natural resources has filed a copy of the annual fish farm health certificate with the department before importing fish to this state in any calendar year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

History: Emerg. cr. eff. 12-28-98; cr. Register, May, 1999, No. 521, eff. 6-1-99; am. (1) (k) and (2) (intro.), Register, November, 2000, No. 539, eff. 12-1-00.

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

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

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

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

(am) "Certified veterinarian" means one of the following:

1. For actions taken in this state, a Wisconsin certified veterinarian whom the department has trained to perform disease eradication and control functions related to fish.

2. For actions taken outside this state, an accredited veterinarian.

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

(c) "Individual" means a natural person.

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

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

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

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

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

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

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

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

1. Visible signs of infectious or contagious disease.

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

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

(3) ISSUING A HEALTH CERTIFICATE. (a) A certified veterinarian or certified fish inspector shall issue a health certificate under sub. (2) on a form provided by the department, based on a personal inspection of the fish or fish farm. The certified 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 certified veterinarian or certified fish inspector who issues a health certificate under sub. (2) shall file the original certificate with the department, and shall provide at least 2 copies to the person introducing the fish or fish eggs into waters of the state.

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

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

History: Cr. Register, May, 1999, No. 521, eff. 6-1-99; cr. (1) (am), am. (1) (e), (2) (a) (intro.), (3) (a) and (b), Register, November, 2000, No. 539, eff. 12-1-00.

Subchapter VIII — Movement and Exhibition

ATCP 11.60 Sale or movement of diseased animals.

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

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

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

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

(2) PARATUBERCULOSIS REACTORS; SALE OR MOVEMENT. No person may sell or move, from a location in this state, an animal determined to be a paratuberculosis reactor under s. ATCP 10.21 (9) or 10.63 (9) unless a Wisconsin certified veterinarian first identifies that animal under s. ATCP 10.21 (11) or s. ATCP 10.63 (11).

Note: ATCP 10.21 (11) and ATCP 10.63 (11) also require the seller of a paratuberculosis reactor to disclose to the buyer, in writing, that the animal is a paratuberculosis reactor unless the animal is sold directly to slaughter or as a feeder animal.

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

- (a) Anaplasmosis.
- (b) Anthrax.
- (c) Brucellosis.
- (d) Equine encephalomyelitis.
- (dm) Equine infectious anemia.
- (e) Foot and mouth disease.
- (f) Hog cholera.
- (g) Infectious stomatitis.
- (h) *Mycoplasma gallisepticum*.
- (i) Pseudorabies.
- (j) Psoroptic mange.
- (k) Pullorum.
- (L) Rabies.
- (m) Salmonellosis in poultry.
- (mm) Scrapie.
- (n) Sheep foot rot.
- (o) Swine dysentery.
- (p) Tuberculosis.
- (q) Vesicular exanthema.

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

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

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

1. The animal is part of a herd quarantined for brucellosis.

2. The animal has been in contact for 24 hours or longer with a brucellosis reactor.

3. The animal has had any contact with a brucellosis reactor if the reactor has aborted or calved within the past 30 days and has had a vaginal or uterine discharge.

(c) This subsection does not apply to a brucellosis reactor identified in compliance with s. ATCP 10.36.

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

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

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

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

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (3) (intro.), Register, September, 1993, No. 453, eff. 10-1-93; r. (3) (e), renum. (3) (f) to (r) to be (3) (e) to (q), Register, January, 1994, No. 457, eff. 2-1-94; am. (4), Register, March, 1995, No. 471, eff. 4-1-95; r. and recr. (2), am. (4), Register, September, 1999, No. 525, eff. 7-1-00; am. (2) and (5) (c), cr. (3) (dm) and (mm), r. (5) (b), Register, November, 2000, No. 539, eff. 12-1-00.

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

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

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

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

(b) No person may exhibit any breeding swine at a fair or livestock exhibition unless the swine tests negative for pseudorabies in a pseudorabies test performed not more than 30 days before the person exhibits that swine, or the swine originates from a qualified pseudorabies negative herd, a qualified pseudorabies negative

grow-out herd in this state, or a stage IV or V state or area designated by the national pseudorabies control board.

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

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

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

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

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

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

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

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

(5) HEALTH RECORDS. (a) Every person who exhibits livestock or poultry at a fair, exhibition or show in this state shall do all the following:

1. Provide, to the show chairman or show veterinarian, copies of all certificates of veterinary inspection and test reports required by this chapter.

2. Keep original copies of all certificates of veterinary inspection and test reports required by this chapter. The exhibitor shall make these records available to the department for inspection and copying upon request.

(b) The sponsor of the fair, exhibition or show shall maintain the copies provided under par. (a) 1. for at least 5 years, and shall make them available to the department for inspection and copying upon request.

(6) EQUINE ANIMALS. (a) Except as provided under par. (am), no person may exhibit any equine animal at a fair, exhibition or show unless the animal has tested negative for equine infectious anemia during the previous 12 months.

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

(b) The sponsor of a fair, exhibition or show shall do one of the following:

1. Record the name and address of every person who owns an equine animal exhibited at the fair, exhibition or show; the animal's name and identification; and the accession or laboratory number of the test required under par. (a). The sponsor shall keep the record for at least 5 years, and shall make it available to the department for inspection and copying upon request.

2. Keep a copy of the test report for each equine infectious anemia test required under par. (a). The sponsor shall keep the

copy for at least 5 years, and shall make it available to the department for inspection and copying upon request.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (2) (b), (c) (intro.), (3) (a) 2. and (4) (b), cr. (2) (c) 3., Register, September, 1993, No. 453, eff. 10-1-93; cr. (6), Register, January, 1994, No. 457, eff. 2-1-94; emerg. am. (2) (b) and (c) 3., eff. 2-1-95, am. (2) (b) and (c) 3., r. and recr. (6) (a), cr. (6) (am), Register, July, 1995, No. 475, eff. 8-1-95; r. (3) (a), renum. (3) (b) to be (3), Register, February, 1996, No. 482., eff. 3-1-96; am. (2) (a), (b), (c) 3. and (4) (b), r. and recr. (5) and (6), Register, November, 2000, No. 539, eff. 12-1-00; cr. (6) (am), Register, May, 2001, No. 545, eff. 6-1-01.

Subchapter IX — Enforcement

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

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

(a) Personal service.

(b) Certified mail.

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

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

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

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

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

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

(d) The reason or justification for the quarantine.

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

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

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

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

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

ATCP 11.705 Temporary animal hold order.

(1) DEPARTMENT MAY ISSUE. The department may issue a temporary animal hold order whenever the department has reason to believe that animals may have been illegally imported, or may have been exposed to an infectious, contagious or communicable disease. A temporary animal hold order may prohibit the movement of animals for up to 90 days while the department investigates the suspected illegal import or disease exposure. The department may, for good cause, extend the animal hold order for up to 90 days.

(2) CONTENTS. A temporary animal hold order shall contain the following information:

- (a) The name and address of the person having custody or control of the animals covered by the order, if known.
- (b) A description of the animals covered by the order.
- (c) A description of the premises where the animals are to be held.
- (d) The reason or justification for the order.
- (e) The duration of the order, and all terms and conditions applicable to the order.
- (f) Notice that a person adversely affected by the order may request a hearing under sub. (6).

(3) SERVICE. The department shall serve a temporary animal hold order in one of the following ways:

- (a) Delivering the order, in person or by certified mail, to a person having custody or control of the animals covered by the order.
- (b) Posting the order at 2 conspicuous places on the premises where the animals are kept.

(4) PROOF OF SERVICE. The department may prove service of a temporary animal hold order by means of an affidavit or certified mail return receipt.

(6) REVIEW OF ANIMAL HOLD ORDER. A person adversely affected by a temporary animal hold order may request a hearing before the department to review the order. 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 automatically stay a temporary animal hold order.

History: Cr. Register, November, 2000, No. 539, eff. 12-1-00.

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

- (a) The owner or custodian of the animal fails to produce a valid certificate of veterinary inspection, if a certificate is required under this chapter.
- (b) The animal is imported in violation of this chapter, or in violation of any permit condition under this chapter.

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

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

- (a) The name and address of the person having custody or control of the animals, if known.
- (b) A description of the animals affected by the order.
- (c) The reason or justification for the order.
- (d) A reasonable deadline for compliance with the order.
- (e) Notice that persons adversely affected by the order may request a hearing to review the order.

(4) REVIEW OF ORDER. A person adversely affected by an order under sub. (1) may, within 30 days after receiving the order, request a hearing before the department to review the order. If a hearing is requested, the department shall conduct an informal hearing as soon as reasonably possible, and not later than 10 days after receiving the request for hearing. If the matter is not resolved after informal hearing, the person requesting the hearing may seek

a formal hearing before the department under ch. 227, Stats. A request for hearing under this subsection does not postpone the deadline for compliance with the order unless the deadline is postponed by further order of the department.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (2), Register, February, 1996, No. 482, eff. 3-1-96; am. (1) (a), Register, November, 2000, No. 539, eff. 12-1-00.

ATCP 11.72 Prohibited conduct. No persons may:

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

- (a) The ownership, identification, age, vaccination status, test status, or health status of livestock; or
- (b) The purchase, sale or movement of livestock.

(2) Sell or move an animal in violation of this chapter, or an order issued under this chapter.

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

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

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

- (a) Animals in transit; or
- (b) Health or shipping documents or accompanying animals in transit.

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

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

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

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

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

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

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

(13) Physically assault a department employee while the employee is performing his or her official duties.

(14) Fail to identify the state of origin of animals consigned to a livestock market in this state.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; r. and recr. (2), am. (4), cr. (13) and (14), Register, November, 2000, No. 539, eff. 12-1-00.

ATCP 11.73 Animals imported without required tests; department testing. If an animal is moved or imported without being tested according to this chapter, the department may perform the required test at the owner's expense. Department testing does not relieve any person from other penalties or remedies that may apply because of the illegal import or movement.

History: Emerg. cr. eff. 5-25-00; cr. Register, November, 2000, No. 539, eff. 12-1-00.