

Chapter ATCP 12

LIVESTOCK MARKETS, DEALERS AND TRUCKERS

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Note: Chapter Ag 12 as it existed on December 31, 1990 was repealed and a new ch. Ag 12 was created effective January 1, 1991; Chapter Ag 12 was renumbered ch. ATCP 12 under s. 13.93 (2m) (b) 1., Stats., Register, April, 1993, No. 448.

ATCP 12.01 Definitions. As used in this chapter:

- (1) "Bovine animal" means cattle or American bison of any age or sex.
- (2) "Buying station" means premises which are open to the public to receive livestock for direct shipment to slaughter.
- (3) "Commingled" means kept or brought together with other animals in any environment which permits direct physical contact between the animals.
- (4) "Communicable" means transmissible either directly or indirectly.
- (5) "Contagious" means spread by contact, body secretions or fomites.
- (6) "Department" means the state of Wisconsin department of agriculture, trade and consumer protection.
- (7) "Diseased" means afflicted with a contagious, infectious or communicable disease.
- (8) "Downer animal" means an animal which is in a sitting or prone position and cannot move to a normal standing or upright position under its own power, without application of inhumane stimulus.
- (8m) "Equine animal" has the meaning specified under s. 95.68 (1) (a), Stats.
- (8r) "Equine market" has the meaning specified under s. 95.68 (1) (b), Stats.
- (8w) "Farm-raised deer" has the meaning given in s. 95.001 (1) (a), Stats., but does not include cervidae kept by an institution accredited by the American Association of Zoological Parks and Aquariums.
- (8x) "Federally approved livestock import market" means a market that complies with s. ATCP 11.04.
- (9) "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.
- (10) "Feeder swine" means swine that weigh 80 pounds or less and are kept for the sole purpose of feeding for slaughter.
- (11) "Fomite" means an inanimate object or substance which serves to transfer infectious organisms from one animal to another.
- (12) "Infectious" means caused by a pathogenic agent.
- (12m) "Keep farm-raised deer" means to own, rent, lease or serve as the custodian of farm-raised deer.
- (12p) "Keeper of farm-raised deer" means a person who keeps farm-raised deer.
- (13) "Livestock" means farm animals including bovine animals, sheep, goats, swine, farm-raised deer and equine animals.

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

(15) "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.

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

(17) "Livestock trucker" has the meaning specified under s. 95.71 (1) (e), Stats. "Livestock trucker" does not include a person engaged only in the following activities:

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

Note: This definition does not affect legal requirements administered by any other federal or state agency. Even if a person is not considered a "livestock trucker" for purposes of this chapter, that person may still be subject to specific licensing requirements administered by the Wisconsin department of transportation or other governmental agencies.

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

(18) "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 backtags include the official Wisconsin bovine backtag and the official Wisconsin swine backtag.

(19) "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 USDA Wisconsin vaccination tag, and the official Wisconsin swine eartag.

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

- (a) The animal's official eartag number.
- (b) The animal's breed association tattoo.
- (c) The animal's breed association registration number.
- (d) A registration freeze brand number which uniquely identifies the animal.
- (e) The lip tattoo number of an equine animal which uniquely identifies that equine animal.
- (f) A written or graphic description of an equine animal, prepared by a licensed and accredited veterinarian, which uniquely identifies that equine animal and includes all of the following:
 - 1. A complete and accurate description of the equine animal's breed, coloration and distinguishing markings.

- 2. The equine animal's sexual status.
- (g) The microchip number of a ratite which uniquely identifies that ratite.
- (h) The leg band number of a ratite which uniquely identifies that ratite.
- (i) For a swine weighing 80 pounds or less, the premises identification of the premises of origin.
- (j) Other identification approved by the department.

(23) "Pen" means any enclosure confining animals to a specific area and may include stanchion or tie stalls.

(24) "Person" means an individual, corporation, partnership, association, limited liability company, trust, governmental entity, or other organization or entity.

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

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

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; cr. (8m), (8r), (17) (a) to (c), (17m) and (20) (d) to (h), am. (13), (14) and (15), renum. (17) and (20) (d) to be (17) (intro.) and (20) (i) and am., Register, March, 1995, No. 471, eff. 4-1-95; reprinted to restore dropped copy in (17), Register, April, 1995, No. 472; r. and recr. (13), Register, February, 1996, No. 482, eff. 3-1-96; emerg. cr. (12m), am. (13), eff. 6-3-96; cr. (8w), (12m), (12p), am. (13), Register, December, 1996, No. 492, eff. 1-1-97; cr. (8x) and (20) (i), am. (10), (18), (19), (20) (f) 2. and (24), renum. (20) (i) to be (20) (j), r. (21), (22) and (27), Register, November, 2000, No. 539, eff. 12-1-00.

ATCP 12.02 Livestock markets. (1) LICENSE REQUIRED.

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

- (a) Submit a complete license application under sub. (2).
- (b) Pay all license fees required under sub. (2m).
- (c) Register all livestock vehicles operated by the market operator, as provided under sub. (2r).
- (d) Pass a test administered by the department.
- (e) Comply with other applicable requirements under s. 95.68, Stats., and this chapter.

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

- (a) The name and address of the livestock market operator.
- (b) The address of the livestock market.
- (c) The types of animals traded at the livestock market, and the number of public sales held at the livestock market in the year immediately preceding the year for which a license is sought.
- (d) The fees required under sub. (2m).
- (g) Other relevant information required by the department for licensing purposes.

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

1. For a livestock market, other than an equine market, that has conducted sales on 5 or more days during the year immediately preceding the year for which the license is issued, a fee of \$225.
2. For a livestock market, other than an equine market, that has conducted sales on fewer than 5 days during the year immediately preceding the year for which a license is issued, a fee of \$115. A livestock market operator paying this fee shall identify the dates on which the operator conducted the sales.
3. For an equine market, a fee of \$150.

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

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

1. Operated a livestock market without a license in violation of sub. (1).
 2. Operated a livestock vehicle in this state in violation of sub. (2r).
- (d) If a livestock market operator is required to pay a surcharge under par. (c), the livestock market operator shall also pay any fees that are due for the year in which the livestock market operator violated sub. (1) or (2r).

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

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

(b) A livestock market operator shall register livestock vehicles when the market operator submits an application under sub. (2) for an annual livestock market license. The operator shall indicate how many vehicles are being registered, and shall pay the supplementary license fee required under sub. (2m) (b) for each livestock vehicle. A livestock market operator may register additional livestock vehicles during the license year.

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

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

(3) DENIAL, SUSPENSION OR REVOCATION OF LICENSE. The department may deny, suspend or revoke a livestock market license, pursuant to s. 93.06 (7), Stats. Grounds for the denial, suspension or revocation of a livestock market license include:

- (a) Violation of any provision of ch. 951, Stats., prohibiting crimes against animals.
- (b) Preventing a department employe from performing his or her official duties, or interfering with the lawful performance of his or her duties.
- (c) Physically assaulting a department employe while the employe is performing his or her official duties.
- (d) Improper or unauthorized use of any official tag, brand, or tattoo.
- (e) Refusal or failure, without just cause, to produce required records or respond to a department subpoena.
- (f) Payment of an application fee with a worthless check.
- (g) Violation of other applicable provisions under s. 95.68, Stats., ch. ATCP 10, 11 or this chapter.

(4) LIVESTOCK MARKET OPERATOR; RESPONSIBILITIES. A livestock market operator shall do all of the following:

- (a) Comply with the construction requirements under sub. (5).
- (b) Maintain the market premises in a clean and sanitary condition; keep barns, pens, alleys and other livestock holding areas in good repair; and disinfect the premises between public sales.
- (c) Provide adequate food, water, shelter, bedding and pen space for all animals held more than 12 hours.

- (d) Identify livestock in compliance with s. ATCP 12.05.
- (e) Keep records in compliance with s. ATCP 12.06 (1).
- (f) Handle downer animals in a humane manner as required by s. ATCP 12.07.
- (g) Remove animals from the market premises within 7 days.
- (h) Maintain, equip and operate livestock vehicles in compliance with s. ATCP 12.045.

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

1. Floors of all livestock holding areas shall be sloped for proper drainage.
2. Floors shall be constructed of concrete or other impervious material except that, in areas used exclusively for equine animals, earthen floors may be used to protect the equine animals from hoof damage.
3. The livestock market, except an equine market, shall be equipped with a livestock chute with a headgate, which shall be adequate to restrain livestock without injury.
4. If the livestock market is used for equine animals, the market shall be equipped with equine stocks, which shall be adequate to restrain the equine animal without injury.
5. Areas containing livestock chutes or equine stocks shall be equipped with sufficient lighting to permit identification and testing of livestock.
6. The livestock market shall have pens adequate to confine all animals kept at that livestock market. The pens shall have no sharp edges or protrusions that could injure the animals.
7. Dead animal holding areas and manure holding areas in a livestock market shall be enclosed to keep out dogs and wild animals unless the entire livestock market is fenced to keep out dogs and wild animals.

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

1. The livestock market shall be equipped to restrain livestock safely and effectively.
2. The livestock market shall be equipped to provide adequate lighting for identification and testing of animals.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; r. and recr. (1), (2) and (5), cr. (2m), (2r), (2w), (4) (h), am. (3) (g), (4) (b), (d), Register, March, 1995, No. 471, eff. 4-1-95; am. (2m) (a) and (b), Register, May, 1999, No. 521, eff. 6-1-99; r. (2) (e), (f) and (2r) (c), am. (2m) (a) 2. and (2r) (b), Register, November, 2000, No. 539, eff. 12-1-00.

ATCP 12.03 Livestock dealers. (1) LICENSE REQUIRED. No person may operate as a livestock dealer without an annual license from the department, except that a livestock market operator licensed under s. ATCP 12.02 need not be licensed as a livestock dealer. The operator of a buying station shall be licensed as a livestock dealer unless the buying station is licensed as a livestock market under s. ATCP 12.02 or is affiliated with a licensed slaughter establishment. A livestock dealer license expires on June 30 of each year and is not transferable. To qualify for an annual license, a livestock dealer shall do all of the following:

- (a) Submit a complete license application under sub. (2).
- (b) Pay all license fees required under sub. (2m).
- (c) Register all livestock vehicles operated by the livestock dealer, as provided under sub. (2r).
- (d) Pass a test administered by the department.
- (e) Comply with other applicable requirements under s. 95.69, Stats., and this chapter.

Note: A registration certificate for a keeper of farm-raised deer under s. ATCP 10.652 does not entitle the holder of that certificate to operate as a livestock dealer unless that person is also licensed under this section. A livestock dealer license under this section does not entitle the holder of that license to keep farm-raised deer unless that person also holds a registration certificate under s. ATCP 10.652.

(2) LICENSE APPLICATION. An applicant for an annual livestock dealer license under sub. (1) shall submit an application on a form

provided by the department. The application shall include all of the following:

- (a) The name and address of the livestock dealer.
- (b) The fees required under sub. (2m).
- (c) Other relevant information required by the department for licensing purposes.

(2m) LICENSE FEES. (a) A livestock dealer shall pay a basic annual license fee of \$115.

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

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

1. Operated as a livestock dealer without a license in violation of sub. (1).
2. Operated a livestock vehicle in this state in violation of sub. (2r).

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

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

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

(b) A livestock dealer shall register livestock vehicles when that dealer submits an application under sub. (2) for an annual livestock dealer license. The dealer shall indicate how many vehicles are being registered, and shall pay the supplementary license fee required under sub. (2m) (b) for each livestock vehicle. A livestock dealer may register additional livestock vehicles during the license year.

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

(3) DENIAL, SUSPENSION OR REVOCATION OF LICENSE. The department may deny, suspend or revoke a livestock dealer license, pursuant to s. 93.06 (7), Stats. Grounds for the denial, suspension or revocation of a livestock dealer's license include:

- (a) Violation of any provision of ch. 951, Stats., prohibiting crimes against animals.
- (b) Preventing a department employe from performing his or her official duties, or interfering with the lawful performance of his or her duties.

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

(d) Improper or unauthorized use of any official tag, brand, or tattoo.

(e) Refusal or failure, without just cause, to produce records or respond to a department subpoena.

(f) Payment of an application fee with a worthless check.

(g) Violation of other applicable requirements under s. 95.68, Stats., ch. ATCP 10, 11 or this chapter.

(4) LIVESTOCK DEALER; RESPONSIBILITIES. A livestock dealer shall do all of the following:

(a) Maintain the dealer premises in a clean and sanitary condition.

(b) Provide adequate food, water, shelter, bedding and pen space for all animals held more than 12 hours.

- (c) Identify livestock in compliance with s. ATCP 12.05.
- (d) Keep records in compliance with s. ATCP 12.06 (1).
- (e) Handle downer animals in a humane manner, as required by s. ATCP 12.07.
- (f) Notify the department of any address change within 10 days.
- (g) Carry or post the livestock dealer identification card issued by the department, and show the identification card upon request while conducting business.
- (h) Maintain, equip and operate livestock vehicles in compliance with s. ATCP 12.045.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; r. and recr. (1), (2) and (4) (h), cr. (2m), (2r) and (2w), am. (3) (g), (4) (c), Register, March, 1995, No. 471, eff. 4-1-95; reprinted to correct error in (2r), Register, March, 1997, No. 495; am. (2m) (a), (b), (d) and (e), Register, May, 1999, No. 521, eff. 6-1-99; .

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

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

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

- (a) The name and address of the livestock trucker.
- (b) The fees required under sub. (2m).
- (d) Other relevant information required by the department for licensing purposes.

(2m) **LICENSE FEES.** (a) A livestock trucker shall pay a basic annual license fee of \$30.

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

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

1. Operated as a livestock trucker without a license in violation of sub. (1).
2. Operated a livestock vehicle in this state in violation of sub. (2r).

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

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

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

(b) A livestock trucker shall register livestock vehicles when that livestock trucker submits an application under sub. (2) for an annual livestock trucker license. The livestock trucker shall indicate how many vehicles are being registered, and shall pay the supplementary license fee required under sub. (2m)(b) for each livestock vehicle. A livestock trucker may register additional livestock vehicles during the license year.

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

(3) **DENIAL, SUSPENSION OR REVOCATION OF LICENSE.** The department may deny, suspend or revoke a livestock trucker license pursuant to s. 93.06 (7), Stats. Grounds for the denial, suspension or revocation of a livestock trucker's license include:

- (a) Violation of any provision of ch. 951, Stats., prohibiting crimes against animals.
- (b) Preventing a department employe from performing his or her official duties, or interfering with the lawful performance of his or her duties.
- (c) Physically assaulting a department employe while the employe is performing his or her official duties.
- (d) Improper or unauthorized use of any official tag, brand or tattoo.
- (e) Refusal or failure, without just cause, to produce records or respond to a department subpoena.
- (f) Payment of an application fee with a worthless check.
- (g) Violation of any other applicable requirement under s. 95.71, Stats., ch. ATCP 10, 11 or this chapter.

(4) **LIVESTOCK TRUCKER RESPONSIBILITIES.** A livestock trucker shall do all of the following:

- (a) Maintain, equip and operate livestock vehicles in compliance with s. ATCP 12.045.
- (b) Identify livestock in compliance with applicable requirements under s. ATCP 12.05.
- (c) Keep records in compliance with s. ATCP 12.06 (2).
- (d) Transport and handle animals in a safe and humane manner.
- (e) Install and use equipment necessary to transport and handle downer animals in a humane manner, as required by s. ATCP 12.07, if the livestock trucker transports downer animals.
- (f) Provide adequate food, water, shelter, bedding, and pen space for all animals held more than 12 hours.
- (g) Notify the department of any address change within 10 days.

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

(b) No livestock trucker may transport diseased or downer animals with healthy animals on the same livestock vehicle, unless the entire load is transported directly to a slaughter establishment. If downer animals are commingled with other animals for transportation to a slaughter establishment, the downer animals shall be segregated from the other animals to prevent injury.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; r. and recr. (1), (2), (4) (a), (5), cr. (2m), (2r), (2w), am. (3) (g), (4) (b), (d), r. (6), Register, March, 1995, No. 471, eff. 4-1-95; am. (2m) (a), (b), (d) and (e), Register, May, 1999, No. 521, eff. 6-1-99; r. (2) (c) and (2r) (c), am. (2r) (b), Register, November, 2000, No. 539, eff. 12-1-00.

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

- (1) The livestock vehicle shall have the following information displayed on both sides of the livestock vehicle, in legible letters at least 2 inches high and 1/4 inch wide:
 - (a) The operator's name and business address.

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

(c) An annual livestock vehicle registration sticker issued by the department. The registration sticker shall be in close proximity to the license number required in par. (b).

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

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

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

(5) The livestock vehicle, if used to transport diseased or downer animals, shall be cleaned and disinfected before being used to transport any other animals. The livestock vehicle shall be disinfected with a disinfectant that is approved by the department and used according to label directions.

History: Cr. Register, March, 1995, No. 471, eff. 4-1-95; cr. (1) (c), Register, November, 2000, No. 539, eff. 12-1-00.

ATCP 12.05 Identification of livestock. (1) IDENTIFICATION OF BOVINE ANIMALS. (a) *Official individual identification.* Whenever a livestock dealer or livestock market operator receives a bovine animal, the livestock dealer or market operator shall immediately record the animal's official individual identification. If a bovine animal has no official individual identification at the time of receipt, the livestock dealer or market operator shall immediately identify that animal with an official individual identification. This paragraph does not apply to steers, calves under 6 months old, or feeder cattle.

Note: See also s. ATCP 11.10 (1).

(b) *Slaughter identification.* Whenever a livestock dealer, livestock market operator or livestock trucker receives a bovine animal for sale or shipment to slaughter, that person shall immediately identify the animal with an official backtag and record the backtag number. If a bovine animal is already backtagged at the time of receipt, the person receiving the animal shall record its backtag number. Backtagging is not required for steers, official spayed heifers, or animals under 2 years old.

Note: See also s. ATCP 11.10 (4).

(2) IDENTIFICATION OF SWINE. (a) *Official individual identification.* Whenever a livestock dealer or livestock market operator receives any swine, the livestock dealer or market operator shall immediately record the official individual identification of that swine. If a swine has no official individual identification at the time of receipt, the livestock dealer or market operator shall immediately identify that swine with an official individual identification. This paragraph does not apply to swine which are backtagged for slaughter under par. (b).

(b) *Slaughter identification.* Whenever a livestock dealer, livestock market operator or livestock trucker receives any sow, boar or stag for sale or shipment to slaughter, that person shall immediately identify the swine with an official swine backtag and record the backtag number. If a sow, boar or stag is already backtagged at the time of receipt, the person receiving the swine shall record its backtag number.

Note: See also s. ATCP 11.22.

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

(4) IDENTIFICATION OF SHEEP. Whenever a livestock dealer or livestock market operator receives any sheep, the livestock dealer or market operator shall immediately record the official individual

identification of that sheep. If a sheep has no official individual identification when received by a livestock dealer or market operator, the livestock dealer or market operator shall immediately identify that sheep with an official individual identification. This subsection does not apply to sheep under 6 months old.

(5) IDENTIFICATION OF FARM-RAISED DEER. (a) *Official individual identification.* 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 individual identification unless the deer already bears an official individual identification or is backtagged for slaughter under par. (b). The livestock dealer or livestock market operator shall immediately record the official individual identification of the deer.

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 par. (b) and shipped directly to slaughter.

3. Official individual identification under this paragraph shall consist of an official eartag or another form of official individual identification which the department approves in writing.

(b) *Slaughter identification.* Whenever a livestock dealer, livestock market operator or livestock trucker receives a farm-raised deer for sale or shipment to slaughter, that recipient shall immediately identify that deer with an official backtag or other slaughter identification approved by the department unless that deer already bears an official slaughter identification. The livestock dealer, livestock market operator or livestock trucker shall immediately record the backtag or slaughter identification number.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; cr. (3), (4), Register, March, 1995, No. 471, eff. 4-1-95; am. (2) (b), Register, February, 1996, No. 482, eff. 3-1-96; emerg. cr. (5), eff. 6-3-96; cr. (5), Register, December, 1996, No. 492, eff. 1-1-97; am. (1) (a), (2) (a), (4) and (5) (b), Register, November, 2000, No. 539, eff. 12-1-00.

ATCP 12.06 Recordkeeping. (1) LIVESTOCK MARKET OPERATORS. (a) *Daily record of transactions.* Every livestock market operator shall keep a daily record of all transactions involving the purchase, receipt, sale or delivery of livestock.

(b) *Animals purchased or received.* For each livestock animal purchased or received by a livestock market operator, the daily record under par. (a) shall include all the following:

1. The name and address of the person from whom the animal was purchased or received.

2. The animal's official individual identification if required under s. ATCP 12.05 (1) (a), (2) (a), (3), (4) or (5) (a).

3. The animal's backtag number, if the animal is backtagged for slaughter under s. ATCP 12.05 (1) (b), (2) (b) or (5) (b). If the animal is not sold or delivered directly to slaughter, the record shall correlate the backtag number with the official individual identification recorded under subd. 2.

4. The date of receipt, and the place where the animal was received.

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

6. A copy of any certificate of veterinary inspection that is required to accompany the animal under ch. ATCP 11. The copy may be kept at the livestock market office or at the office of the market veterinarian.

7. Equine infectious anemia test results if required under s. ATCP 11.30 (2) for an equine animal.

(c) *Animals sold or delivered.* For each livestock animal sold or delivered by a livestock market operator, the daily record under par. (a) shall include all the following:

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

2. The animal's official individual identification if required under s. ATCP 12.05 (1) (a), (2) (a), (3), (4) or (5) (a).

3. The animal's backtag number if the animal is backtagged for slaughter under s. ATCP 12.05 (1) (b), (2) (b) or (5) (b).

4. The date of delivery, and the place to which the animal was delivered.

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

6. A copy of any certificate of veterinary inspection that is required to accompany the animal under ch. ATCP 11. The copy may be kept at the livestock market office or at the office of the market veterinarian.

7. Equine infectious anemia test results if required under s. ATCP 11.30 (2) for an equine animal.

(d) *Animals dying in custody.* Every livestock market operator shall keep a record of every livestock animal which dies in the custody of the livestock market operator. The record shall indicate the disposition of the dead animal.

(e) *Records retained for 5 years; inspection and copying.* Records required under this subsection shall be retained for at least 5 years, and shall be made available for inspection and copying by the department upon request.

(2) LIVESTOCK DEALERS. (a) *Daily record of transactions.* Every livestock dealer shall keep a daily record of all transactions involving the purchase, receipt, sale or delivery of livestock.

(b) *Animals purchased or received.* For each livestock animal purchased or received by a livestock dealer, the daily record under par. (a) shall include all the following:

1. The name and address of the person from whom the livestock dealer purchased or received the animal.

2. The animal's official individual identification if required under s. ATCP 12.05.

3. The animal's slaughter identification number if the animal is identified for slaughter under s. ATCP 12.05. If the animal is not sold or delivered directly to slaughter, the record must correlate the slaughter identification number with the official individual identification recorded under subd. 2.

4. The date of receipt, and the place where the animal was received.

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

(c) *Animals sold or delivered.* For each livestock animal sold or delivered by a livestock dealer, the daily record under par. (a) shall include all the following:

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

2. The animal's official individual identification if required under s. ATCP 12.05.

3. The animal's slaughter identification number if the animal is identified for slaughter under s. ATCP 12.05.

4. The date of delivery, and the place to which the animal was delivered.

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

(d) *Animals dying in custody.* Every livestock dealer shall keep a record of every livestock animal which dies in the custody of the livestock dealer. The record shall indicate the disposition of the dead animal.

(e) *Records retained for 5 years; inspection and copying.* Records required under this subsection shall be retained for at least 5 years, and shall be made available for inspection and copying by the department upon request.

(3) LIVESTOCK TRUCKER. (a) *Daily record of receipts and deliveries.* Every livestock trucker shall keep a daily record of all livestock which are received or delivered by the livestock trucker. Records shall be made at the time the animals are loaded or unloaded from the livestock vehicle.

(b) *Animals received.* The record of receipts under par. (a) shall include:

1. The number of livestock animals received.

2. A description of the livestock animals received, including backtag numbers or official individual identification numbers if any, the breed of any bovine animals, and the class of any swine. If a bovine animal is a crossbreed of beef and dairy animals, the animal shall be classified as a beef breed.

3. The date of receipt, and the place at which the animals were received.

4. The person from whom the animals were received.

(c) *Animals delivered.* The record of deliveries under par. (a) shall include:

1. The number of livestock animals delivered.

2. A description of the livestock animals delivered, including backtag numbers or official individual identification numbers if any, the breed of any bovine animals, and the class of any swine. If a bovine animal is a crossbreed of beef and dairy animals, the animal shall be classified as a beef breed.

3. The date of delivery, and the place to which the animals were delivered.

4. The person to whom the animals were delivered.

(d) *Animals dying in transit.* A livestock trucker shall keep a record of every animal which died while in the trucker's custody. The record shall indicate the disposition of the dead animal.

(e) *Records retained for 5 years; inspection and copying.* Records required under this subsection 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. (1) (b) 5. and (c) 5., Register, September, 1993, No. 453, eff. 10-1-93; am. (1) (a), (b) (intro.), 2. and 5., (c) (intro.), 1., 2. and 5., (d), (2) (a), (b) 1., 2., (c) 1., 2., Register, March, 1995, No. 471, eff. 4-1-95; emerg. am. (1) (b) 2., 3., (c) 2., 3., (2) (b) 2., 3., (c) 2. and 3.; am. (1) (b) 2., 3., (c) 2., 3., (2) (b) 2. and (c) 2., Register, December, 1996, No. 492, eff. 1-1-97; reprinted to correct error in (1), Register, March, 1997, No. 495; **r. and recr. (1), renum. (2) to be (3) and am. (3) (e), cr. (2), Register, November, 2000, No. 539, eff. 12-1-00.**

ATCP 12.07 Handling downer animals. (1) A person who receives, transports, or handles downer animals shall register with the department, and shall have adequate facilities and equipment for the humane transportation, handling and holding of the animals. Adequate facilities and equipment include separate holding pens, skids, mats, and sling-type hoisting equipment for downer animals.

(2) Downer animals may not be dragged or pulled by the neck or other extremity, or subjected to any other mistreatment or abuse. Downer animals shall be confined in separate holding pens and shall be segregated from healthy animals by a rigid barrier when transported in any vehicle. A downer animal may not be held for more than 24 hours by any livestock market operator, livestock dealer or livestock trucker before the downer animal is shipped to slaughter.

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

ATCP 12.08 Prohibited conduct. No person may:

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

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

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

(2) Sell or move any animal in violation [of] any of the following:

(a) Chapter ATCP 10 or any order issued under that chapter.

- (b) Chapter ATCP 11 or any order issued under that chapter.
- (c) 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 health certificates, permits, or any other documents required by ch. ATCP 10 or 11.
- (5)** Fail or refuse, upon reasonable demand by any authorized agent of the department, to permit the examination of:
- (a) Animals in transit; or
- (b) Health or shipping documents 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)** Knowingly 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 as a livestock market operator, livestock dealer or livestock trucker unless the claim or advertisement is true.
- (10)** Receive interstate shipments of bovine animals or swine as a federally approved import market unless the market is specifically approved as a federally approved import market under s. ATCP 11.04.
- (12)** Use any brand or tattoo device for official identification purposes, without authorization from the department.
- (13)** Park or store a vehicle containing animal remains or animal waste in any place where it creates a health hazard or a public nuisance.
- (14)** Deposit animal remains or animal waste in any place where the deposit creates a health hazard or public nuisance.
- (15)** Conduct business as a livestock dealer without carrying or posting a dealer identification card issued by the department. The dealer identification card shall be readily available for inspection upon request.
- (16)** Operate a livestock market or slaughter plant in which the dead animal and manure holding area is not enclosed as required by s. ATCP 12.02 (5).
- (17)** Transport animals for more than 12 hours without providing potable water.
- (18)** Transport equine animals in a vehicle which is not of adequate size.
- Note:** Equine animals over 14 hands high should not ordinarily be transported in a vehicle which is less than 6 feet high.
- (19)** Knowingly deliver, for use as food or feed, any livestock which:
- (a) Contain prohibited residues of drugs, hormones, steroids, antibiotics, pesticides or other food or feed adulterants.
- (b) Have been treated with any product listed under par. (a), if the delivery violates an applicable withholding period specified on the product label.
- (20)** Deliver a downer animal to a livestock market, livestock dealer or slaughter plant, or remove a downer animal from a livestock market or livestock dealer premises, without a drug certificate signed by the animal's current owner.
- (21)** Falsify a drug certificate.
- (22)** Administer any drug, hormone, steroid, antibiotic or pesticide to a livestock animal without the owner's knowledge or authorization.
- (23)** Make any false statements on any application for an original or renewal license under this chapter.
- (24)** Physically assault a department employee while the employee is performing his or her official duties.
- History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91; cr. (23), Register, September, 1993, No. 453, eff. 10-1-93; r. and recr. (2) and (10), r. (11), am. (12), cr. (24), Register, November, 2000, No. 539, eff. 12-1-00.