

Chapter ATCP 17

LIVESTOCK PREMISES REGISTRATION

ATCP 17.01 Definitions.
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Note: This chapter is adopted under authority of ss. 93.07 (1), 93.07 (10), 95.51 (3m) and (7), 95.55 (6), 95.68 (8), 95.69 (8), 95.71 (8), 95.72 (5), 97.22 (8) and 97.42 (4), Stats. This rule interprets ss. 93.07 (10), 95.51, 95.55, 95.60, 95.68, 95.69, 95.71, 95.72, 97.22 and 97.42, Stats. A person who violates this chapter is subject to applicable penalties and remedies provided in ss. 93.06 (7) and (8), 95.99, 97.72 and 97.73, Stats. According to s. 95.36 (10), Stats., a violator may also be disqualified from receiving livestock indemnities for which that person might otherwise be eligible under ch. 95, Stats., if the department condemns livestock for disease control purposes.

Note: This chapter first applies to the following persons on the following dates:
 (a) To a milk producer who is required to be licensed under s. ATCP 60.02, May 1, 2006.

(b) To an animal market operator who is required to be licensed under s. ATCP 12.02, July 1, 2006.

(c) To an animal dealer who is required to be licensed under s. ATCP 12.03, July 1, 2006.

(d) To an animal trucker who is required to be licensed under s. ATCP 12.04, July 1, 2006.

(e) To a slaughter establishment operator, July 1, 2006.

(f) To an equine quarantine station operator who is required to hold a permit under s. ATCP 10.37 (3), July 1, 2006.

(g) To the operator of a rendering establishment, animal food processing establishment or grease processing establishment that is required to be licensed under ch. 95.72, Stats., March 1, 2006.

(h) To all other persons who are required to register a location under s. ATCP 17.02 (1), January 1, 2006.

ATCP 17.01 Definitions. In this chapter:

(1) "Address" means one of the following:

(a) A street address.

(b) Township, range and section numbers, if the location has no street address.

(c) Geographic coordinates, if the location has no street address and no township, range and section numbers.

(2) "Animal dealer" means a person who is required to be licensed under s. ATCP 12.03.

(3) "Animal dealer premises" means any real estate, owned or controlled by an animal dealer, at which the dealer keeps, exhibits or receives livestock or wild animals, or from which the animal dealer ships livestock or wild animals.

(4) "Animal market" means any premises that are open to the public for the purpose of buying or selling livestock or wild animals, and that have facilities to keep, feed and water livestock or wild animals prior to sale.

(5) "Animal market operator" means a person who is required to be licensed under s. ATCP 12.02 (1).

(6) "Animal trucker" means a person who is required to be licensed under s. ATCP 12.04 (1).

(7) "Animal trucker premises" means any real estate, owned or controlled by an animal trucker, at which the animal trucker collects or holds livestock for transportation.

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

(9) "Captive game birds" means birds of a normally wild type, such as pheasants, quail, wild turkeys, migratory wildfowl, pigeons, and exotic birds, that are raised in captivity. "Captive game birds" does not include poultry or ratites.

(10) "Cervid" means a member of the family of animals that includes deer, elk, moose, caribou, reindeer and the subfamily musk deer.

(11) "Clinic" means a place where livestock are kept primarily for purposes of health care or rehabilitation.

(12) "Confidential information" means information that the department is required, under s. 95.51, Stats., and this chapter, to keep confidential.

(13) "Contiguous" means adjacent, or separated only by a transportation corridor, stream or like feature.

(14) "Contract agent" means a person who acts on behalf of the department, pursuant to a written contract with the department.

Note: The department may contract with an agent to process registrations under this chapter, and to manage registration information on behalf of the department. The contract agent must comply with this chapter and the agent's contract with the department. The contract must include provisions specified in this chapter, including provisions related to confidentiality of information collected under this chapter. See ss. ATCP 17.03 and 17.04.

(15) "Dairy farm" means a dairy farm as defined under s. 97.22 (1) (a), Stats., operated by a milk producer.

(16) "Deer farm" means real estate on which a person, who is required to register under s. ATCP 10.61, keeps farm-raised deer.

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

Note: The department's contract agent may act on behalf of the department, to the extent authorized under this chapter and the agent contract. See s. ATCP 17.04.

(18) "Description" of a location means an address or other information that identifies that location.

(19) "Captive game birds" means birds of a normally wild type, such as pheasants, quail, wild turkeys, migratory wildfowl, pigeons, and exotic birds raised for hunting, that are raised in captivity. "Captive game birds" does not include poultry or ratites, but does include birds kept pursuant to a license issued under s. 169.15, 169.19, 169.20 or 169.21, Stats.

(20) "Fish farm" means a facility, at which a person hatches fish eggs or keeps live fish, which is required to be registered under s. ATCP 10.60 (2).

(21) "Individual" means a human being.

(22) "Keep livestock" means to own, feed, house, confine or care for livestock, or to exercise legal or physical control over livestock. "Keep livestock" does not include the quarantine or confinement of livestock by the department or by the United States department of agriculture.

Note: At any given time, several persons may be "keeping" the same livestock. For example, livestock owned by *Person A* might be fed and cared for by *Person B* on property owned and maintained by *Person C*.

(23) "Livestock" means bovine animals, equine animals, goats, poultry, sheep, swine other than wild hogs, farm-raised deer, captive game birds, camelids, ratites and fish.

(24) "Livestock exhibition" means a state, county or district fair, or a recurring event at which livestock from different premises are exhibited to the public at a common location.

(25) "Location" means a parcel of real estate in this state, or a group of 2 or more contiguous parcels of real estate in this state, on which livestock are kept.

(26) "Milk producer" has the meaning given in s. 97.22 (1) (f), Stats.

(27) "Person" means an individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.

(28) "Poultry" means domesticated fowl commonly used for human food, including domesticated chickens, turkeys, geese, ducks, guinea fowl, squab, ratites and captive game birds.

(29) "Premises" means one or more locations that a person registers under a single premises code.

Note: A person may register a livestock "premises" that includes, in addition to the primary premises location (to which the premises code is assigned), one or more secondary locations at which the person keeps the livestock from time to time. For example, a dairy farm "premises" may include a primary location (that includes the milking barn or parlor) and one or more secondary locations (such as a non-contiguous pasture or heifer facility). If a person keeps livestock at multiple locations but never moves or commingles livestock between those locations, the person is advised to register those locations as separate premises (separate primary locations, each with its own premises code). See s. ATCP 17.02.

(30) "Premises code" means a code issued under s. ATCP 17.02 (7).

(31) "Primary location" means a premises location to which a premises code is assigned.

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

(33) "Register" means to apply for and obtain from the department an annual premises registration certificate under s. ATCP 17.02.

(34) "Registered location" means a primary or secondary location that is covered by a current annual premises registration certificate under s. ATCP 17.02 (6).

Note: A registration application must identify the primary and secondary locations included in the registered premises. The department issues a premises code for the primary location, but the registration certificate also covers secondary locations identified in the registration application. See s. ATCP 17.02 (6) (c).

(35) "Secondary location" means a location that shares or commingles animals with the primary location and is registered with the primary location under a single premises code.

(36) "Slaughter establishment" means a place at which livestock are received for slaughter.

History: CR 04-103; cr. Register September 2005 No. 597, eff. 10-1-05; CR 06-009; am. (19) and (20) Register September 2006 No. 609, eff. 10-1-06; CR 06-028; am. (1) (c) Register November 2006 No. 611, eff. 12-1-06; CR 07-107; am. (8) and (28) Register November 2008 No. 635, eff. 12-1-08.

ATCP 17.02 Livestock premises; registration required. (1) **GENERAL.** A person may not keep livestock at a location in this state unless that location is registered under this section. There is no fee to register. A registration expires on the third December 31 after it is issued.

Note: Once a person completes an initial registration, subsequent registrations will be relatively simple. The department will send the registrant a renewal application form (or directions on how to renew on-line) prior to the renewal deadline. The renewal transaction may be conducted by mail, online or by e-mail if an e-mail address has been provided. The renewal application form will include pre-printed information obtained from the last previous registration. The registrant may renew the registration by returning the pre-printed form with corrections, if any. There is no fee for an initial or renewal registration.

(2) **WHO MUST REGISTER.** (a) If 2 or more persons are involved in keeping livestock at the same location, one of those persons shall register that location. A person is not required to register a location that is currently registered by another person. A premises registration by one person does not prevent other persons from keeping livestock on the registered premises.

Note: For example, if *Person A* feeds and cares for livestock owned by *Person B*, on premises owned by *Person C*, any one of those persons may register the premises (the others need not). Likewise, if *Person X* pastures livestock on land that *Person Y* owns and also uses to pasture livestock, either person may register that pasture (the other need not).

(b) A person may not register a premises that is currently registered by another person. The department may transfer a current registration from the current registrant to another person if the department finds that the other person is licensed to operate the premises under other applicable law, is more directly engaged in operating the premises, or can provide more definitive knowledge of livestock movements to and from the premises. The department shall notify the current registrant and give the current registrant a chance to comment before transferring a registration to another person.

(c) If a person keeps livestock at any location as part of an operation for which that person is required to hold another license, registration or permit from the department, that person may register that location as part of the person's initial application for that other license, registration or permit.

Note: For example, if a person holds or is required to hold a dairy farm license under s. ATCP 60.02 (2), a deer farm registration under s. ATCP 10.46 (1), a fish farm registration under s. ATCP 10.61 (1), an animal market license under s. ATCP 12.02, an animal dealer license under s. ATCP 12.03, an animal trucker license under s. ATCP 12.04, a meat establishment license under s. ATCP 55.03 (1), an equine quarantine station permit under s. ATCP 10.37 (3), or a rendering establishment or other license under s. 95.72, Stats., that person may register each related livestock premises location as part of the person's initial application for that other license, registration or permit. Subsequent license renewal applications must include the livestock premises registration number assigned under this chapter.

(3) **HOW TO REGISTER.** Except as provided in sub. (2) (c), a person shall register in one of the following ways:

(a) By applying on-line at <http://www.datcp.state.wi.us/>.

(b) By filing a hard-copy application with the department on a form provided by the department.

Note: A person may obtain an application form from the department and may submit the completed form to the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive
PO Box 8911
Madison, WI 53708-8911
Phone: (608) 224-4872
E-mail: premises@datcp.state.wi.us

(4) **INFORMATION REQUIRED.** A registration application under sub. (3) shall include all of the following information:

(a) The registrant's legal name, and any trade names under which the registrant keeps livestock in this state.

(b) The registrant's mailing address.

(bm) The registrant's county.

(c) The registrant's telephone number.

(d) The address of the primary premises location, including county.

Note: See s. ATCP 17.01 (1). A street address is preferred.

(e) A description of each secondary location included in the premises. A person may not register more than 3 secondary locations under a single premises code without department approval. The department may consider whether the secondary locations are part of the same premises, for registration purposes, or whether they should be registered as separate premises under separate premises codes.

Note: See s. ATCP 17.01 (18) and (35). Secondary locations are locations that share or commingle animals with the primary location, and are related to the primary location. For example, a dairy farm "premises" may include a primary location (that includes the milking barn or parlor) and one or more secondary locations (such as non-contiguous pastures or heifer facilities).

If a person keeps livestock at multiple locations but never moves or commingles livestock between those locations, the person should register the locations as separate premises (separate primary locations, each with its own premises code).

(f) The name and telephone number of at least one individual who has knowledge of livestock and livestock carcass movements to and from every location included in the premises.

(g) The types of livestock operations conducted on the premises. The registrant shall designate one or more of the following:

1. Farm or production unit.

2. Market or livestock collection point.

3. Slaughter establishment.

4. Rendering or carcass collection point.

5. Clinic.

6. Livestock exhibition.

7. Quarantine facility.

8. Other. The registrant shall specify the type or types of operations.

(h) The types of livestock or livestock carcasses kept on the premises. The registrant shall designate one or more of the following:

1. Bovine animals. The registrant shall indicate whether the bovine animals are beef cattle, dairy cattle or bison.

2. Swine.
3. Sheep.
4. Goats.
5. Horses or other equine animals.
6. Farm-raised deer.
7. Poultry.
8. Llamas, alpacas or other camelids.
9. Fish.

10. Other. The registrant shall specify the type or types of livestock.

(5) DEPARTMENT ACTION ON REGISTRATION APPLICATION. (a) Except as provided in par. (d), the department shall grant or deny a registration application under sub. (3) within 30 days after the department receives a complete registration application.

Note: The department will normally grant or deny an on-line application at the time of the on-line application. If the department grants an on-line application, the department will immediately issue a printable electronic registration certificate to the applicant.

(b) The department may deny a registration application if the application is incorrect or incomplete, or if the primary location identified in the application is currently registered. The department shall state the reason for the denial.

(c) If the department denies an application because the primary location identified in the application is already registered, the department shall disclose to the applicant the premises code assigned to that registered primary location. The denial does not prevent the applicant from keeping livestock at the registered primary location or from registering other locations.

(d) If a person submits a registration application under sub. (2) (c) as part of that person's application for another license, permit or registration, the department shall grant or deny the registration application within the time period prescribed for department action on the other license, permit or registration application. The denial, suspension or revocation of another license, permit or registration does not affect a premises registration under this section.

(6) REGISTRATION CERTIFICATE. (a) Whenever the department grants a registration application under sub. (3), the department shall immediately issue a registration certificate to the registrant. The registration certificate shall bear an expiration date that complies with sub. (1). The department shall issue the registration certificate in hard-copy or printable electronic form, depending on the method of registration.

Note: A person who registers on-line will normally receive a printable electronic registration certificate at the time of the on-line registration.

(b) A registration certificate under par. (a) shall include a premises code assigned under sub. (7).

(c) A registration certificate covers the primary location and all secondary locations identified in the approved registration application, regardless of whether the certificate includes descriptions of all of those locations.

(d) If a person submits a premises registration application as part of that person's application for another license, permit or registration identified in sub. (2) (c), the department shall issue the premises registration certificate with or as part of that other license, permit or registration.

(7) PREMISES CODE. Whenever the department grants a registration application under sub. (3), the department shall assign a unique code to the primary location identified in that application. The premises code shall be generated by the United States department of agriculture. A premises code may not be transferred to another location.

Note: A premises code, once assigned to a primary location, normally continues with that location even if the registrant changes. If a registrant adds or removes a secondary location without changing the primary location, the premises code will remain the same. But if the primary premises location is subdivided among new registrants,

the premises code assigned to that location will be retired and a new premises code will be assigned to each new primary location created by the subdivision.

History: CR 04-103: cr. Register September 2005 No. 597, eff. 10-1-05; CR 06-009: am. (2) (c) 3. and 8. Register September 2006 No. 609, eff. 10-1-06; CR 07-107: am. (1), (2) (b), (4) (d), (5) (d) and (6) (a), r. and recr. (2) (c), (4) (h) 1. and 8. to 10, cr. (4) (bm), r. (4) (h) 11. and 12. Register November 2008 No. 635, eff. 12-1-08.

ATCP 17.03 Confidential information. (1) GENERAL. Except as provided in subs. (2) to (4), premises registration information received by the department or its contract agent under s. ATCP 17.02 is confidential and may not be disclosed to any other person or agency.

Note: A premises code is not confidential because it is not received from the registrant but is issued by the department. A premises code, by itself, does not reveal any information received from a registrant.

(2) INFORMATION REQUIRED BY OTHER LAWS. Subsection (1) does not apply to information that a person is required to provide to the department under other law. This subsection does not authorize disclosure of information that is protected from disclosure under other law.

Note: For example, information that was required of license holders and was open to public inspection prior to the effective date of the livestock premises registration law, s. 95.51, Stats., remains open to public inspection. But premises registration information required for the first time under s. 95.51, Stats., or this chapter must be kept confidential.

(3) AUTHORIZED DISCLOSURE. The department may disclose, to any of the following, information that a registrant provides under s. ATCP 17.02:

(a) A person to whom the registrant authorizes disclosure.

(b) The animal and plant health inspection service of the United States department of agriculture, if the animal and plant health inspection service agrees not to disclose the information except in situations in which the department is authorized to disclose the information.

(c) The department's contract agent, subject to this section and s. ATCP 17.04.

(d) To another person or agency, or to the public, if the department believes that the release is necessary to prevent or control disease, to enforce laws under its jurisdiction, or to protect public health, safety, or welfare. The department may disclose information under this paragraph subject to any confidentiality requirements that the department considers necessary under the circumstances.

(4) AGGREGATE INFORMATION. (a) The department may create aggregate information, such as maps and statistics, from registration information obtained under s. ATCP 17.02. Except as provided in par. (b), the department may disclose that aggregate information to another person or agency, or to the public.

(b) The department may not disclose aggregate information under par. (a) that does any of the following, unless that information qualifies for disclosure under sub. (2) or (3):

1. Discloses the street address, section number, geographic coordinates of any premises, or the identity of any registrant.

2. Makes it possible to deduce with certainty the street address, section number or geographic coordinates of any premises, or the identity of any registrant.

Note: For example, the department may not disclose a detailed map that permits readers to deduce with certainty the street address, section number or geographic coordinates of any premises, or the identities of registrants whose premises are portrayed by points on the map. However, the department may disclose less detailed maps.

(5) DISCLOSURE BY CONTRACT AGENT. The department may authorize its contract agent to disclose, on behalf of the department, information that the department is authorized to disclose under this section, except that the department may not authorize its contract agent to release aggregate information.

History: CR 04-103: cr. Register September 2005 No. 597, eff. 10-1-05; CR 06-028: am. (4) (b) Register November 2006 No. 611, eff. 12-1-06.

ATCP 17.04 Contract agent. (1) GENERAL. The department may contract with an agent to process registrations, manage registration information, and perform other functions on behalf of

the department under this chapter. The contract agent shall comply with this chapter and the contract.

(2) CONTRACT. A contract under sub. (1) shall specify applicable terms and conditions, including all of the following:

(a) The services that the contract agent will perform for the department, and the price for which the contract agent will perform those services.

(b) The scope of authority that the department delegates to the contract agent for the purpose of performing the services under par. (a), and relevant limits on that authority.

(c) The registration process and forms approved under sub. (3), if the contract agent will process registrations on behalf of the department.

(d) Terms related to information disclosure and confidentiality, including the terms specified in sub. (4).

(e) Terms related to information management, including the terms specified in sub. (5).

(f) Terms related to contract agent actions that may affect or impair the administration of this chapter, including the terms specified in subs. (6) to (8).

(g) Provisions related to contract termination, including the terms specified in sub. (9).

(h) Standard contract terms required by the state of Wisconsin.

(3) APPROVED REGISTRATION PROCESS. A contract agent that processes livestock premises registrations on behalf of the department, whether in hard-copy or on-line form, shall use a process and forms approved by the department. The hard-copy or on-line registration process shall be conducted under the name of the department, not the contract agent. The contract agent may not supplement or modify the registration process or forms, or charge any registration fee, without the department's written approval. The contract agent may not make solicitations or promotional communications to registrants in connection with the registration process, other than communications that the department requires for purposes of registration under this chapter.

(4) DISCLOSURE OF INFORMATION; CONFIDENTIALITY. (a) A contract agent may not use or disclose any information that it acquires as the department's contract agent under this chapter without the department's written approval.

(b) A contract agent shall specifically identify the individuals who, on behalf of the contract agent, may have access to confidential information. Each of those individuals shall sign a personal confidentiality agreement with the department and shall comply with that agreement. No other persons employed or affiliated with the contract agent may have access to confidential information.

(c) No contract agent or individual affiliated with a contract agent may use or disclose information in violation of this chapter, the agency contract, or an individual confidentiality agreement under par. (b).

(5) MANAGING INFORMATION. A contract agent that holds information under this chapter on behalf of the department shall do all of the following:

(a) Comply with applicable state standards related to the storage, handling and disposition of state records. A contract agent may not dispose of information collected or held under this chapter, except as authorized by the department pursuant to a state records disposal authorization under s. 16.61, Stats.

(b) Handle and maintain electronic records according to applicable standards in ch. Adm 12.

(6) COLLECTING OTHER INFORMATION. (a) A contract agent may not collect any information under color of its agency agreement with the department, without the department's written authorization to collect that information.

(b) Paragraph (a) does not prohibit a contract agent from doing any of the following on its own behalf, and not as an agent of the department:

1. Contacting registrants that it identifies from sources other than registrations under this chapter.

2. Soliciting and receiving information voluntarily provided by registrants that the contract agent identifies under subd. 1. The contract agent shall disclose, to each registrant from whom it requests information, that the information is not required by state law and is not being collected on behalf of the department.

(c) A contract agent who collects information under par. (b) shall keep that information separate from any confidential information that the contract agent keeps on behalf of the department.

(7) PROHIBITED PRACTICES. A contract agent may not do any of the following:

(a) Under color of its agency contract with the department, and without the department's written authorization, ask a registrant for permission to use or release confidential information.

(b) Represent, directly or by implication, that it is acting within its authority as the department's contract agent unless that representation is true.

(8) ETHICS. (a) A contract agent shall avoid any conflict of interest that may affect the integrity of the livestock premises registration program under this chapter, or the contract agent's faithful performance of its obligations. The contract agent shall disclose to the department any actual or potential conflict of interest.

(b) A contract agent may not use for private financial or business advantage confidential information that it acquires under this chapter as an agent of the department.

(c) No individual having access to confidential information under this chapter may use that information for personal financial advantage or for the financial advantage of any person or organization with which he or she is affiliated.

(9) CONTRACT TERMINATION. (a) The department may terminate a contract under sub. (1) at any time, with or without cause.

(b) If a contract under sub. (1) expires or is terminated by either party, the contract agent shall promptly return to the department all of the information that the contract agent holds on behalf of the department.

History: CR 04-103: cr. Register September 2005 No. 597, eff. 10-1-05.

ATCP 17.05 Receiving livestock from unregistered locations. (1) **PROHIBITION.** Except as provided in sub. (2), no person may receive, for purposes of sale, exhibition or slaughter, livestock from a location that is required to be registered under s. ATCP 17.02 or an equivalent law in another state, unless that location is registered according to this chapter or an equivalent law in the other state.

(2) **APPLICATION CONTINGENT UPON RECIPROCITY.** Subsection (1) does not apply to any person, or to any receipt of livestock for a purpose identified in sub. (1), unless the United States department of agriculture or all of the states surrounding Wisconsin prohibit persons in those surrounding states from receiving livestock for that purpose from unregistered locations in this state that are required to be registered under s. ATCP 17.02. The surrounding states are Minnesota, Iowa, Illinois and Michigan.

History: CR 04-103: cr. Register September 2005 No. 597, eff. 10-1-05.