

Clearinghouse Rule 00-145

STATE OF WISCONSIN)
) ss. Clearinghouse Rule
DEPARTMENT OF AGRICULTURE,) No. 00-145
TRADE & CONSUMER PROTECTION) Docket No. 00-R-09
CERTIFICATION:

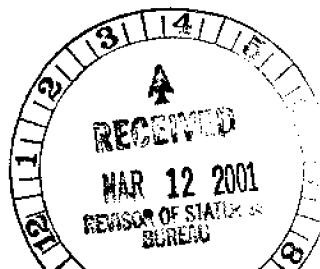
I, Ben Brancel, Secretary of the State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, and custodian of the department's official records, hereby certify that the attached rulemaking order of the Wisconsin Administrative Code ATCP 11; relating to importing bovine animals, goats and cervids from "non-modified accredited" states was signed and adopted by the department on March 12, 2001.

I further certify that I have compared the attached copy to the original on file in the department, and that the attached copy is a complete and accurate copy of the original.

Signed and sealed this 12th day of March, 2001.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Ben Brancel
Ben Brancel
Secretary





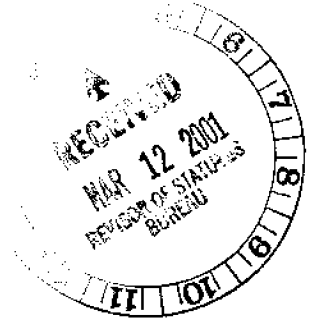
State of Wisconsin
Scott McCallum, Governor

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

DATE: March 12, 2001

TO: Gary Poulson – Revisor of Statutes Office
131 West Wilson, Suite 800

FROM: Ben Brancel *Ben Brancel*
Secretary



SUBJECT: Clearinghouse Rule No. 00-145, Ch. ATCP 11 Relating to Importing Bovine Animals, Goats or Cervids from a “Non-Modified Accredited” State.

The Department of Agriculture, Trade and Consumer Protection hereby submits the following information for filing with the above rule.

Final Regulatory Flexibility Analysis

This rule will affect small businesses that import bovine animals, goats or cervids into this state. It requires the operator of those businesses to either refrain from importing bovine animals, goats or cervids from states the United States department of agriculture has designated as tuberculosis non-modified accredited states, or to comply with the standards this rule establishes to assure that the animals that are imported are not infected with bovine tuberculosis.

At the present time, the USDA has only designated one state, Michigan, as non-modified accredited. If the small business operator imports bovine animals, goats or cervids from Michigan, the operator will need to assure that the animal originates from a herd which has tested negative for tuberculosis within the past 12 months (there is an exception if the animal being imported is a veal calf less than 30 days of age) and that the animal has tested negative within the past 60 days (90 days for cervids). This places a burden on the business operator but it does not completely prohibit import of animals from Michigan. The burden of assuring that the animals have been properly tested is minimal compared to the burden that would be experienced by Wisconsin's animal agriculture industry if bovine tuberculosis is introduced to Wisconsin by an animal imported from a non-modified accredited state.

This rule requires persons, including small business operators, who import animals from non-modified accredited states to have the animals retested for tuberculosis after being imported. While these requirements add costs for the importer, the costs that would be incurred if infected animals are imported without these precautions are substantially

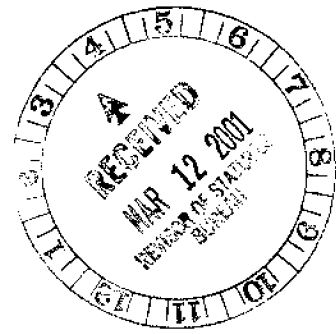
higher. And, the importer has the ability to avoid these costs entirely by importing animals from other states of origin rather than from a non-modified accredited state.

Comments from Legislative Committees

On February 7, 2001, this department transmitted the above rule for legislative committee review. On February 8, 2001, the rule was assigned to the Senate Committee on Labor and Agriculture. The Committee's review period expired on March 10, 2001, without the Committee holding hearings or objecting to the rule.

On February 12, 2001, the rule was assigned to the Assembly Committee on Agriculture. On March 9, 2001, the Chairperson of the Committee, Al Ott, advised the department that he does not intend to hold hearings and that he intends to let the Committee's jurisdiction lapse.

**ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND
CONSUMER PROTECTION
ADOPTING AND AMENDING RULES**



1 The state of Wisconsin department of agriculture, trade and consumer protection adopts
2 the following order to renumber ATCP 11.51; to amend ATCP 11.02(4)(a)2. and
3 11.11(1)(a)3.; and to create ATCP 11.01(80p), 11.11(5), 11.51(2) and 11.55(5); relating
4 to importing bovine animals, goats or cervids from a state designated by USDA as a
5 tuberculosis “non-modified accredited” state.

**Analysis Prepared by the Department of
Agriculture, Trade and Consumer Protection**

Statutory Authority: s. 93.07(1), Stats.

Statutes Interpreted: ss. 93.07(10), 95.20 and 95.25, Stats.

In order to protect animals and the public from bovine tuberculosis, this rule restricts the importation of animals from states that the United States department of agriculture (USDA) has classified as tuberculosis “non-modified accredited.”

Background

Bovine tuberculosis (TB) is an infectious disease caused by *Mycobacterium bovis* (*M. bovis*). It is generally described as a chronic debilitating disease of cattle but it may have an acute, rapidly progressive course. It can cause disease in most warm-blooded vertebrates, including humans. If TB becomes established in Wisconsin, it will pose a significant threat to the health of domestic animals and humans in the state.

The Wisconsin department of agriculture, trade and consumer protection (DATCP) administers a TB eradication program in cooperation with USDA. After several decades of intense effort, the disease was nearly eradicated in the United States. But recently, the USDA reclassified Michigan from “accredited-free” to “non-modified accredited” because TB was confirmed in several cattle herds and in several native white-tailed deer.

TB is easily transmitted. Wisconsin imports a substantial number of animals from Michigan, and the last known incident of bovine TB in Wisconsin involved an animal imported from Michigan. For these reasons, DATCP adopts this rule to regulate the import of animals that originate from “non-modified accredited” states.

Pre-Import Requirements

Under this rule, bovine animals, goats and cervids imported to Wisconsin from a tuberculosis “non-modified accredited” state must be accompanied by a certificate of veterinary inspection. The importer must also obtain an import permit from DATCP.

The veterinarian who completes the certificate of veterinary inspection must certify that the animal originates from a herd in which a whole herd TB test has been completed within the last 12 months (there is an exception for veal calves imported solely for feeding prior to slaughter). The veterinarian must certify that the whole herd test included every animal over 12 months of age in the herd, and that all test results were negative.

An imported animal must be individually tested for tuberculosis within 60 days (90 days for a cervid) prior to the import date. The test may be performed as part of a whole herd test if the whole herd test is performed within 60 days (90 days for a cervid) prior to the import date.

Post-Import Testing

An animal imported to Wisconsin from a tuberculosis non-modified accredited state must be 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 that are confined to the receiving premises until they are shipped to slaughter. The feeder cattle, when shipped to slaughter, must be accompanied by USDA form VSI-27.

Post-Import Confinement

Animals imported to Wisconsin from a tuberculosis non-modified accredited state may not be removed from the premises at which they are first received in this state, until they test negative for tuberculosis or are shipped to slaughter. However, animals imported solely for a livestock show or exhibition may be returned directly to their state of origin.

Exception

This rule does not apply to animals that are imported directly to a slaughtering establishment for slaughter.

1 **SECTION 1.** ATCP 11.01(80p) is created to read:

2 ATCP 11.01(80p) “Tuberculosis non-modified accredited state” means a state or
3 area that the federal bureau has classified as a bovine tuberculosis non-modified
4 accredited state or a state or area in which bovine tuberculosis is present in at least 0.01
5 percent but not more than 0.1 percent of the total number of herds or cattle and bison in
6 the state.

7 **SECTION 2.** ATCP 11.02(4)(a)2. is amended to read:

8 ATCP 11.02(4)(a)2. Veal calves or steers originating from a brucellosis-free state
9 or nation, or a brucellosis class A state, unless official individual identification is required
10 under s. ATCP 11.11(5)(a)1.d.

11 **SECTION 3.** ATCP 11.11(1)(a)3. is amended to read:

12 ATCP 11.11(1)(a)3. The written import permit number, if a written import permit
13 is required under sub. (3), or (5) or (6).

14 **SECTION 4.** ATCP 11.11(5) is created to read:

15 ATCP 11.11(5) IMPORTS FROM TUBERCULOSIS NON-MODIFIED ACCREDITED
16 STATES. (a) *Pre-import requirements.* No person may import to this state any bovine
17 animal that originates from a tuberculosis non-modified accredited state unless all the
18 following apply:

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

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

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

- 1 c. The individual test result required under subd. 4.
- 2 d. The official individual identification number of the imported animal.
- 3 2. The department issues an import permit under s. ATCP 11.03(2).
- 4 3. The animal originates from a herd that has tested negative on a whole herd

5 tuberculosis test, conducted within 12 months prior to the import date, that included
6 every animal 12 months of age or older in the herd. An imported veal calf need not
7 originate from a tested herd if all the following apply:

- 8 a. The veal calf is less than 30 days old on the import date.
- 9 b. The veal calf is imported solely for feeding prior to slaughter.
- 10 c. The veal calf is confined to the premises at which it is first received in this
11 state, until it is shipped to slaughter. The veal calf, when shipped to slaughter,
12 shall be accompanied by a completed United States department of agriculture
13 form VS1-27.

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

- 17
- 18 4. The animal has tested negative on a tuberculosis test conducted within 60 days
19 prior to the import date.

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

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26

1 (b) *Post-import testing.* The owner of a bovine animal imported to this state from
2 a non-modified accredited state shall have the animal tested for tuberculosis not less than
3 60 days nor more than 90 days after it is imported. This testing requirement does not
4 apply to feeder cattle imported for feeding prior to slaughter if all the following apply:

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

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

9 **NOTE:** The United States department of agriculture form VS1-27 is a form
10 which permits the movement of restricted animals and must be obtained
11 from a certified veterinarian.
12

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

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

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

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

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

23 **SECTION 5.** ATCP 11.51 is renumbered ATCP 11.51(1).
24

1 SECTION 6. ATCP 11.51(2) is created to read:

2 ATCP 11.51(2) IMPORTS FROM TUBERCULOSIS NON-MODIFIED ACCREDITED

3 STATES. (a) *Pre-import requirements.* No person may import to this state any goat that
4 originates from a tuberculosis non-modified accredited state unless all the following
5 apply:

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

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

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

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

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

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

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

17 **NOTE:** U.S. department of agriculture rules for interstate shipment of animals
18 may specify a different time period for tuberculosis testing prior to
19 interstate shipment. An importer must comply with USDA rules;
20 however, compliance with USDA rules does not excuse a violation of
21 subd. 4.
22

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

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

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

5 2. The goats are shipped directly from the premises to a slaughtering
6 establishment for slaughter.

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

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

11 **SECTION 6.** ATCP 11.55(5) is created to read:

12 ATCP 11.55(5) IMPORTS FROM TUBERCULOSIS NON-MODIFIED ACCREDITED
13 STATES. (a) *Pre-import requirements.* No person may import to this state any cervid that
14 originates from a tuberculosis non-modified accredited state unless all the following
15 apply:

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

18 a. The identification number of the import permit required under sub. (4).

19 b. The whole herd tuberculosis test result required under subd. 2.

20 c. The individual test result required under subd. 3.

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

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

3 **NOTE:** U.S. department of agriculture rules for interstate shipment of animals
4 may specify a different time period for tuberculosis testing prior to
5 interstate shipment. An importer must comply with USDA rules;
6 however, compliance with USDA rules does not excuse a violation of
7 subd. 3.
8

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

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

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

16 2. The cervids are shipped directly from the premises to a slaughtering
17 establishment for slaughter.

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

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

EFFECTIVE DATE. The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided under s. 227.22(2)(intro), Stats.

Dated this 12 day of March, 2001.

**STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE
AND CONSUMER PROTECTION**



Ben Brancel
Secretary